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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 The Editors

2010 marked a year of remarkable and historic change in the JAG Corps. On a snowy day in February in our nation's capital, Lieutenant General Richard C. Harding became the 16th Judge Advocate General of the United States Air Force taking over the duties from Lieutenant General Jack Rives, who had been TJAG for nearly six years, one of the longest TJAG tenures in the Air Force. In his remarks after he was sworn in by the Chief of Staff of the Air Force, General Norton Schwartz, General Harding stated "Generations of JAG Corps members not yet born are counting on us to carry the torch high and to carry it far. We will not fail to meet the expectations of our fellow Airmen today as well as the expectations of those who will follow us in the future."

Following up on these comments, General Harding detailed his vision for the JAG Corps for the future at KEYSTONE: Foundational Leadership. "Foundational Leadership recognizes first and foremost that you cannot lead others and until you lead yourself," General Harding said. "You lead yourself by a firm foundation, core values and guiding principles. Core values and guiding principles propel us. They guide and comfort us. They represent our fundamental beliefs."

The 2010 Year in Review, highlights the character, pride, and dedication of the JAG Corps family in its mission of Foundational Leadership. In this edition's first section, Our Corps, JAG Corps leaders provide perspectives on past important accomplishments by JAG Corps members and their thoughts on the great challenges that lay in the future. This first section concludes with the recognition of the JAG Corps' annual award winners plus a list of the plethora of JAG Corps members that wrote an article that was published during the year.

The second section of this edition is Our Contribution to the Fight, in which the Secretary of the Air Force, the Chief of Staff of the Air Force, and a United States Senator share their opinions on current Air Force issues and our 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 with joint forces, and in deployed locations, the section highlights the broad range of work performed by members of the Corps across the globe.

The third section, KEYSTONE Leadership Summit 2010, captures many of the outstanding presentations delivered at this year's sixth annual summit in Orlando, Florida. KEYSTONE 2010 differed from the past several years in that plenary sessions were held on only the first and last day where leaders of our federal government spoke to an audience of over 700 TJAGC members. On the second day, attendees attending various "track" sessions, the third day was filled with various hot topic elective sessions, and the fourth day contained MAJCOM breakout sessions.

It is a humbling experience putting together the Year in Review. The quality and caliber of people highlighted in this book is unbelievable. The list of accomplishments in the past year is just as impressive. As this year was marked by historic change, one thing that didn't change is the hard work and dedication of the JAG Corps members serving their country with pride and honor. We trust that this edition of the Year in Review sufficiently highlights the incredible efforts and accomplishments of our Corps!

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Foundational Leadership

We are going to talk about the future, and the future is Foundational Leadership. This is our sixth KEYSTONE. Each year we gather together to discuss leadership and each successive conference propels us forward. Today, I would like to share with you my vision for the future of our JAG Corps and explain what Foundational Leadership is all about.

TAKING THE NEXT STEP

It has been a year of many changes. It began as we turned a new chapter in our JAG Corps history. We bid Lieutenant General Jack Rives and Major General Charlie Dunlap a fond farewell. Major General Steven Lepper became the Deputy Judge Advocate General, and it was my great privilege to become the 16th Judge Advocate General of the Air Force. At my investiture ceremony, I discussed the JAG Corps—the past and where I believe we are headed.

We stand on the shoulders of giants. It is our great duty to carry the torch of our predecessors high and to carry it far. In the last five years, I served as the Air Force Space Command SJA, the Air Combat Command SJA, and most recently as the Air Force Legal Operations Agency Commander. These

assignments gave me a front row seat to witness how our Corps has transformed. Today, after JAG Corps 21, we are a 21st century law firm practicing in a 21st century environment with 21st Century tools. Following the first KEYSTONE in 2005, we recognized that our organization needed to change, and since that time we've stood up 11 field support centers (FSC).

What a difference a generation makes. I remember the day I came onto active duty, arriving at Bitburg Air Base, Germany on the 18th of March 1980. I walked into my office and was greeted with a gray metal desk. I quickly learned, if you leaned on the desk, some of that paint might come off on you. I had matching metal bookcases to put up the most precious legal resources I brought with me—my JASOC training materials. They were my lifeline, and they shaped how I was going to practice law. We had four other smart attorneys. I had a telephone, which wasn't very reliable. I could usually call Sembach, my Numbered Air Force if I got into a pinch. Occasionally, I could call Ramstein, the Major Command. But we could never call the United States. If I attempted to, the operator would say, "Is this routine or priority?" I knew integrity counted, and I would say, "Routine." She'd laugh; I'd laugh, and that phone call went nowhere. That was the limit of reachback in 1980.



Lt Gen Richard C. Harding
The Judge Advocate General

My second assignment was Dyess Air Force Base. I was quickly informed that I was the new Chief of Environmental Law. I'd not taken environmental law in law school, but I went to a four-day course at Maxwell AFB. They taught me everything I needed to know about environmental law. When I got back to Dyess, I was told that if I got into any trouble I could call Headquarters, Strategic Air Command. They had a really smart guy there with an LL.M. in environmental law. All his experience however, was in the Clean Air Act. In West Texas, our issue was water. So with every clean water issue that came across my desk, I was on my own, left to rely on what I learned at that four-day course. We practiced competently back then, but we practice so much better today.

Today, we are fortunate to be able to lean on the Environmental Law Field Support Center. We've taken our best environmental lawyers and put them in one location for the entire JAG Corps to access their combined capabilities. You can call the ELFSC today and talk to an expert in any issue you might encounter. Like a satellite beaming precious data to the surface of the earth, our field support centers beam down expertise to every spot on the JAG planet.

Along with changes in the way our Corps was organized, we also changed a number of our processes. We centralized our Personnel Transportation and Carrier Recovery operations at the Air Force Claims Service Center. That was a paralegal's idea—a brilliant idea—and it worked extremely well until for the next innovation in claims, the DoD Families First program came to be and Airmen started filing claims directly against their commercial carriers. Today, we only need 31 civilian employees to manage the claims processing needs for the entire Air Force. This change opens up other opportunities for our active duty paralegals as we embrace our attorney-paralegal teaming initiative.

There was also an opportunity to innovate in the area of aircraft Accident Investigation Boards (AIB). We established a new FSC, with our paralegals serving as recorders and our attorneys as legal advisors. Five years ago, if you asked an attorney how many AIBs he had done, you would be lucky to find somebody that had two. Today, it is not uncommon at the AIBFSC to find people that have six to eight. Routinely and

in an unsolicited fashion, I hear from commanders in the field that our AIBFSC is a huge time saver and an invaluable source of expertise to them.

These are the kinds of process and organizational changes that are the hallmark of JAG Corps 21. I think of this next step—Foundational Leadership—as a Greek temple. In a very classic sense, the temple represents what is the most basic and most important to us. Foundational Leadership compliments what has already been accomplished through JAG Corps 21. Instead of making more changes to processes and organizational patterns, we are going to look inward. We are going to look at our people. We are going to look at the strengths people bring to the organization and to these processes. By complimenting personal professional strengths with a 21st Century organizational structure, we will increase the reach and quality of our legal capabilities. The big winner will be the Air Force and the pride we have in ourselves and our contributions to its success!

***Foundational Leadership
recognizes first and foremost
that you cannot lead others
until you lead yourself.***

OUR GUIDING PRINCIPLES

Foundational Leadership recognizes first and foremost that you cannot lead others and until you lead yourself. Leading yourself requires a firm foundation, built on core values and guiding principles. Core values and guiding principles propel us. They guide and comfort us. They represent our foundational beliefs.

What do we believe in? Integrity. Doing what is right is more important than any particular result. We believe in excellence. Preparation in the pursuit of the very best is, often times, the difference between victory and defeat. We believe in service. Serving others, serving something greater than ourselves—this is why we joined the military. We believe in wisdom—that we never stop learning our craft. You are never too senior to learn more (myself included). We believe in valor and speaking truth to power.

Even when unpopular, it is the right thing to do. We believe in justice. Dr. Martin Luther King, Jr. said from a Birmingham jail, "...injustice anywhere represents a threat to justice everywhere." No one is above the law, and certainly no one is beneath the law. These are our values. These are our guiding principles. That's the foundation from which we lead. That's the first step of Foundational Leadership.

OUR PEOPLE

The JAG Corps has experienced a record number of applicants for direct appointments. A couple of months ago I was briefed on my first direct appointment board. I saw 196 records. JAX told me I could select 12. When you do the math—that's six percent—for every one we select there are 15 others we didn't. These are incredible people, who are not only gifted academically, but people who have given back to their communities.

Why are they coming to us? Because they see the JAG Corps as an opportunity to do exactly what they have done in the past; serve others...not in spite of the fact that we are at war, but because we are at war. They want to make a difference. The toughest question during the JASOC class visit to Washington, D.C., asked time and time again, is "When do I get to deploy?" I have to tell them to be patient, get some training and experience under their belt and revisit the question in a year or so. They are excited, and it is vital that we do what we can to keep them at that level of excitement.

I worry about what will happen when they go to their first base after JASOC. That first boss, first law office superintendent, and first legal office is going to set the tone for the careers of these great candidates. If they don't see it as a place where they can make a difference, then they will drift, and they will leave. That's our burden and our obligation as leaders. That's why we gather at KEYSTONE.

BRICK AND MORTAR SKILL SETS

In our profession we have three brick and mortar skill sets that propel us to future success: legal skill sets, professional knowledge, and professional situational awareness.

LEGAL SKILL SETS

These are the tools of our trade. They are many and vary depending upon whether you are attorney or a paralegal. For attorneys, they include legal and factual research, advocacy, and case management. Case management, particularly in the area of military justice, is an extremely important skill set for an attorney. For paralegals, skill sets are made up of legal and factual research, interviewing, and writing and managing discovery. Foundational Leadership encourages you to recognize complimentary sets of skills among different people. Teaming will net us the biggest bang for our personnel buck. One plus one can equal three. And, that is what attorney-paralegal teaming is all about.

PROFESSIONAL KNOWLEDGE

Whether you realize it or not, you are constantly improving your knowledge. Learning is a continual, life-long process. If our practice of law were a human body and you cut down to the bone, professional knowledge is what you would find in the marrow. It is important we get this right and train accordingly, not only during formal classroom attendance, but in our everyday practice. Our core value of excellence and our guiding principle of wisdom propel us to continue to improve in this area.



PROFESSIONAL SITUATIONAL AWARENESS

You cannot be an effective attorney, paralegal, or professional if you don't understand the business of the Air Force. As a junior officer or NCO, that might mean understanding the significance of a dereliction of duty charge dealing with aircraft maintenance. What does it mean to pencil whip a red x? What does it mean to put too much torque on a bolt in excess of the technical order? What does it mean if an Airman fails to correctly fill a liquid oxygen bottle? As a more senior officer and NCO, you learn the significance of the second or third order of consequences of these acts and omissions? You learn what it means to have an Air Force corporate board structure. What does it mean to sustain the force or procure weaponry? What does it mean to engage in joint warfighting? What is the importance of the rule of law? Growing in our understanding about our client's business is vitally important to our success as legal professionals.

FIELDS OF PRACTICE

On top of this foundation is a series of columns which represent our fields of practice. There are many columns, but we are going to focus on four of them. These columns represent our initiatives and what we must strengthen in the immediate future. They are Training, Military Justice, Legal Assistance, and Teaming. Foundational Leadership is an enduring concept. It doesn't stop with these four columns. It isn't over when we think we have all the columns prepared. The changing nature of our environment requires us to constantly improve our legal skill sets. In 1980, at Bitburg Air Base, if you had told me that cyber law was an area of practice, I would not have understood what you were talking about. That will be true in the future as well. New fields of practice will emerge. They will become new columns in the temple, and we will train and adapt to them.

TEAMING

There are many kinds of teaming. Our focus is on attorney-paralegal teaming. We are going to expand the reach and the volume of Air Force legal services by approaching the workload as teams, as opposed to the individual approach we have used in the past. Historically, attorneys and paralegals have operated as two super but almost independent teams. There were artificial walls in place. The notion that a particular task was "paralegal work" or "attorney work" and never the two shall merge—this idea is

antiquated. Nowhere else in the Air Force do people engage their workload and approach mission accomplishment in that sense. Attorneys can team with paralegals and paralegals can team with attorneys. We used to refer to this as paralegal utilization. This term is inaccurate. It's not all about paralegals. It's about the team.

What does the team do? What are the various skill sets they bring to the fight? What are the targets they can take as a team? Area Defense Counsel (ADC) and Defense Paralegals (DP) represent the gold standard in teaming. They have embraced the concept for years. If you ever have a chance to visit an ADC's office, it will open your eyes. Typically, only one Area Defense Counsel is assigned to cover the entire base, paired with one defense paralegal. It is out of this marriage of necessity that the defense paralegal has to be put into the fight. When I visit these offices, I find paralegals are researching, writing, interviewing, and finding witnesses. But upon their return to the base legal office, they are no longer utilized this way. Why do we do put mental walls around what we expect of our people? We need to stop, look at the ADC's office and emulate their use of attorney-paralegal teams in the same fashion.

We have already started to change our approach to teaming. When PTs and CRs went away from the base legal office workload—it created a vacuum. About 50% of our paralegal workload was claims. Now it's gone. We went through a period of mourning, but we need to recognize the opportunity created to embrace a new approach to teaming.

Last June, we held a Horizons event in the National Capital Region. We hand-selected MAJCOM representatives to sit down and help us define what paralegals bring to the team. They briefed me at the conclusion and I was very impressed with their ideas. We've started to make changes in accordance with their recommendations. One of the ways we can embrace teaming is in the legal assistance arena, more specifically, will production. Fifty percent of our legal assistance workload is wills and 60% of that 50% are standard wills, where everything goes to the spouse, remainder to children. Attorneys repeat this process in DL Wills time and time again, the way they were trained to do so at JASOC; why don't we train paralegals at PAC and PCC? Why can't we make

that part our paralegal and attorney teaming effort? Paralegals can create these kinds of simple wills under the supervision of an attorney. This idea comes on the heels of stand up of the electronic worksheet on our legal assistance website. All paralegals have to do is download that electronic worksheet, prepare the will, and hand it to the attorney to review, all before the client even walks into the office.

Will production is but one area in which paralegals can assist. Interviewing is yet another. In the base legal office, perhaps you have witnessed the night before trial when the defense's list of character witnesses for tomorrow morning comes in. Now you have to figure out what to do because the assistant trial counsel is trying to practice his or her sentencing argument. He or she doesn't have time to interview new witnesses at this point. Meanwhile, all the paralegals are sitting off to the side and saying "put us in the game." They are busy, but they can interview. They are more than capable, given the right training. They can interview every witness and come back to the ATC and report on the case affecting potential of each. This would be a huge gain, not only in military justice but in our other practice areas as well.

Paralegals are going to begin training on interviewing techniques. All you have to do is look at the ADC's office for a great example. TSgt Matthew Freeborn is the Defense Paralegal at Fairchild. His ADC is Captain Aaron Roberts. Recently Captain Roberts was TDY for a general court-martial at another base. He knew that when he returned they would have a discharge board. What did Sergeant Freeborn do in his absence? He didn't wait for the ADC to return. Under the ADC's guidance Sergeant Freeborn prepared for the discharge board by drafting the unsworn statement, putting it on the ADC's desk for review. Sergeant Freeborn found the character witnesses that they needed to present. In fact, he had a petition signed by 30 of them requesting the board retain the respondent.

Captain Roberts came back to the base and 50% of the case was ready to go. He took the ball and started to prepare. What did Sergeant Freeborn do? He recognized that they had just been given another case, a special court martial for the following week. So, he started to go through the evidence that the base legal office had provided, bit by bit, providing

some analysis, putting it in the right form. The new case was all ready for Captain Roberts once the discharge board was done. Each one of those clients got a very favorable result. Why? Teaming and that is what we seek to do in every base legal office.

Captain Roberts understands Foundational Leadership. He feels that teamwork isn't about new ideas per se, but new expectations. Attorneys should expect to receive the highest level of work product from their paralegals and paralegals should expect greater mentorship from attorneys. Sergeant Freeborn gets it too. He understands that while his name may not be on the bottom of documents, everything that he and Captain Roberts do is a team effort. Captain Roberts and Sergeant Freeborn are two people that already have embraced the teaming column of Foundational Leadership.

In recognition of our teaming initiative, we are going to revise the awards criteria for the Swigonski and the Kuhfeld awards. These new criteria will ask, "What did you do for teaming? Did you team or did you lead others in teaming efforts?"

A MILITARY JUSTICE REVIVAL

Months ago, I said, we really need a revival in military justice. I laughed and others laughed. But I slept on it overnight, came back and realized it was no laughing matter, it is exactly what we need to do. We are very competent in what we do today, but in many ways we have lost our sense of ownership of the military justice process. We have lost that ability to touch cases every day. We need to take control again. We need to revive that sense of ownership. This will require some training, but above and beyond it will require more leadership. That leadership will come from the field, not from the Office of The Judge Advocate General.

The United States is very fortunate on the occasions that we have chosen to go to war that we've won far more than we've lost. This is not an accident. It happened because we embraced four concepts when we go to war that are critical to victory. First, we bring the very best people to the fight. We then provide the very best training. Then we go out of our way to find the best equipment. But the very best people, training and equipment are only three legs of a four legged table. Without the fourth leg, the table

will wobble and fall. The fourth leg that ties them all together is discipline. Without discipline, all we have are a lot of really good people that frankly will resemble an armed, undisciplined mob with some really cool toys.

Discipline ties us together as an effective fighting force, and that's where military justice comes in. Military justice enhances discipline. You can connect the dots between holding people accountable and creating a disciplined force. You need to help your people connect those dots, so they understand their role in that process. General George Washington said, "Discipline is the soul of the Army, it makes small numbers formidable, procures success to the weak and esteem to all." If General Washington were alive today, he would apply more modern terminology and say that discipline is a force multiplier. Proper administration of military justice enhances effective discipline.

It has been said that military justice is "job one." I don't use that phrase because I recognize on some days, for example, environmental law can shut you down if you are threatened with an injunction. I do, however believe this: judge advocates and paralegals cannot enjoy a rewarding, full career progression and full professional development and somehow skip military justice. Military justice is foundational to everything else we build. It teaches advocacy. It teaches the basic rule sets that we apply in other fields of practice. You cannot progress as a professional in the JAG Corps and skip military justice. To SJAs, I say: you can get an "A" in every field of practice at a base legal office other than military justice; if you get an "F" in justice, you get an "F" as an SJA. It is that important to what we do at the wing-level. Military justice is about war fighting, and that's the primary business of our client.

Time really does matter. Remember that in the pursuit of quality, time is a wonderful window to gauge your progress. Often cases, which take longer than they should, have quality problems associated with them. We need to learn from those problems and do better in the future. Time matters; we need to put Airmen back to work. We need to make a decision: either this person is going to remain in the Air Force, or he is going to depart the service. An Airman awaiting court-martial often times is

a combat ineffective Airman. We do not need to unnecessarily expand the amount of time that the person circles the disciplinary target. Victims and their families need resolution and closure as well. They need to get on with their lives.

We need to worry about suicide risk in this business. Sixty percent of suicides in the Air Force stem from relationship problems. Forty percent of those cases also have some kind of a legal issue. I've just described most of the Airmen that walk into our ADCs' offices. We need to worry about these Airmen alone in their dormitory room for too many days, worrying about the consequences of their misbehavior. Every disciplinary action that is unnecessarily delayed results in an Airman, whose anxiety level is unnecessarily lengthened.

If the justice process takes too long to conclude, other members of the accused Airmen's unit conclude that command intends to do nothing, when in fact that's not true. We need to be concerned about the message that is sent back to the entire Airmen community when justice and accountability are unnecessarily delayed.

Effective discipline avoids unnecessary delay, follows due process requirements, and doesn't sacrifice fundamental fairness. It enhances our war fighting capability. I am very troubled that today we have 50% fewer cases than what we had 20 years ago, but it takes us 40% longer to process them. The trend must be arrested. We must regain our celerity in discipline without sacrificing due process and fundamental fairness.

NONJUDICIAL PUNISHMENT

We recently took a closer look at our nonjudicial punishment (NJP) timelines. We can process an Article 15 from offer to completion under 20 days—that's our standard, and on average we do it in 17 days. But the average amount of time from the date of discovery to offer of NJP has grown to forty-two and a half days. You add that together you get an average two-month long Article 15 process.

Twenty years ago, we had a metric to track NJP actions from the date of the earliest offense. At that time, our metric was that 70% of Article 15 actions should be offered with 10 days of the date of the

earliest offense. We beat that time standard and offered more than 80% of Article 15 actions with 10 days of the earliest offense. Then we decided to change the metric by replacing the date of offense with the “case ready date,” meaning the date on which the legal office had everything it needed to allow the commander to offer an Article 15. “Case ready date” (CRD) eroded our celerity in Article 15 processing. Some legal offices delayed assembling everything they needed (e.g., delaying the last needed interview) in order to control when the metric’s clock began to run. Recognizing the ability to manipulate CRD, we have now stood down CRD as our metric’s triggering event. Today, we track celerity from the date of discovery. We have two Article 15 metrics: 80% of our Article 15s should be offered with 10 days of the date of discovery, and 80% of our Article 15s should be completed within 20 days of offer. In sum, 80% of our Article 15 actions should be completed within 30 days of the date of discovery. Our revised metrics will improve the disciplinary effect of Article 15 as a commander’s tool.

COURTS-MARTIAL

In summary courts-martial, our metric has been to process 80% of our cases within 30 days of preferral to action. On average, we actually accomplish this within 27 days. But it takes us on average about 90 days from the date of discovery until preferral. If you add both of these average processing times together, it takes us about 117 days to process a summary court. There is nothing “summary,” meaning “expeditious,” about a process that takes 117 days to complete. This is an area in which we can, we must, improve.

On average, special courts take about five and a half months from date of discovery until action. General courts take an average 402 days from discovery all the way through action. Commanders are aware of this. They see it because they live it. They know when the Airman got into trouble. They know how responsive the process is. We need to start worrying about whether we are becoming self-deterred from using court-martial as a disciplinary tool because commanders worry that it takes too much time to process these cases. There is a real danger of this process being perceived as lethargic and commanders looking for more responsive disciplinary tools. We can, we will, fix this.

I tend to think of measuring the court-martial process like a ship’s captain measuring the bulk of an iceberg. The part you see above the surface of the water is the part we’ve measured in the past, namely the time it takes from preferral to action. We need to pay attention also to what’s below the waterline (the time from discovery to preferral), because it’s that part of the iceberg that can really ruin your day. Constant vigilance is the key. We must touch every case every day. It is a sense of ownership that holds the solution to the problem. It’s your leadership we really need. We are going to track metrics from date of discovery, not just preferral, effective immediately and benchmark to the very best bases’ performance. It is a holistic, cradle-to-grave approach to disciplinary actions.

We are going to use military justice as a performance indicator when trying to find our best leaders in the future. When an SJA candidate has demonstrated that he or she can succeed in military justice, I can tell you that’s a good bet for a future leader. If he or she has failed, I start to worry. Military justice counts. It’s important to the Air Force’s combat effectiveness, and to our nation, that we must hold each other accountable.

We are going to pick leaders, who can bring us across the finish line. Let me be clear about all of this; what we are emphasizing here is quality. Time is a window to quality. What we are really after is quality, not just time for time’s sake. If a case takes 402 days to process in a quality fashion, then that’s how long it takes to process. For example, we recently realized that when we embrace the technological change in court reporting, in the form of electronic file sharing, we had to add time to the process. In one particular recent case, we had a case shared among different court reporters and when it was reassembled, we found the case file really didn’t reflect an accurate depiction of what was said in open court. We realized that we needed to change the rules. We needed to have the court reporter of record put an attestation in the record of trial saying that this record is an accurate reflection of what was said during the proceeding. Well, that takes longer for the court reporter of record to do. Now, the court reporter of record must put together the files that have been transcribed by others, listen again of what was said as he reads and makes sure that the record reflects what was said, and make necessary

corrections to the record of trial. It takes days longer to accomplish that, but that's okay. That's quality time. That's the kind of time we want to invest in the process. It's not just time for time's sake.

LEGAL ASSISTANCE

The way we have embraced legal assistance in the past is by hiring people that went to an ABA accredited law school, graduated with a Juris Doctor, and passed a state bar exam. We then send them to JASOC, where they get six hours of legal assistance instruction. And with that in their background, they were cleared hot for 20 to 30 years to provide legal assistance to clients. This bothers me a bit. I think we provide legal assistance competently, but I ask SJA's how they know that we are providing adequate services when they didn't go into the counseling room? How do you gauge the quality level of our legal assistance advice? By the absence of complaints—is that a benchmark? The secret to success here is to reinforce legal assistance skills throughout a career in The Judge Advocate General's Corps. The keys to improve quality in our legal assistance program are training and feedback.

WEBCASTS

In the area of training, we have made it very easy through CAPSIL. It's not an accident that 60% of webcasts cover legal assistance topics. I attend as many as I can because I want to improve my legal assistance skills. When you attend a webcast you will see a box over on the left hand corner that shows which offices are attending. I am happy to see that list of offices participating, but what I've noticed over the course of the last couple of years it is always the same offices, the same crowd. I am delighted that the leadership of these offices gets it, but what about the rest of us? I worry about those that aren't in attendance. Anyone, who thinks that he or she doesn't perform legal assistance, is sadly mistaken. It is incumbent upon all leaders to make sure your people are attending webcasts. If you are overseas, recorded webcasts are available on CAPSIL. You can download and watch them right from your own PC.

THE LEGAL ASSISTANCE WEBSITE

Our clients can now give us feedback on the Air Force Legal Assistance Website. I encourage all of you to check the site and view your office's feedback. It is very easy. You can even drill down by name of the

provider. You can identify the best attorney in the office when it comes to providing clarity of advice. If you are a SJA or Law Office Superintendent, you need to check, and you need to check regularly. Part of how we continue to manage our legal assistance services is through the legal assistance Honor Roll. The Honor Roll recognizes those offices that use the legal assistance website's electronic worksheet for powers of attorney and wills, and it also recognizes those offices that have successfully convinced their clients to give them feedback on the website. More and more bases, active duty, guard and CAT A bases, are being honored by using this process. It not only saves the client time, it also saves the attorney time and further allows us to embrace attorney-paralegal teaming.

WILL PRODUCTION

On the subject of attorney-paralegal teaming, we recently handpicked a group of paralegals throughout the Air Force and brought them to Maxwell AFB to give them black letter law training in producing standard wills. I was happy to hear their feedback. After the three-day course, the feedback was generally in agreement that the material was difficult, and that there wasn't enough time to learn it all. But they walked away learning a lot more than they knew at the time, before they entered the course and walked away with a healthy respect of what they don't know. What these paralegals are going to do when they get back to their bases is produce wills under the supervision of an attorney. We are making it happen today. I am committed to training every 7-level paralegal in this area of our practice and to make teaming a routine practice for will production. But we have to do more to improve our legal assistance process.

The way ahead here is to continue to train and team in standard will production. This is a team effort. We are also going to continue webcast training to improve our legal assistance skills. We are going to reorganize our headquarters approach to legal assistance. Somewhere along the way when AFLSA/JACA, the Legal Assistance Division, stood down and the mission went to the Air Force JAG School, some incorrectly perceived the role of legal assistance has having diminished in value as a field of practice. But legal assistance is very important to our practice, and we need to organize it in a way that underscores how important it is to us. Therefore, we will stand

up a division in the National Capitol Region as our legal assistance functional lead, and it will be led by a colonel. You will see this change in the very near future.

TRAINING

Our approach to training in the past, without being critical, is a bit like a kid in a candy store. We take some out of this jar and some out of that jar without any real plan or direction. In the past, we have had an abundance of riches, including centralized funding. Whatever training you wanted, you could usually get. What we didn't have was a strong leadership approach, using professional supervision from the MAJCOM-level down, ensuring everybody had a training plan that lasted at least a year and supported Air Force needs, not just personal desires. I'm here today because I had some bosses that understood that I needed to be trained in areas that I didn't necessarily want to be trained in. They had a lot of foresight, and picked the kinds of areas that I was trained in as a third, fourth and fifth-year captain. You need to apply this kind of leadership perspective to insure your subordinates get the training they need to support their professional growth as attorneys, paralegals and civilian support staff in our JAG Corps.

We must put supervisors in charge of training more so than what we have today. We need to recognize that Major Commands serve in a function of organizing, training and equipping or OT&E, and put a big "T" on somebody's cap in the Major Command legal office. At the Horizon Conference last August, we compared notes and came up with some good ideas.

One idea was to release a guidance memorandum, which is in the works. The guidance memorandum is for everyone in the JAG Corps, both uniformed and civilian, to have a training plan that lasts a year. My challenge to each of you is to take out a clean sheet of paper, write each of your subordinate's names at the top of each single sheet of that paper, and then write down what training that person ought to have. If you think a person ought to have no training in the next year, then be brave enough to write "no training." I would bet, however, that you are not going to do that. Everybody can use some type of training on an annual basis.

The JAG chain of professional supervision needs to be engaged in training. In the past, if you went to a MAJCOM Legal Office, the doors would read chief of this law and a chief of that law. But where was the chief of training? We all know that a MAJCOM's function is to organize, train, and equip. The oversight of training was done by the MAJCOM SJA and Command Paralegal in their copious spare time, which is to say it was rarely done. We need to be truthful to ourselves about that and be committed to fixing it.

Therefore, we've taken an officer at each of those major commands, typically a lieutenant colonel, and made them the new chief of training. Air Combat Command led the way and already has a chief of training. Chiefs of training will coordinate with their subordinate wings and ask SJAs and law office superintendents to produce a plan for their offices and each member of their office. Frankly, our enlisted force is well down the path on this. They've always embraced the need to plan training and the need to execute that plan. The rest of us need to catch up. We also need to decide to what level we are going to train. What are our real training needs? Prior to KEYSTONE, we gathered to begin our academic needs assessment. We looked at those areas we need to train on the most and to make sure in fact the training is there, both at the JAG School and online. That assessment will continue for the foreseeable future.

SOMETIMES ALL YOU HAVE IS WHAT YOU BROUGHT

Why do I emphasize training and looking inward at the strengths that you bring? The question makes me think of a day in my life about 10 years ago. That day illustrates why I think Foundational Leadership is so awfully important, particularly in the areas of teaming and training.

Almost ten years ago, I worked at United States Strategic Command as the Command SJA. We participated in an annual exercise where we moved a lot of our war fighting assets. It was so big—we even gave notice to foreign countries so they wouldn't get nervous. We were in day three of that exercise on the particular day 10 years ago, which I will now recount for you.

I arrived at work that morning, walked down to the command center, buried deep underground, and got my brief from the night shift legal staff. Somebody had left a morning newspaper near the coffee machine. I glanced at the date but didn't find it to be terribly significant: 11 September 2001. I went down to the center floor and sat down at my console. We had theatre seating, and my combatant commander, a four-star Admiral, sat about 10 feet in front of me, scanning eight movie-sized screens, four on the bottom and four on top.

It was about an hour and a half into my shift when the support battle staff behind us came over the audio speakers, placed in the ceiling, and said, "Sir, we have an actual." The Admiral said, "Put it on the screen." It was the video of the first of the Twin Towers being struck by a commercial aircraft. We all paused, frozen at the sight. Someone asked, "How can you hit a tower on a clear day?" Another said, "What an unlucky pilot...he must've had a heart attack." The Admiral said, "Go back to the exercise." Less than an hour later, the support battle staff came back on the audio overhead speaker and said, "Sir, we got another actual." The Admiral said, "Put it on the screen." It was the second tower being struck. The Admiral said, "Exercise cancelled."

We all knew what had just happened. Some of us tried to communicate to our backups, but something was wrong. Our backups were in the Pentagon. The next thing we heard that our reachback offices in the Pentagon, had left the building. The Pentagon was on fire. They had evacuated. Our reachback expertise—the really smart people we called if we got into trouble—they were all gone. The Admiral said, "Is there an Area Event Conference? Pipe it in." Over the loudspeakers, we started to hear that event conference. We heard the crosstalk between Cheyenne Mountain, the National Military Command Center, the FAA, and many others.

We started tracking potential hijacks on one of our screens. We were worried about ten aircraft. History would show four of them were right to worry about. Then we heard the Vice President's voice. He was talking to the Secretary of Defense, Secretary Rumsfeld. I saw the Admiral pick up his phone on his console, which I'd never seen him use except in

an exercise. He had a brief private discussion that none of the rest of us heard, and he hung up. Then he cued his microphone and said, "The President will be here within the hour. What does the President need to know?"

Why was the President coming to see us? One of the intelligence officers preparing the President's brief shouted from the back, "How do you spell Al-Qaeda?" Then the chilling words were reported from the Area Event Conference piped in from the overhead audio system, "Sir, what about United 93?" Somebody else said, "What do you mean?" Someone reported the jet had turned and was headed toward the National Capital Region. Then another unidentified aircraft was reported as heading toward the National Capital Region. The Vice President said, "Take them out." All chatter stopped as we thought about those words.

Here's where training kicks in. The duty officer back at the Pentagon asked for clarification. The Vice President said that he had discussed this with the President, who was on board Air Force One, and repeated his directive, "Take them out." Seated next to me was the Strategic Command's Director of Staff. He turned toward me and said, "Can we do that?"

Can we do that? How many times have JAG Corps members been asked that question? Some days there is no reachback. Who are you going to call when nobody's home? Some days you truly stand alone. Some days all you have is what you brought—your training and your experience—and there's no time to call for back up.

My answer is not important to the point of this story, but the question is.

Everybody will have a 9/11 day, where there is either no time to call your reachback resources, or they are unavailable. The question is: will you be ready? Will your people be ready? When we talk about Foundational Leadership, that's what we are talking about. We are talking about preparing for those 9/11 days, when you can't call anyone for help and what you have is what you brought. Training and teaming with professionals near you—these concepts will win the day.

I cannot help but remember in a few hours from now the sun is going to start to rise over Balad and Baghdad. An hour and a half later it will rise over Kandahar, Kabul and eventually into Bagram. We have well over 100 of our people in harm's way in those areas. They are wondering today whether or not it's going to be their 9/11 day. Their training, their core values, their guiding principles will direct and comfort them. They are ready. We need to support them, because our number one priority of the Air Force is to fight and win this joint fight.

If you think about conflict as continuum, it begins with a kinetic phase and ends with something we call stability operations. That's kind of the phase that has heavy JAG Corps involvement. It involves things like contingency contracts, detainee operations, and rule of law.

Recently, I visited our folks in Afghanistan. I was privileged along with the Navy TJAG and the Army DJAG to meet with General Petraeus. General Petraeus told us that this is a JAG fight too; "We need you guys. We will need more of you guys." When he was done he asked if there was anything more he ought to know. I said, "Yes sir; there is something you need to know. When it comes to contingency contracts it's pretty much an all Air Force show right now. The Navy JAG Corps doesn't train to that skill, and the Army JAGs who have that expertise—they are doing other things in the AOR, in the field with their units on the ground. It's an all Air Force show." The Army DJAG and Navy TJAG were nodding up and down, affirming my statement. That's the level of expertise we, as an Air Force JAG Corps, bring.

We are taking a leadership role when it comes to the fight in Afghanistan. Brigadier General Dan Fincher has deployed to work for Ambassador Hans Klemm, the Rule of Law Ambassador for Afghanistan and is coordinating the interagency approach for the rule of law campaign. That's a significant Air Force leadership role in the combat theater. But we have another 117 people that are already there and engaged in all those areas that we talked about from rule of law to detainee ops to contingency contracts. They are doing great work, serving 179-day tours. JAGs are engaged in the fight. People are dependent on our skill sets.

As we continue to talk about Foundational Leadership and our number one priority to win and fight this war, we also must remember our JAG Corps Family members. We believe in the Wingman concept that when one of us deploys forward, those that remain behind, care for his or her family in his or her absence. That's the Wingman concept, alive and well. I'm happy to report that I see great evidence of that happening. We believe in each other.

Why do we serve? If you are like me, and I know that you are, you came into the Air Force because you wanted to make a difference. You serve today and have remained this length of time because you are making a difference. Our time in the service, our time in support of the Air Force is awfully short, if you think about it. To make a difference takes time. When do you start making a difference? We need to start now. The Foundational Leadership concepts I discussed—that's how you can make a difference.

We really do stand on the shoulders of giants. But also in a timeless sense there are JAG Corps members, uniformed and civilians, not yet born, looking back at this time in history, looking at you. I'm confident that they are saying those people, they were pioneers. They lived in a time of giants. Look who they had on their team: They had TSgt Karin Burke, Senior Master Sergeant Steven Fitzgerald, Doug Sanders, and Colonel Tonya Hagmaier. They had the "A" team. What it must have been like to live in their time.

Well, this is our time, and we need to recognize this is our opportunity. I've said this before, and I truly mean it: if I could pick one time, one place, one team in the entire JAG Corps' history to lead, it would be this time, this place, and this team. You really are the dream team. I am honored to lead you and take the field with you. Join me as we, together, use Foundational Leadership to make our mark on history. 🦋

These remarks were made during the 2010 Keystone Leadership Summit and have been edited for this publication.



CMSgt John P. Vassallo
Senior Paralegal Manager to
The Judge Advocate General



Paralegal Perspective

This week we explored Foundational Leadership. We've had the opportunity to learn from ourselves and learn from each other, exploring new ideas while reinforcing some older concepts. And we're looking at new focus areas of the JAG Corps, where the new leadership is bringing us for the future: teaming, training, and the revitalization of military justice.

THE BEST IN THE AIR FORCE

Back in 1970, Major General Cheney selected Chief Master Sergeant Steve Swigonski to be the first special assistant to TJAG for legal airmen affairs. He had an unspoken directive but it was obvious; to make the career field the best in the Air Force and keep it there. This directive was carried through with each of his successors. Chief Billy Miller, Chief Thomas Castleman, Chief Jerry Becker, these names are familiar to many of us in the JAG Corps. Chief George Moffett, Chief Carrie Miller, Chief Dennis Spitz, Chief Karen Yates-Popwell.

Lieutenant General Harding reminded us at the beginning of KEYSTONE, in his opening presentation, that we stand on the shoulders of giants. These giants are Chief David Haskins, Chief Clemencia Jeminson, Chief Avis Dillard-Bullock, and Chief Debbie Stocks. All of these giants laid the foundations to where we paralegals not only are today but where we can go

When I first took over this position I asked myself three questions. Where were we before as paralegals? Where are we now as paralegals? And more importantly, where do we want to be in the future?

tomorrow. In that same snowy winter of this year, when we got a new TJAG and a new DJAG, one of these giants, Chief Master Sergeant Debbie Stocks, retired and passed the torch on to me. I have some very big shoes to fill but I can fill these shoes because I had the foundation laid for me by all these previous Senior Paralegal Managers, these giants. When I first took over this position I asked myself three questions. Where were we before as paralegals? Where are we now as paralegals? And more importantly, where do we want to be in the future?

WHERE WE WERE

I think the first thing we need to explore to chart our future is where were we? We started from administrative beginnings. We were administrative specialists

before we were paralegals. Many of you remember the specialty code 702s, the Air Force Admin Specialists. This is where we began. We learned basic skills when we were assigned to legal offices. We learned to do military justice administration. We did claims. We were stenographers. But we never had that guarantee when we PCS'd from one place to another. We actually carried papers with us, papers that identified us as having that legal training.

So, when we went from one base to another we were put into an administrative pool. We showed those papers and we tried to fight to go back to another legal office to be able to use that training that we worked so hard to get.

We need to remember that although we came from admin roots, we are now paralegals and we must advance ourselves as such.

Eventually a new way of court reporting entered the Air Force. It was called the steno mask. The steno mask reporting was designed to allow our enlisted court reporters the opportunity to transcribe or to court report at the speed of 225 words per minute. This was a change for the Air Force and it opened up new doors for us. It allowed us to open up an Air Force steno mask training school at Bolling Air Force Base in the early '50s. This led to the establishment of another subfield in the admin career field the 705s. After the steno mask training and the development of this new career field, things came kind of slowly. For about 20 years until Chief Master Sergeant Steve Swigonski became the Airman Legal Advisor to TJAG things went slow but then everything started to snowball. He and his successors worked very hard to advance our paralegal education.

It started with the Legal Services Course at Keesler Air Force Base. It was our basic legal course which eventually evolved into PAC, the Paralegal Apprentice Course. Shortly after that, it was followed by the Legal Services NCOIC Course which through

the years developed into LOMC, the Law Office Managers Course, which trains and develops our enlisted leaders in different areas in running an office, finance, budget, and leadership. Finally, there was the Legal Services Advanced Course which even today is our most advanced course the Paralegal Craftsman Course.

These courses led to the establishment of an even newer career field, the paralegal career field. We were finally designated as paralegals in the 881X0 career field, actually far ahead of many of our civilian counterparts as being called paralegals. This was in the year 1988. That same year there was another transformation within the paralegal corps. Non-administrative personnel were allowed to retrain into the paralegal career field. Security Forces, logisticians, even maintainers, like myself, were allowed to become paralegals. It made a big change to our career field because of all the different experiences from the Air Force that we brought with us.

There is one final transformation on the AFSC itself, when we were renamed the 5J AFSC through normal classification in the Air Force. We need to remember that we came from these administrative roots. It has some good and some bad when thinking about paralegal training. We need to remember that although we came from admin roots, we are now paralegals and we must advance ourselves as such. This is where we were.

WHERE WE ARE NOW

The next question is where we are now. I get many questions during Article 6 visits on our manning level and assignments. Historically, throughout our history, we have always been an undermanned career field. We struggled to recruit paralegals to come into our career field.

However, these days I'm happy to say we are actually overmanned. The active duty paralegal career field is now 102 percent manned. 102 percent manning is also the manning of our Cat A Reservists. Our Cat B Reservists are 89 percent manned and our Guard paralegals have jumped to 97.8 percent manning. It sounds good that our manning is up like this but the only reason our manning is up is because our authorization levels went down.

Program Budget Decision (PBD) 720 cut the authorization levels for paralegals by about 20 percent. While our manning is up our steady state as far as how many paralegals we have has basically been maintained for over the past ten years. So, why does our manning look different at some of the wings? What happens is what I call the “perfect storm.” We are overmanned at some wings. We’re undermanned in some other areas and a lot has to do with our assignment system. Approximately one year ago the decision was made to pull our functional area manager, a senior master sergeant, out of the Air Force Personnel Center (AFPC) doing our assignments. It was a good decision at the time. However, there were some unforeseen things that happened.

Many of you are saying we need developments in managing enlisted talent.

One of those things is your time on station for PCS went from 36 months to 48 months. That resulted in people staying longer. People didn’t move as often so we didn’t have that turnover of personnel. Another thing was command leveling. As a MAJCOM Senior Paralegal Manager I was able to look across my command at times and level. If I had a base that was over 100 percent manned, I could move personnel from that base to another base to stabilize things and adjust my manning. Three years ago the Air Force stopped allowing us to do that. Command leveling, or grade leveling now, is done on an Air Force-wide basis. I believe the only time I’ve seen it done was earlier this year when we did a leveling for senior master sergeants. We lost that ability.

The next thing is the Enlisted Quarterly Assignment Listing Plus (EQUAL Plus) program which advertises special assignments and duties. We used to have a senior master sergeant at AFPC who was able to match the skills that we put in an Equal Plus ad with the skills our paralegals actually had. Today we don’t have that. By not having our functional manager there, we have a personnelist doing that job. That personnelist is a staff sergeant. I talk to him on a weekly basis. He is a great Airman; however,

he is not a paralegal and does not have our experience. AFPC can use RIPs that they get out of the personnel system to match our Equal Plus ads. The RIPs only tell you base of assignment, possibly some duty positions. They don’t tell as much as we have, like example, on FLITE, on our bios. We’ve lost that bit of communication and being able to match those ads.

The final issue is communications. For years the A1 community at MAJCOMs knew that we, paralegals, had our own functional up there. Therefore, when the assignment allocations came to the MAJCOMs, they wouldn’t send them down to our chiefs at the MAJCOMs they would assume that they had already been vetted up at AFPC level. So, if there was any adjustment to those authorizations some of our MAJCOMs were not getting the chance. The result was the right people were being sent to the wrong bases at times. We just put an Equal Plus ad in last week to put a senior master sergeant back at AFPC. It won’t change the rules. However, we will be able to increase that communication between the chiefs at the MAJCOM and AFPC. We will be able to have someone that has more experience in the paralegal career field matching those Equal Plus ads and maybe we will get the right person in the right job at the right time.

Many of you are saying we need developments in managing enlisted talent. The idea would be for our senior NCOs, their records, to meet a board. The board would review their records, vector them, deciding which jobs they are qualified for. It’s in the experimental test trials right now. They are still working on the policy. I hope to have our paralegal career field join into that whether it is the test trial or immediately afterwards. That way we will have certain positions, LOS positions, or other leadership positions, that basically their records would have to go before a board before you are qualified to fill one of those positions. It still will not be by name; however you will have to have certain qualifications before you can fill one of those positions. I believe that will be a great help within our career field.

Another thing I did when I first started on this job is take a look at our JAG School. Our JAG school is where we all began. All JAGs, paralegals, come

out of that same school in Montgomery, Alabama. That's where we get our initial training and most of our training throughout. It's been a long time since I've been to three-level and seven-level course and I wanted to see what was different. I'm happy to say the JAG School is doing a fantastic job. These weren't the same courses that I went through years ago. The curriculum is much more in depth. It is much more challenging. PCC is more like a six-week college campus course than it is a six-week technical training course and it should be.

My predecessors worked very hard to earn the American Bar Association's approval for the CCAF degree that results from the training that we provide at the JAG School. Our training is so good and we are so good doing that training that we're making an impact worldwide. A prime example is Senior Master Sergeant David Nuessle who is currently serving in Afghanistan on a 365-day deployment teaching legal skills and NCO skills to Afghan host nationals. Through his hard work and dedication, the first class graduated from the basic legal noncommissioned officer's course for the Afghan National Army. I'm very proud of Sergeant Nuessle and everyone else who are making the difference in the world.

Our paralegals are using these skills to the fullest throughout the Air Force. I'm not just talking about those at the field support centers which are at the forefront of using the teaming concept and paralegal skills; I'm talking at everyday offices. They're using military justice, doing every day tasks, drafting specs, doing proof analysis, interviewing witnesses. They're used in other areas of the Legal Office: environmental law, labor law, even with legal assistance. But I think we can do better.

WHERE WE ARE GOING

Secretary Donley noted in his earlier remarks that we need to maximize effectiveness and efficiency. I think we need to make the use of all our resources, military, civilian, attorney and paralegal to make our offices run more efficiently. The question is, where do we want to be? We will continue to ensure that our paralegals get the best education available and the best training available. General Harding has already talked about the wills course and the interviewing

course. These are two of the avenues we're exploring to see if we can more efficiently use our paralegals.

The wills course was a huge success. We're working with the JAG school right now to see what opportunities we can offer the rest of our paralegals to get this sort of training. The interview course wasn't quite what we were looking for. It wasn't quite in our lane. Interviewing I think is important. I think that's one of those lost skills for us paralegals. We used to do many claims in the basic legal office. We used to have paralegals going out every day conducting claims inspections. What did we do on those claims inspections? We entered the claimant's home; we sat there for anywhere from minutes to hours and we talked to them. We had that face-to-face interaction. We don't have a lot of that today. Maybe at the front desk a little bit, but we don't have those skills, those "people skills" so to speak that are very important in interviewing. I think that's something we need to re-look at and get some additional training in.



I was fortunate last week to join General Lepper on an Article 6 visit to the Federal Law Enforcement Training Center (FLETC.) It's an awesome facility. They've got things there that I never knew we had training for. This is where our OSI agents are trained too. We expressed our interest in paralegals receiving interviewing training with the OSI commander there at FLETC. At first, she was a little bit hesitant, going, "You know, we might be getting out of our lane here." However, General Lepper and I explained what we really wanted. We don't want to do investigations; we want to interview witnesses in

preparation for a court-martial. They warmed up to the idea, both the commander and her civilian staff there, and they're talking about working with us to provide an interviewing course like that. We can have the same people that trained OSI at FLETC, we're looking at either us paralegals going there to get trained or maybe having them come to our JAG school. So, I'll be constantly communicating that with them to see if we can make that happen. Again, we're looking at different avenues to give us different sorts of training.

Interaction with our civilian counterparts is very important. We need to see what they're doing and how we stack up against them or with them.

Today, Chief Rod Wilson is attending the American Association of Paralegal Education meeting. He's laying the foundation for a new degree for us. The Air Force has what's called the ABC Program, the Associate to Baccalaureate Cooperative Program. Basically in this program, we take our 60 credits that we receive through CCAF and some colleges are willing to transfer those directly to their four-year degree program. Chief Wilson is meeting with one of those colleges and finalizing the plan for them to accept all 60 of our credits into their bachelor's degree program, which is also an ABA approved program. We hope to have the final paperwork done for that by the end of this year. Currently through that program, there is no other four-year program through ABC that offers a paralegal degree. There are two: one in business and one in public safety, that offer a paralegal degree track. However, this will offer us an actual ABA approved paralegal program.

Interaction with our civilian counterparts is very important. We need to see what they're doing and how we stack up against them or with them. A few weeks ago, I learned the value of our education and how we stack up at sometimes. I was at a National Federation of Paralegal Association's Convention in

Philadelphia. I wanted to learn how our education, our training, compares with that of our civilian counterparts and I learned a lot. I spoke to five different regional meetings, 100, 200 paralegals there, all civilian paralegals, and I described to them what our training was like; how we're selected for our career field, how we went through PAC, how we go through PCC, our CDC courses, and all the steps it takes for us to become paralegals, 3, 5, and 7-level. They were quite impressed.

Some of them said they envied us and wished they'd had that sort of training. NAFPA is currently one of three organizations with paralegal credentialing. The other two are the National Association of Legal Assistants and the National Association of Legal Professionals.

I wanted to see if we, through our training, could get these national accreditations. I'm sorry to say the answer right now is no. Our current CCAF degree, what we teach right now in our schools, will not quite get us to these advanced accreditations. The one from National Federation of Paralegal Assistant Associations is called the PACE Exam, the Paralegal Advanced Competency Exam. Right now with our CCAF degree, even with the ABA approval, we are not, for the most part, qualified to even sit for that exam. Same goes for the exams for the other two associations. However, we're not alone. Some of these associations have found out that there are many paralegals within that gap from the advanced paralegal stage to basic paralegal stage.

One organization, NAFPA, is actually creating a paralegal core competency exam. It's going to be a basic paralegal certification and I'm really excited about this. We studied and we looked at what they were going to provide, what's required on that exam, and I think it's kind of the right fit for us. Not only are they telling us what they're developing in this exam, they are surveying schools throughout the country, ABA schools that provide ABA approved programs, surveying them on what to put on that exam. I'm happy to say that they've even asked us. Our CCAF course, they want us to be part of that survey so we're going to be part of actually building that accreditation. I'm very excited about this, it's still in the early stages, but they're hoping to have

this exam on line late next year. We will continue monitoring that and see how it works out for us. I think it's an exciting opportunity to show that we are on par with our civilian counterparts.

We have all this wonderful training; what do we do with it? I think that's where we can do better. We have students coming back from PCC with legal research training, some legal writing training, and they come back to the base legal office and what happens? The worst is paralegals lock ourselves up in the courtroom on Thursday, Friday afternoon for set-aside training, and we try to teach each other legal writing, and research. What's wrong with that? Outside those courtroom doors, we have this vast resource. It's called attorneys. Why aren't the attorneys teaching this research and writing?

And it's not just about attorneys teaching paralegals. Paralegals have a lot to offer attorneys too.

I was recently at a GATEWAY course and I talked to these same attorneys and asked, "Why don't you use us for your legal research and writing?" And one of the answers I got was, "Well one, we don't know what you know. Two, I don't know if I could really trust what the paralegal knows."

Here's what we need to do. We need to get out of that courtroom on that set-aside training, and the officers in charge (OICs) or attorneys in any section need to wait until that student comes back from PCC, sit him or her down, and say, "Tell me what you learned. What knowledge did they give you? What did they teach you?" And when you learn that, you need to go to that paralegal and say, "Well, this is how you can apply that to my job, to our job, to our section." Teach that paralegal how to advance his or her research skills. Sit them down; give them a research project to assist you in something you're doing. Give them a basic legal review to write for you; some information to get to you; develop that paralegal's skills until you are confident in the abilities of that paralegal. Once you have that confidence,

wouldn't you be more apt to give those projects to that paralegal?

Sure, it's going to take you longer in the front end. It will take the paralegal much longer to do that task than it would have taken you. However, a few months down the road when you have four, five, six tasks that you have to handle, wouldn't it be better if you could hand those tasks out to paralegals and have them assist you in those tasks? Isn't that what teaming is all about, working effectively and efficiently to get the job done?

General Harding spoke about courts-martial. I spoke of interviewing skills too. Same concept: wouldn't it be more efficient for the attorneys if they could send the paralegals out to assist in interviewing? If you are confident in your interviewing skills, doesn't that help the entire team? The entire team can go out interviewing witnesses, looking for new information to assist in that court-martial process. That is another part of the teaming that we need to get done.



And it's not just about attorneys teaching paralegals. Paralegals have a lot to offer attorneys too. In the past we have locked ourselves up in the courtroom and tried to teach ourselves some of these legal skills. We have also tried to teach ourselves leadership skills. Our NCO development has good programs on that, but we're wrong on that part too because we're still locked in the courtroom. We're just not teaching our young attorneys enough.

The JAG Corps seems to have two stovepipes, so to speak, in the office. We have our paralegal chain and our attorney chain over here. Why? We've done a

poor job in developing our young captains, lieutenants, even majors, to be leaders and supervisors in the Air Force sense. They're OICs of the section, but are they leaders and supervisors of the section?

I get lots of questions. "Should the OIC rate the NCOIC?" It's not a question of rating. The OIC should be leading and supervising the section but to lead and supervise a section of enlisted personnel properly, you need to understand this: our promotion system, how we're trained, our educational system, the Career Field Training Plan (CFETP). How many have looked at one of those? Do you know how we document our training? How does our assignment system work? All these different aspects that make enlisted personnel tick.

I think as superintendents, as NCOICs, it is our responsibility to train our attorneys in all of these areas. That way they can be better supervisors and leaders. Think about it. As JAGs you're advising commanders on enlisted matters. Some of these decisions have a great effect on enlisted personnel. Do you really know the effect it has on them? Take a look at suspended punishment on Article 15s, for example. Sounds like a great idea, doesn't it at times? However, if there was a DOS rollback going on, you could have just ended that Airman's career by giving him a suspended punishment as opposed to a hard bust. There are different things that effect our careers and I think we need to teach you.

If we have that supervision and leadership in there, that piece in there, and you understand our enlisted structure and what makes us tick, then maybe that rating piece will go together with it. It should all line up together. You can't have one without the other. And it's our job and the jobs of the law office superintendents to mentor and make sure that this training is in place.

We talk much about our military paralegals. I want to talk about teaming both our military and civilian personnel. We have some great civilian paralegals. Civilian paralegals can have very different specialized areas of expertise, like labor law, environmental law, contracts. In some offices, we don't have a lot of interaction, believe it or not, with our civilian

paralegals. They have their little niche and we have our little niche, like military justice. Is that efficient? Why can't we share that? If I have three paralegals in an office, one of them is deployed, one of them is the Law Office Superintendent, one gets sick, and we have a high Article 15 caseload, why can't we train a civilian paralegal to backfill and do Article 15s? What's wrong with that? Isn't that using our resources more efficiently?

The better we are as individuals, the more we can contribute to the group and the stronger the group, the more likely the group is going to look after us.

Same thing on the other side; say you have a civilian doing labor law, environmental law or something like that. Shouldn't that civilian paralegal be training their military counterpart to backfill him or her if something happens to him or her? Again, we're seeing these stovepipes within our career field; sometimes I don't think we're sharing our knowledge, our skills, and our abilities with each other.

Earlier this week Mr. Simon Sinek said something in his presentation that really struck a chord with me. He said, "I was also inspired by the counsel-paralegal relationship. This team, which is the stronger an individual is, the more training you have, the smarter you get, the more you can add to a team. And the more you can add to the team, the more the team supports you and looks after you. This is called survival. This is called culture. This is called community. The better we are as individuals, the more we can contribute to the group and the stronger the group, the more likely the group is going to look after us. It's brilliant, and it's exactly correct." And he's exactly right.

Teaming is our culture. It's our heritage. It's our history. It's nothing new, but it brings us to the next level. 

These remarks were made during the 2010 Keystone Leadership Summit and have been edited for this publication.



Your Guard and Reserve

In a true testament to teaming, Major General F. Andrew Turley and Brigadier General Robert G. Kenny provided a joint perspective of the Air Force Reserve and Air National Guard at the 6th Annual KEYSTONE Leadership Summit. Standing shoulder to shoulder, both leaders emphasized how the Guard and Reserve are currently integrating their efforts to provide support, mentorship and experience to Air Force legal offices worldwide. The following is an edited transcript of their remarks originally given on 30 October 2010.

MAJ GEN TURLEY: The reason that both General Kenny and I are speaking to you together is because this is the way we do business together, back and forth every day. We view ourselves as one JAG Corps, not just within the Reserve component. Your Reserve component, your Air National Guard and your Air Force Reserve forces, are an integrated and integral part of what we do for the Air Force.

BRIG GEN KENNY: Your Reserve component consists of 839 judge advocates and 425 paralegals. We are at every active duty base.

MAJ GEN TURLEY: We have 90 Air National Guard legal offices throughout the country. We also have 33 Air Force Reserve Command Cat A legal offices across the country, as well. In addition to the Air National Guard, we have judge advocates in 54 state

headquarters offices, which are all the 50 states and four territories.

*We view ourselves as
one JAG Corps.*

BRIG GEN KENNY: In addition to the Air Force Reserve Command and other MAJCOM headquarters units, we have three Air Force Reserve Command Numbered Air Forces that are fully staffed with JAGs and paralegals. Almost everybody is familiar with the 49 percent that are IMAs because that's the people you see every day in your office, trying to help you do your job, and help you do the things that we do. But it's that other 51 percent we are also going to talk about today.

Seventy percent of us have active duty experience as judge advocates. We've been where you are. We come into your office fully trained, ready to go, and go to work as soon as we get there. Twenty percent of us that comprises the JAG force have prior commissioned or enlisted service. We then bring that military experience as a lawyer or a paralegal to your legal office.

MAJ GEN TURLEY: Significantly, 60 percent came into the force before 9/11 and that's a tremendous well-

spring of experience. The main thing your Reserve force brings is civilian legal experience. Within our corps, 48 percent of our folks are employed in the public sector, many at the federal level, many others also at the state and local levels. Forty percent comes from the private sector with experiences from A to Z in the legal world and beyond. Now, where are those guys? When you're talking about where we are located, remember we have 90 Air National Guard units around the country. Twenty-four of those are sitting on active duty Air Force bases, and another 45 of them are within an hour's drive of the active duty base that you are working on.

BRIG GEN KENNY: Twenty-eight Air Force Reserve Command tenant units are located on your active duty bases. And additionally, we have 11 Air Force Reserve Command stand alone units that are unit equipped at some Air Reserve Base, somewhere else in the United States.

MAJ GEN TURLEY: We need to think in terms of the Air Force JA community. We need to think of that community as being that unit you may have an associate relationship with, that may be across the flight line, or may be an hour away, but yet that's part of your Air Force JA community and we all need to be partners with.

BRIG GEN KENNY: The IMAs are the force with which you are most familiar. They are assigned to active duty legal offices but they live in all of the 50 states. We have an IMA somewhere in every one of the 50 states and we also have a small percentage of our IMAs that live in Europe or in Japan and in other places in Asia, who provide the services to those bases. There is a whole team of ARC component JAGs and paralegals who are out there, somewhere where you are, even though they might not be assigned to you, who are going to be and are available to you when you need them.

MAJ GEN TURLEY: What I always like to say about our Air Force JA local community, invite an SJA to lunch. Reach out to those folks because we tell our Air National Guard and Cat A folks to reach out to you. Invite them to lunch, or better yet, have them take you to lunch. Now, these are our roles and missions. We all work for The Judge Advocate General, who provides us professional direction and

oversight and, of course, does all of our accessions and assignments. As the Air National Guard Assistant to TJAG, my work with him is to manage the Air National Guard program on his behalf.

BRIG GEN KENNY: As a Mobilization Assistant, I do the same thing for all the members within the Reserve part of the component. We have different rules, different laws, and different statutes that apply to us, so we have different things to be more fully familiar with but that's the advice that I provide to The Judge Advocate General on a daily basis.

*The main thing your
Reserve force brings is
civilian legal experience.*



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

MAJ GEN TURLEY: A key to our integration is the ARC Advisor to The Judge Advocate General, who is Colonel Mitch Neurock. Both General Kenny and I work very closely with him on a daily basis to make sure everything is coordinated and works as it should. He reports directly to TJAG.

BRIG GEN KENNY: The MAJCOM, Air Force Reserve Command, provides Category A program oversight for the unit JAGs. They also provide program management for all the Category B IMAs.

The IMA mission is to augment and support the active duty offices. The Air Force Reserve Command commander, Lieutenant General Charlie Stenner, talks about the fact that he wants to leverage the strategic Reserve by doing operational missions. The IMAs, especially in the JAG Corps, have done this for as long as we have existed and we are the model for exactly that concept within the new Air Force Reserve Command. When IMAs show up at your office, they're being trained to be JAGs, not by practicing writing a will or practicing doing an Article 32 investigation, but by actually doing those missions for you. That is actual operational concept. The other part of what we do is to provide backfill support. The concept of the IMAs developed during the Cold War and the idea was that the active duty would deploy and an IMA would come in and do the backfill at the garrison while the active duty unit had deployed. There really wouldn't be much to do if the entire wing had deployed. They would take care of the weeds and seeds and the grass cutting and things like that at a smaller garrison level. But we know that's not what happens. The IMA now comes in and in that role as a backfill comes in and does whatever your active duty JAGs and paralegals are doing while your active duty JAGs and paralegals are forward deployed.

But we also have taken on the mission of deploying. Historically, during the OIF/OEF concept wars, we have deployed about 13 percent of the forces that have gone forward. Right now that is a snapshot of 117 judge advocate members currently deployed, 20 are from the ARC. That's about 17 percent right now. Interestingly enough, the four colonels in the JAG Corps who are deployed right now are all ARC members.

MAJ GEN TURLEY: Now, for the Air National Guard, these are our units that are sitting on bases, some on your bases and some on separate bases all around the country. They perform basically one weekend a month and two weeks a year. This gives you a sense of what their mission is. You may see them from time-to-time backfilling your office, and that's an important part of what we do, but they do so much more for the Air Force. This is their mission. They take care of their units and that's providing the usual command support because the whole concept of the Air National Guard and the Air Force Reserve

Command is that the unit would train together and then in the event of warfare, be activated together, go forward, push the Russians back from the Fulda Gap and then return home heroes. That was the concept. Well, it is no longer applicable.

*The IMA mission is to
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Nevertheless, we are still in the unit configuration and that command support is very important. Like you, we take care of our people. Legal assistance, one of our key themes of Foundational Leadership, is a big part of what we do. We deal with the family issues as well as the employer issues because don't forget, our people not only have families, and personal legal concerns, but they also have issues with employers because they owe a loyalty to them.

We prepare our units for our federal missions and in the ANG and particularly recently, we're adopting an ever more prominent role in domestic support missions. Our work with NORTHCOM is very important. And our work at the state level is very important in terms of responding to domestic emergencies. We need to train for that as well. A very interesting part of what we do in the unit programs in that teaming with our paralegals has been a way of life for us because in the Air National Guard, as well as the Air Force Reserve Command, we have two JAGs and two paralegals. We need to work as a team and we have worked as a team and really worked very hard to develop our paralegals so that they can function very effectively.

We stay current by attending Annual Survey of the Law where we go and get refresher training on a whole variety of legal issues. We go every other year. So, from the unit's point of view, we have somebody going to the Annual Survey every year and getting the latest on what the law is. We also are required to go to an active duty course at the JAG school once every six years.



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

BRIG GEN KENNY: As part of that teaming effort, it's the staff judge advocates that ensure people are getting the right training when they need it. With respect to paralegal training, it's a very difficult task for paralegals to get their 7-level training and one of the problems we run into specifically, especially in the ARC world, is the long in-residence course that a paralegal has to go through to get 7-level training. If you ever have somebody to thank and pat on the back, it's a paralegal who's an IMA who attended the 7-level course in addition to all their other annual training.

MAJ GEN TURLEY: We also do specialized ARC training. Again, using the teaming concept which is very big particularly in the Reserve components, we send teams of commanders and JAGs down to the JAG School for the Total Air Force Operations Law Course where they spend two and a half days walking through a deployment scenario from beginning to end. That's one of several things we do in both of our components to help develop teamwork at the component level. Finally, Air National Guard, Cat A JAGs, and those IMAs who are working in higher headquarters, are required to serve a quadrennial tour, which is a two week active duty tour in a base legal office. Every once in a while, people should

smell some JP-4 in the air; but more importantly, the base legal office is where the rubber meets the road. To be effective we need to understand that and we need to go in and not only train but assist you to the best of our ability.

BRIG GEN KENNY: When we're getting paid by Reserve Personnel Appropriations (RPA) money to come to your office for an annual tour and inactive duty training, the Reserves pays all. It pays for the salary of the person who is there. It pays for their travel. It pays for their per diem. It's all free to you. With one exception to that, under the Air Force Reserve Command expectations, you are required to make sure that we are trained for our readiness requirements within those training days.

So, all of the fit tests, physicals and all of the other readiness training required, are supposed to be accomplished during those days. Essentially what you are provided with every IMA is 24 days of duty, during which time some of it is used for our training, but the rest of it is the operational job training in your offices doing your job and getting better and being ready to replace you when you go forward. The Cat As have 48 unit training assemblies for them to attend to their needs and missions during the two days a month when they are in their month doing their training and then they go on their two week tours as well.

MAJ GEN TURLEY: The same holds true for your Air National Guard units. It's the old concept of one weekend a month and two weeks a year. These are what we call 48 unit training assembly periods, 24 duty days. Finally, when we do provide active duty mission support, we call military personnel appropriation or MPA days. And we're going to tell you a little bit more about MPA days in just a moment. But that applies for both the Air Force Reserve and the Air National Guard. For the Air National Guard folks, we go into a Title 10 federal status instead of a Title 32 which is our state training status that is funded with federal funds.

BRIG GEN KENNY: Three weeks ago we were notified that our MPA days for war effort manning would be cut by 79 percent. We used to get about 11,000 war effort days. Those are the old GWOT days. We're still going to help you do your mission. But just

so you understand, we're not talking about MPA days for ARC members who actually are forward deployed because we have money for that. We had, between 2003 and 2005, been able to convince the Air Force that home station support backfills were actual war effort days. It was easy for us to provide you with the support and the manning you requested whenever you requested it. Our goal when we went into this was to provide you with 50 percent of your requirements. For the last several years we have been providing you as high as 90 percent of that.

One of the reasons we were able to do that is because you're ARC component was able to stand up, leave their civilian jobs, and leave their families to come and do extra duty for you so they could do your mission for you because we had the money. We have plenty of faces but now the money is going to be an issue. What we want to do is leverage our strategic Reserve by providing the operational capacity you need. We're going to do that with precision management of the annual tour and IDT days. In the past, we were extremely flexible with your reservists. There are many limitations on how and when reservists can perform their duties.

What we're going to do is strengthen our Air Force JA partnership and that will include the requirement that staff judge advocates work closely with the Reserve Coordinators at their wings and the senior IMAs at the NAFs and the MAJCOMs so we know what your needs are and when you most need that.

MAJ GEN TURLEY: Part of the resources that we can harness for you is the local Air Force JA community, that unit across the flight line or down the road which is part of your local JA community to help vector in these things. With respect to the quadrennial tours, I figured out where my buddies were and said I'll go for two weeks there. Those days are gone. What we want to do is when you're due this year, you tell us when you're available; we will tell you where you will be going. We can take advantage of those paid resources and get the support to you at the same time.

BRIG GEN KENNY: There will still be gaps but there are still MPA days out there which are not just the war effort days what's called steady state days. Now,

expect that they are going to be cut back too but they haven't been cut back yet to the extent that we've seen on the war effort days. They will be available but they will be carefully managed. The Judge Advocate General decides the priorities of missions so they have to be carefully managed based upon what your needs are and what are the highest priorities of needs.

MAJ GEN TURLEY: So, what General Kenny is saying, don't worry, be happy.

BRIG GEN KENNY: Correct.

MAJ GEN TURLEY: We'll work this out.

BRIG GEN KENNY: Like everything, once we get used to it, it will become normal and then you will just be used to it and it will be the way that we will proceed.

ARC recruiting is more important than ever.

MAJ GEN TURLEY: Let's talk about ARC recruiting. It is more important than ever and everybody needs to recruit for all three programs. Now, most of our folks come off of active duty and go into the IMA program because that's what they know.

BRIG GEN KENNY: When you identify someone who is leaving active duty, we want them, and General Turley is going to talk about who we want, but we want them to stay in the family. We want them to remain a part of the team. We just want them to be on our part of the team so that they can come back and help you. At the moment, in a snapshot, we have 103 vacancies in the IMA program. That's 2,512 free training days that the Reserve Command would provide to you to fill your needs if we could fill those billets. So, when you identify one of your JAGs, and paralegals are even harder, who is saying they are going to leave the service, we need you to help us to get them over with us.

MAJ GEN TURLEY: Our active duty SJAs are the key to our success here. It's important for you to

understand and be able to cogently explain all three of our programs along with the pluses and minuses. I've been twice on active duty, three times in the Reserve, three times in the Guard. They say I can't hold a job but that's a different story. But our people move back and forth depending on what their life circumstances are. Quality is critical. Quite honestly, there are folks that leave active duty whom we may not necessarily want back in the JAG family. We need your candor because when we ask for an SJA interview, we need you to ask the question of would you want this person to continue to work for you? This is what we're looking for: that person coming off of active duty, that is a full up round from their first day of duty in the Air National Guard or the Air Force Reserve. Beyond that, those who have experience in other Reserve or National Guard JAGs, is somebody who is ready on day one.

BRIG GEN KENNY: We have a certain number of people who have no legal experience in the military before but then come into us. That's the next need. We talked about those, the officers and prior enlisted people who were in the military, have gone to law school, and then want to come back in and serve and we look at them. We're doing something new in the Reserve that the Guard has been experimenting with for years and had great success with and that is where they take civilians with practical legal experience directly into their office. The Guard has done it for quite some time and they have had good success with it. The Judge Advocate General now has allowed us to access them and contact them and ask them since you can't come on to active duty, would you be interested in coming into the Air Force in another way and serving the Air Force through the Reserve components? And we've had some good success with that.

MAJ GEN TURLEY: You wouldn't think that the Air National Guard has a role in military justice but we do. We're operating an associate relationship in many bases now, Robins Air Force Base, Fairchild, other places. Our people are subject to a state military justice code that is woefully inadequate and we are

currently, as part of our military justice focus, seeking ABA endorsement for a model military justice code that we are then going to be presenting to state legislatures around the country to ensure there is the same level of discipline.

BRIG GEN KENNY: In terms of the training provided, you have a wealth of experience. We have experience that many of your young JAGS don't have. They need to be mentored. They need to be trained. In terms of that teaming, as well, don't forget that you've got ARC paralegals who do that job in their civilian world and have been doing it for many, many years. If you want to understand how to best and efficiently team with paralegals. See how they do it in the civilian world and use that as part of the training for your paralegals and in getting your offices more efficient. Teaming is the way that we want to go and there is another resource there for the training. Legal assistance out there in the ARC world, amongst the JAGs, we have experts in terms of law. Use them if you need them. And there is a way to get to them if you have a problem somewhere else, such as tax advice, bankruptcy, or similar issues that come up in legal assistance. There is a wealth of knowledge out there.

MAJ GEN TURLEY: Finally, this is your Judge Advocate General's Corps Reserve. One of the things that you need to understand about us and our people is that we don't have to do this but we get to do this. And there are people who really take pride in their association with the United States Air Force and in their continued Reserve duty and Air National Guard duty.

BRIG GEN KENNY: Ladies and gentlemen, on behalf of your Air Reserve Component JAGs, paralegals and our families, we want to say to all of you, and we want you to go out to your offices and say to all of your JAGs, your paralegals, your civilians, and to your families, thank you for your service to this country. Thank you for the privilege of serving with us for our great Air Force. 🦋

These remarks were made during the 2010 Keystone Leadership Summit and have been edited for this publication.



TJAG

AWARD WINNERS



STUART R. REICHART AWARD

THE OUTSTANDING SENIOR ATTORNEY OF THE YEAR



Colonel Deah Tonya Hagmaier distinguished herself through outstanding service in a multitude of important positions including serving as the current Commandant of The Judge Advocate General's School. Colonel Hagmaier has consistently demonstrated excellence, initiative, professionalism, and leadership in the practice of law for over twenty-three years as a judge advocate for the United States Air Force. She has excelled in the toughest jobs including one of the most visible, demanding, high-risk jobs in The Judge Advocate General's Corps, that of Chief, Senior Officer Investigations Branch, where she redefined effectiveness standards as the JAG Corps' ambassador to senior Air Force and Department of Defense leadership and staffs. As the Chief, Professional Development Division, Colonel Hagmaier masterfully overcame historic and unprecedented personnel issues, including fending off initiatives to greatly reduce judge advocate authorizations and to eliminate or delay two judge advocate promotion boards. Colonel Hagmaier's outstanding achievements have impacted every facet of the JAG Corps from creating the first-ever civilian career field manager position at the Air Force Personnel Center, to standing up an Expeditionary Branch while deployment taskings increased 300 percent, to expanding use of electronic distance learning to enhance legal education throughout the Corps. The distinctive accomplishments of Colonel Hagmaier reflect great credit upon herself and the United States Air Force.



ALBERT M. KUHFELD AWARD

THE OUTSTANDING YOUNG JUDGE ADVOCATE OF THE YEAR



Major Stacey J. Vetter distinguished herself as Deputy Staff Judge Advocate, Office of the Staff Judge Advocate, 21st Space Wing, Peterson Air Force Base, Colorado, from 1 January to 31 December 2009. As operational legal advisor, Major Vetter worked day and night to prepare the legal office and the command for the 2009 Headquarters Air Force Space Command Operational Readiness Inspection and Unit Compliance Inspection. The inspectors said the 21st Space Wing's legal office operational law program should be benchmarked for the entire command. As a direct result of her efforts, the 21st Space Wing became the first Air Force Space Wing to pass the rigorous inspections in two years. During this time, she resurrected the military justice program, processing 100 percent of courts-martial on time and improved the Article 15 on-time rate from a paltry 76 percent to stellar 96 percent. A selfless leader, she was a master mentor to 12 captains and junior majors at her home installation. She led by example in the fitness program, scoring an "excellent" on her fitness exam, five of the last six years, including four perfect scores. During her deployment, the Multi-National Forces Iraq Staff Judge Advocate handpicked Major Vetter to stand-up a special operations Joint Investigative Committee team for a Joint Task Force in Iraq. She served more than 200 days in Iraq, where she was the Team Lead to work with Iraqi investigative judges and their investigative staffs to prosecute terrorists. Major Vetter accomplished more than 110 Red Zone missions to obtain warrants and detention orders on members of al-Qaeda/Jaysh al-Mahdi and other terrorist networks. Her fearless efforts put 82 terrorists in jail. Major Vetter also coordinated the prosecution efforts of nine Army operational units utilizing three Iraqi investigative judicial teams during the course of her deployment. Her team completed 180 terrorism investigations and obtained 185 warrants. Major Vetter's outstanding initiative and devotion to duty resulted in her deployed Navy commander rating her as the number one O-4 he had ever supervised—regardless of service, and earned her a Bronze Star. The distinctive accomplishments of Major Vetter reflect great credit upon herself and the United States Air Force.



KAREN YATES-POPWELL AWARD

THE OUTSTANDING PARALEGAL SENIOR NONCOMMISSIONED OFFICER OF THE YEAR



Senior Master Sergeant Steven J. Fitzgerald distinguished himself as Paralegal Manager, Office of the Staff Judge Advocate, Headquarters, 14th Air Force, Air Forces Strategic, Vandenberg Air Force Base, California, from 1 January to 31 December 2009. Sergeant Fitzgerald expertly guided timely processing of general courts-martial twenty three percent below threshold and ensured swift top-to-bottom review of 193 nonjudicial punishments. He showcased his stellar organizational skills during the planning and execution of the annual Post-Trial Processing Workshop training 50 multi-command legal professionals. A selfless leader and mentor, he coordinated Senior Noncommissioned Officer Panel boards and seventeen instructors on a monthly basis to teach the Noncommissioned Officer Enhancement Seminar, preparing future leaders today. Elected by his peers, he filled several seats as an executive officer for multiple private organizations where he further expanded the professional development of others. Equally successful and demonstrating tremendous resolve, he engineered the installation of a \$30 thousand Secret Internet Protocol Router Network system, establishing a key communication link in supporting the Joint Space Operations Center and Component Numbered Air Force operations mission. Finally, Sergeant Fitzgerald seized the opportunity to inject an enlisted proponent into the space operations legal team, forging new ground for paralegal utilization. The distinctive accomplishments of Sergeant Fitzgerald reflect great credit upon himself and the United States Air Force.



STEVE SWIGONSKI AWARD

THE OUTSTANDING YOUNG PARALEGAL OF THE YEAR



Technical Sergeant Karin L. Burke distinguished herself as Noncommissioned Officer in Charge, Military Justice, Claims and Legal Assistance, 48th Fighter Wing, Office of the Staff Judge Advocate, Royal Air Force Lakenheath, England, and Noncommissioned Officer in Charge, Military Justice and Tax Center, 379th Air Expeditionary Wing, Al Udeid Air Base, from 1 January to 31 December 2009. At RAF Lakenheath, Sergeant Burke's decisive leadership in the command's second largest legal office led a military justice team that processed 77 nonjudicial punishment actions, 54 administrative discharges and three contested discharge boards, the most at RAF Lakenheath in five years. Her exceptional oversight of one of the Air Force's top courts-martial programs resulted in 100 percent on-time processing for all special and summary courts-martial. As the Noncommissioned Officer in Charge of Claims and Legal Assistance, Sergeant Burke managed a section that assisted over 3,400 clients, saving the wing's Airmen and their families \$518 thousand in legal fees. While deployed to Al Udeid, Sergeant Burke ran the only tax center in United States Central Command Area of Responsibility, which completed over 400 tax returns, saving joint forces members over \$42 thousand in fees while producing \$492 thousand in refunds. She completed 30 timely nonjudicial punishment actions and capitalized on her prior deployment expertise to craft a new Right Start legal briefing that was lauded by the Deputy Judge Advocate General and identified as a "best practice." Sergeant Burke's efforts resulted in her selections as the 379th Wing Staff Agency's Noncommissioned Officer of the Month and the 48th Fighter Wing's 2009 Wing Staff Agency Noncommissioned Officer of the Year. The distinctive accomplishments of Sergeant Burke reflect great credit upon herself and the United States Air Force.



REGINALD C. HARMON AWARD

THE OUTSTANDING AIR RESERVE COMPONENT JUDGE ADVOCATE OF THE YEAR



Lieutenant Colonel Daniel L. Rouse distinguished himself as Assistant Staff Judge Advocate and Reserve Coordinator, Headquarters Eighth Air Force, Air Forces Strategic, Barksdale Air Force Base, Louisiana from 1 January to 31 December 2009. As Director of the Commanders' Legal Information Course, Colonel Rouse demonstrated superior leadership and skill, ensuring 125 new Category A commanders were trained on a myriad of important legal issues facing an increasingly operational Reserve Force. Colonel Rouse served as the Course Director for the 25th Annual Air Force Article 32 Investigating Officer Course. The course involved a first-ever mix of thirty paralegals and active duty, reserve and guard judge advocates. As the primary instructor for the course, Colonel Rouse provided numerous practical examples based on the dozens of hearings he has conducted. Always broadening his experience and contributions to The Judge Advocate General's Corps, Colonel Rouse served as a facilitator for the Training by Reservists in Advocacy and Litigation Skills Team

and is currently a member of the Judge Advocate General's Information Technology Readiness Committee. Colonel Rouse also provided assistance to base legal offices, serving as a legal advisor for administrative discharge boards and as an Investigating Officer for a sensitive case involving child pornography. Colonel Rouse epitomizes the commitment and sacrifice of reserve service while balancing the demands of the practice of law. He serves as the President of the Board of Directors for a \$245 million utility company, where he successfully lobbied Congress for \$20 million to build a water treatment plant in North Dakota to serve those who lacked a source of safe drinking water. He also contributes to the community as an Assistant Scoutmaster, providing invaluable mentorship to young men, and as a Eucharistic Minister for his church, bringing communion to those who are sick or shut-in. The distinctive accomplishments of Colonel Rouse reflect great credit upon himself and the United States Air Force.



DAVID WESTBROOK AWARD

THE OUTSTANDING AIR RESERVE COMPONENT PARALEGAL OF THE YEAR



Technical Sergeant Robert B. Misener distinguished himself as Headquarters Element Noncommissioned Officer in Charge, Task Force 134, Camp Liberty, Baghdad, Iraq from 1 January to 31 December 2009. As the sole headquarters paralegal, Sergeant Misener inventoried 30 thousand inactive paper files and transferred data from storage to electronic database with 100 percent accountability of information. He reclassified 380 detainee abuse allegation documents guaranteeing that Freedom of Information Act information was released only to appropriate sources. Sergeant Misener authored an efficient detainee transfer process, collaborating with judge advocates and Iraqi linguists which allowed for the creation of one thousand new packages. He also formulated 850 arrest warrant packages, tracking down the appropriate detention and conviction orders, ensuring detainees were transferred vice released. Sergeant Misener integrated two filing systems into one concise

Theater Detainee Records system which increased access to all Task Force 134 legal personnel. He managed, scheduled and conducted detainee pledge ceremonies which resulted in over 300 pledging not to engage in criminal activity. A visionary, Sergeant Misener created a prosecution list with over one thousand detainees with attorney advisement to further the U.S. Forces-Iraq mission operations and coordinated with sister services to create a comprehensive Task Force 134 drawdown plan, which was adopted by headquarters. The distinctive accomplishments of Sergeant Misener reflect great credit upon himself and the United States Air Force.



JAMES O. WRIGHTSON, JR. AWARD

THE OUTSTANDING CIVILIAN ATTORNEY OF THE YEAR



Mr. Douglas D. Sanders distinguished himself as Chief, Environmental Law Litigation Center, Environmental Law and Litigation Division, Civil Law and Litigation Directorate, Air Force Legal Operations Agency, Bolling Air Force Base, Washington, District of Columbia, from 1 January to 31 December 2009. During this time, Mr. Sanders expertly led the Litigation Center and oversaw all defensive and affirmative environmental litigation involving the Air Force. He personally served as agency trial counsel on the extremely high-visibility Joint Strike Fighter litigation, which had the potential to derail a three hundred billion dollar weapons system beddown. He devised and executed a strategy that brought together many divergent Department of Defense interests, appeased a skittish municipality and garnered the full support of the Department of Justice. His extraordinary work resulted in a settlement of the case and kept the beddown on track. Mr. Sanders also established new

program areas of responsibility within the Litigation Center that allow the Air Force to be more proactive in matters that threatened the operational flexibility of the Air Force. His foresight enhanced the Air Force's ability to directly challenge encroachment threats and helped ensure that our military installations are able to fly and fight to the maximum extent practicable. In addition, Mr. Sanders laid the groundwork for the Litigation Center and the Civil Law and Litigation Directorate to embrace and incorporate new electronic discovery requirements into day-to-day case preparation, and keep Air Force litigation on the leading edge of the ever-changing world created by new technologies. Mr. Sanders was responsible for completing the transformation of the Litigation Center into the vibrant organization envisioned under The Judge Advocate General's Corps Twenty-First Century legal support concept. The distinctive accomplishments of Mr. Sanders reflect great credit upon himself and the United States Air Force.



HAROLD R. VAGUE AWARD

THE OUTSTANDING LEGAL SERVICE CIVILIAN OF THE YEAR



Mr. Ronald E. Frazier distinguished himself as Chief, Paralegal Training and Curriculum, Academic Development Division, The Judge Advocate General's School, Air Force Legal Operations Agency, Maxwell Air Force Base, Alabama, from 1 January to 31 December 2009. During this period, Mr. Frazier solidified his status as The Judge Advocate General's Corps' top expert in Instructional Systems Development. He actively engaged with all Judge Advocate General's School division chiefs in creating new joint judge advocate/paralegal training opportunities, reinforcing the criticality of judge advocate and paralegal team performance both in garrison and while deployed. Mr. Frazier revamped the School's testing process, implementing electronic testing while compiling 500 new individual test items for 15 separate examinations in two paralegal courses.

Working closely with his colleagues in the newly-formed Academic Development Division, Mr. Frazier totally revamped the paralegal curriculum, crafting learning objectives for 1700 hours of instruction to more than 300 paralegal students, and anchored the teaching cadre for the School's first-ever in-house teaching methodologies course. On this initiative, Mr. Frazier maintained teaching records for all faculty and obtained Community College of the Air Force approval for the School's teaching methodologies course curriculum. Mr. Frazier's dedication and commitment to service have assured continued academic accreditation of The Judge Advocate General's School courses and laid the foundation for ongoing teaching excellence by all School faculty. The singularly distinctive accomplishments of Mr. Frazier reflect great credit upon himself and the United States Air Force.



THE JOY DUNLAP FAMILY SERVICE AWARD

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

Mrs. Kristin Lorek, the wife of Captain Jeffrey Lorek an assistant staff judge advocate assigned to the Spangdahlem AB legal office, is this year's recipient of the Joy Dunlap Family Service Award. The Loreks arrived in Germany in April 2009 and Mrs. Lorek hit the ground running. She immediately identified several key needs for new members and their families arriving into Germany. Personnel frequently arrived without the necessary documentation to rent cars or drive in the local area or to establish cell phone service and other accounts. In response, Mrs. Lorek became the first "Key Spouse" for the Spangdahlem legal office.

"Since becoming a Key Spouse, Kristin has devoted countless hours of her own time to help JAG Corps members and their families settle into Germany," said Lieutenant General Harding, upon presenting the award during the annual TJAGC award banquet at KEYSTONE 2010. "For example she created a handout for incoming office personnel outlining critical items to accomplish before arriving in country." Moreover, Mrs. Lorek sought out members of the base community who have children and linked them up with incoming families to answer questions about school and activities in the area. She serves as tour guide for the new arrivals and is happy to orient them to their new surroundings—even making sure that pets are taken care of by ensuring supplies such as food and litter boxes are on hand for the new arrivals. Mrs. Lorek is also a key member of the deployed member support network. She frequently makes the five hour round-trip drive to Frankfurt Airport to drop off or pick up deployed family members to spare them from having to pay the \$75 shuttle fee. If this is not enough, she volunteers several hours a week in the physical therapy clinic on base. "Kristin Lorek is the epitome of what the Joy Dunlap Family Service Award stands for," said Lieutenant General Harding. "We are grateful for her dedication and outstanding contributions to the JAG Corps."





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. He served with distinction for over thirty years as Commander, Air Force Legal Services Agency and as a staff judge advocate four times. Brigadier General Waldrop 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 2010 KEYSTONE Leadership Summit, Lieutenant General Harding and Brigadier General Waldrop made two presentations of the award to Technical Sergeant Jason Yuncer, a defense paralegal at Travis AFB, California, and Mr. Booker T. Dillard, Jr., an administrative support technician assigned to AFLOA/JAS.

Technical Sergeant Jason Yuncer currently assists the Travis ADC in the defense of 14,000+ members on courts-martial, Article 15s, administrative discharges, and other adverse actions. He joined the paralegal career field in 2006 after serving in the Aerospace Maintenance career field as an Assistant Dedicated Crew Chief on the Air Force's first C-17 aircraft. Sergeant Yuncer's devotion to duty was displayed when he acted swiftly and selflessly in diffusing a dire situation after a client made suicidal ideations in the ADC's office. The client grabbed a pair of scissors and repeatedly stabbed his own wrist. Sergeant Yuncer quickly activated the duress alarm, got the scissors from the client, and sought immediate medical attention for him. His selfless service of others is also commendable. The Travis ADC office frequently has visiting defense counsel. Sergeant Yuncer always ensures the visiting attorneys have billeting, a GOV, and he assists with interviews, preparing sentencing packages, or in any other support needed. He never says "I'm not your paralegal" or "I don't have time." In fact, Sergeant Yuncer went out of his way to assist clients with personnel issues. In one instance, he took it upon himself to assist an Airman who was erroneously deducted in pay. Sergeant Yuncer collected all the documentation needed to resolve the pay issue at the base finance office. As General Harding remarked upon presenting the award to Sergeant Yuncer, "This 27-year old Airman goes above and beyond the call to duty, without seeking praise or reward. He is an Unsung Hero. We are proud of his many accomplishments and outstanding support to the The Judge Advocate General's Corps."

Mr. Booker T. Dillard, Jr., is the Unit Equipment Control Officer at AFLOA/JAS, where he is responsible for all local Automated Data Processing Equipment (ADPE) and for the configuration, maintenance, and upgrade of deployment kits. He retired from the Air Force as a master sergeant in 2002, after serving 24 years as an Information Manager. Mr. Dillard also has displayed selfless devotion to duty and steadfast dedication to the Corps. In 2006, JAS moved approximately two-thirds of its staff out of the JAG School and into another building. Mr. Dillard pitched in wherever and however needed. In a new office with inside temperatures reaching 85+ degrees, fans for all the employees magically appeared. Mr. Dillard even worked by himself throughout the weekend to make it happen. "When two Airmen from JAS deployed, one of whom was a single mother, Mr. Dillard quietly mowed their lawns," said General Harding. "When a JAS employee needed help on short notice to move residences, Mr. Dillard dedicated a Saturday to move furniture with his personal truck. When a JAS team recently moved furniture from the JAG School to the main JAS office, Mr. Dillard jumped in and purchased a furniture dolly on his own dime for a job for which he wasn't even responsible." Mr. Dillard frequently comes in on weekends to stock the office snack bar, paint an office, or pitch in wherever needed. He initiated and organized the local Meals on Wheels program and devotes his own lunch time to ensure that those in need have something to eat. As General Harding said, "Mr. Dillard does not look to be in the spotlight but rather works his magic behind the scenes doing what comes naturally to him. It is not until after things get done that someone says, 'Oh, Booker probably did that.'" Mr. Dillard is indeed an Unsung Hero and The Judge Advocate General's Corps is proud to honor his many accomplishments and outstanding support in accomplishing the mission.



TJAG presents TSgt Yuncer with the Olan G. Waldrop, Jr. Unsung Hero Award



TJAG presents Mr. Dillard with the Olan G. Waldrop, Jr. Unsung Hero Award



JAG CORPS SCHOLARLY ARTICLES AND WRITINGS

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

Lt Gen Richard C. Harding, *A New Chapter*, THE REPORTER, Vol. 37, No. 1, at 5 (2010).

Lt Gen Richard C. Harding, *A Revival in Military Justice: An Introduction by the Judge Advocate General*, THE REPORTER, Vol. 37, No. 2, at 4 (2010).

Lt Gen Jack L. Rives, *The Long Blue Line*, THE REPORTER, Vol. 37, No. 1, at 7 (2010).

Maj Gen Charles J. Dunlap, Jr., *A Tale of Two Judges: A Judge Advocate's Reflections on Judge Gonzales' Apologia*, 42 TEX. TECH L. REV. 893 (2010).

Maj Gen Charles J. Dunlap, Jr., *A Wonderful Life*, THE REPORTER, Vol. 37, No. 1, at 11 (2010).

Maj Gen Charles J. Dunlap, Jr., *Air Power, in UNDERSTANDING COUNTERINSURGENCY* 100 (Thomas Rid & Thomas Keane eds. (2010).

Maj Gen Charles J. Dunlap, Jr., *American Airpower in the 21st Century: Reconciling Strategic Imperatives with Economic Realities*, in *ECONOMICS AND SECURITY: RESOURCING NATIONAL PRIORITIES* 205 (Richmond M. Lloyd, ed. (2010).

Maj Gen Charles J. Dunlap, Jr., *Come the Revolution: A Legal Perspective on Air Operations in Iraq Since 2003*, in *THE WAR IN IRAQ: A LEGAL ANALYSIS* 139 (Raul A. Pedrozo ed., U.S. Naval War College International Law Study Series, 2010).

Maj Gen Charles J. Dunlap, Jr., *How We Lost the High-Tech War of 2020*, SMALL WARS JOURNAL, 19 Feb 2010, at 20.

Maj Gen Charles J. Dunlap, Jr., *The Air Force and 21st Century Conflicts: Dysfunctional or Dynamic?* in *LESSONS FOR THE LONG WAR ESSAY COLLECTION* 93 (American Enterprise Institute, 2010).

Col Melinda L. Davis-Perritano, *On Trial: An Application of Clausewitzian Military Strategic Thought to Litigation*, THE REPORTER, Vol. 37, No. 2 at 11 (2010).

Col Albert Klein, Jr. & Lt Col Theodore E. Vestal, *Chastising Piracy*, THE REPORTER, Vol. 37, No. 1, at 16 (2010).

Col Kenneth M. Theurer & Capt Thomas C. Franzinger, *Back to the Future: Improving Pre-Offer Nonjudicial Punishment Processing*, THE REPORTER, Vol. 37, No. 2, at 37 (2010).

Col Kenneth M. Theurer & Capt Shane A. McCammon, *Justice No Longer Delayed: Improving Referral-to-Verdict Processing Times*, THE REPORTER, Vol. 37, No. 2, at 26 (2010).

Col Kenneth M. Theurer & Maj Conrad L. Huygen, *Speedy Justice—Officer Style: How to Make RILOs a Nonfactor in Processing Officer Courts*, THE REPORTER, Vol. 37, No. 2, at 33 (2010).

Col Kenneth M. Theurer & Mr. James W. Russell III, *Why Military Justice Matters*, THE REPORTER, Vol. 37, No. 2, at 7 (2010).

Lt Col Bruce Cox, *Global Power Requires a Global, Persistent Air-to-Air Capability*, AIR AND SPACE POWER JOURNAL, Volume XXIV, No. 4, at 47.

Lt Col Brandon Halstead, *Prometheus Unbound? Proposal for a New Paradigm for Air Law and Space Law: Orbit Law*, 36 J. SPACE L. 143 (2010).

Lt Col Joseph S. Imburgia & Wing Commander Duncan Blake (RAAF), *"Bloodless Weapons"? The Need to Conduct Legal Reviews of Certain Capabilities and the Implications of Defining Them as "Weapons"*, 66 A.F. L. Rev. 157 (2010).

Lt Col James E. Key, *This Land Is My Land: The Tension Between Federal Use of Public Lands and the Religious Freedom Restoration Act*, 65 A.F. L. Rev. 51 (2010).

Lt Col Eric F. Mejia, *It's Not (Really) About the Metrics*, THE REPORTER, Vol. 37, No. 2, at 39 (2010).

Lt Col Christopher M. Petras, *The Law of Air Mobility—the International Legal Principles Behind the U.S. Mobility Air Forces' Mission*, 66 A.F. L. Rev. 1 (2010).

Lt Col Mark D. Stoup, *High Impact: How to Reinvigorate Your Military Justice Training Program*, THE REPORTER, Vol. 37, No. 2, at 20 (2010).

Lt Col (Ret.) Susan L. Turley & Major Kevin P. Stiens, *Uncontracting: The Move Back to Performing In-House*, 65 A.F. L. Rev. 145 (2010).

Lt Col Jeremy S. Weber, *Sentence Appropriateness Relief in the Courts of Criminal Appeals*, 66 A.F. L. Rev. 79 (2010).

Lt Col Kevin J. Wilkinson & Capt John Page, *CICA Stays Revisited: Keys to Successful Overrides*, 66 A.F. L. Rev. 135 (2010).

Maj John W. Bellflower, *The Influence of Law on Command of Space*, 65 A.F. L. Rev. 107 (2010).

Maj Matthew D. Burris, *Actions to Match Our Rhetoric or Rhetoric to Match Our Actions: The CIA UAV Program in Pakistan*, THE REPORTER, Vol. 37, No. 2, at 47 (2010).

Maj Matthew D. Burris, *Tilting at Windmills: The Counterposing Policy Interests Driving the U.S. Commercial Satellite Export Control Reform*, 66 A.F. L. Rev. 255 (2010).

Maj Robert P. Chatham, *Tactical Nuclear Weapons: Lawful Use in the Aftermath of the ICJ Opinion*, THE REPORTER, Vol. 37, No. 2, at 41 (2010).

Maj Timothy M. Cox, *Promoting Integrity From Without: A Call for the Military to Conduct Outside, Independent Investigations of Alleged Procurement Integrity Act Violations*, 66 A.F. L. Rev. 225 (2010).

Maj Kari M. Fletcher, *Defining the Crime of Aggression: Is There an Answer to the International Criminal Court's Dilemma?*, 65 A.F. L. Rev. 229 (2010).

Maj Byron D. Greene, *Bridging the Gap that Exists for War Crimes of Perfidy*, ARMY LAW., Aug. 2010, at 45.

Maj Frank D. Hollifield, *Yet Another Industry on the Taxpayer-Subsidized Dole: Why Section 8093 of the Continuing Authorization Act of 1988 (40 U.S.C. § 591) Should Be Repealed*, 65 A.F. L. Rev. 187 (2010).

Maj Conrad A. Huygen, *Expert Witnesses and Consultants: A Study*, THE REPORTER, Vol. 37, No. 1, at 38 (2010).

Maj Kevin C. Ingram, *DIILS in South Sudan: Using Security Cooperation to Overcome Post-Conflict Military Professionalization*, PARTNERS, Fall 2010, at 8.

Maj Charles G. Kels, *Confidentiality and Consent: Why Promising Parental Nondisclosure to Minors in the Military Health System Can Be a Risky Proposition*, ARMY LAW., Aug. 2010, at 12.

Maj Charles G. Kels, *Don't Ask, Don't Politicize*, ARMED FORCES JOURNAL, June 2010, at 36.

Maj Charles G. Kels, *Platforms for Medical Readiness*, THE REPORTER, Vol. 37, No. 1, at 31.

Maj Charles G. Kels, *Privacy and Admissibility*, THE NATIONAL LAW JOURNAL, 26 July 2010, at 39.

Maj Charles G. Kels, *Requesting Protected Health Information from MTFs: The Privacy Rule Meets the Privacy Act*, NEVADA LAWYER, Nov. 2010, at 21.

Maj Charles G. Kels & Maj Brendan Lucey, *Seizures and Driving Restrictions: The Unique Perspective of Military Practitioners*, MILITARY MEDICINE, Feb. 2010, at 86.

Maj Jeffrey G. Palomino, *Kelly Who?*, THE REPORTER, Vol. 37, No. 1, at 22 (2010).

Maj Keira A. Poellet & Marvin Ammori, *"Security Versus Freedom" on the Internet: Cybersecurity and Net Neutrality*, 30 SAIS REV. 51 (2010).

Maj Lynn Schmidt, *AFOSI Begins Recording Subjects*, THE REPORTER, Vol. 37, No. 2, at 19 (2010).

Maj Matthew E. Dunham, *The Fate of Cluster Munitions*, THE REPORTER, Vol. 37, No. 1, at 26 (2010).

Capt Aaron L. Jackson, *Habeas Corpus in the Global War on Terror: An American Drama*, 65 A.F. L. Rev. 263 (2010).

2d Lt Brendan M. Groves, *Civil-Military Cooperation in Civilian Casualty Investigations: Lessons Learned From the Azizabad Attack*, 65 A.F. L. Rev. 1 (2010).

CMSgt Debbie Stocks, *The Finest Professionals*, THE REPORTER, Vol. 37, No. 1, at 14 (2010).

TSgt Tanya Lopez, *Maximizing Court Reporter Utilization*, THE REPORTER, Vol. 37, No. 2, at 56 (2010).

SSgt Michael J. Badilla, *On Sentencing: Who's the Fairest of Them All?*, THE REPORTER, Vol. 37, No. 1, at 48 (2010).

ADDITIONAL PAPERS WRITTEN IN SATISFACTION OF EDUCATIONAL REQUIREMENTS

Lt Col Dawn M. K. Zoldi, *The Silent Threat To Readiness: Prescription and Over-the-Counter Drug Abuse in the Air Force* (Air War College).

Maj Kristine M. Autorino, *The DoD's Limited Ability to Support Civil Authorities in the Federal Response to a Pandemic Influenza* (LL.M. Program).

Maj Anthony W. Bell, III, *Forty Years Have Passed Since the First Computer Network Was Created: Is it Time for an International Cyberspace Treaty?* (LL.M. Program).

Maj Justin R. Dalton, *What's Good For The Goose is Good For The Gander: When Contractors Supporting DoD Acquisitions Should Be Subject to Personal Conflict of Interest Regulation* (LL.M. Program).

Maj Thomas A. Gabriele, *Could the Weapon Systems Acquisition Reform Act of 2009 Have Fixed the Problems That Plagued the F-22 Acquisition Project Back in 1981?* (LL.M. Program).

Maj John S. Fredland, *Building a Better Cybersecurity Act: Empowering the Executive Branch Against Cybersecurity Emergencies* (LL.M. Program)

Maj Lori M. Gill, *The ICRC's Prohibition of Targeting Dams Is Not Customary International Law* (LL.M. Program)

Maj Shandra J. Kotzun, *Emerging Contaminants: Department of Defense Engages the Future of Chemical Regulation* (LL.M. Program).

Maj Heidi L. Osterhout, *No More "Mad Money": Salvaging the Commander's Emergency Response Program* (LL.M. Program).

Maj Jeffrey G. Palomino, *Whose Rule? Whose Law? Filtering America Out of the Rule of Law Mission in Iraq* (Air Command and Staff College).

Maj Kristina D. Penta, *Sex Stereotyping and Subconscious Bias* (LL.M. Program)

Maj Elizabeth M. D. Pullin, *Contracting Out. The Road Here, The Road Ahead* (LL.M. Program)

Maj Justin A. Silverman, *"What's Good for M&M Enterprises is Good for the Country": Why the Federal Government Needs to Adopt the Corporate Model of Core Competencies In Its Outsourcing Decisions* (LL.M. Program)

Maj Justin H. Trumbo, *POISONED PATRIOTS: Re-Thinking Tort Recovery for Military Members Injured By Toxics in Base Housing* (LL.M. Program).

Maj Maxwell S. Smart, *Does AFRICOM Need Additional Fiscal Authorities to Accomplish Its Mission Set? The Fiscal Implications of AFRICOM'S Interagency Construct* (LL.M. program).

Maj Tiffany M. Wagner, *Painting the White Picket Fence Green: Implementing Federal Land Use Incentives to Ensure Smart Growth* (LL.M. Program)

Maj Daniel J. Watson, *How the Lead Systems Integrator Experience Should Enhance Efforts to Rebuild the Defense Acquisition Workforce* (LL.M. program).



SecAF Perspective

Leadership is as vital today as it ever has been in our Air Force history. I would like to start by describing the strategic environment in which we are operating and the context in which leaders will need to operate in the future, (Not just Air Force leaders in general, but also leaders from the JAG Corps legal community as well.)

A CHALLENGING ENVIRONMENT

It is important to recognize that we live in a world that is rapidly changing. The rate which change is occurring is very challenging, especially in three areas affecting our Air Force today; in technology, in the strategic environment, and in our resource environment as well. Enabled by technological innovation, the world is far more interconnected than ever before. The frequency, speed, duration, the breadth and depth of our inner interconnectedness has changed both the global economy and the security environment.

On the technology front, rapid advancement in communication has spread knowledge around the world leveling competition and causing us to work harder to maintain U.S. advantages, making us more interdependent with international partners. At the strategic level we are taking on new missions. Some of these missions are driven by these rapidly

changing technologies, such as missile defense, space situational awareness, remotely piloted aircraft and cyber to name a few. We face new challenges from terrorist organizations, from crime syndicates and drug cartels; quite different from those of our long-standing state-to-state relations.

It is important to recognize that we live in a world that is rapidly changing.

All of this occurs at a time of economic and fiscal crisis. The nation's revenue has slowed while our costs at the national level have increased sharply. The outlook is not good for the immediate future. The Congressional Budget Office estimates that our annual interest payments on the federal debt alone could equal what we are spending today on defense by 2020. The combined impacts of the federal debt, an aging population, and large entitlement programs have begun what will, over the next decade or so, become a growing strain on the federal budget with likely impacts on the resources available for defense. It is within this context that we must plan and operate. Going forward, our strategic choices will be more difficult and more important at the same time.



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

We are pursuing a balanced approach that seeks to maximize the effectiveness and the efficiency together across our core functions. As we do so, we will keep the care and development of our Airmen as a top priority. Our Airmen are the keys to successfully navigating our future. They are our strength. The JAG Corps, and our legal community in general, is central to leadership at deployed locations engaged in combat and also in garrison. As professionals, advocates and counselors, active duty, guard and reserve, uniformed and civilian, you support our mission to fly, fight and win America's wars effectively with confidence; offering alternatives and considerations to commanders in the spirit of the law, promoting justice, ethical behavior and accountability inherent to our constitutional values. You continue to play an important role in virtually every aspect of our current mission and management agenda: in helping to prepare Airmen and their families for deployment; in operations down range; detainee affairs; military commissions, contingency contracting, and the rule of law. Here at home, you are helping acquisition leadership shift major contracts from cost plus to fixed fee price arrangements. You are also helping to successfully sustain the government's position in contractor protests, most recently, in regards to bids for the KC-X tanker aircraft. You help us navigate public and private partnerships in collaboration with space and cyber domains, as well as in supporting basing decisions, environmental remediation, and Freedom of Information Act (FOIA) litigation. Right now, you are supporting policy makers in international law, relations with non-governmental organizations, and in formal agreements like the new START Treaty. The list goes on and on. In all of these areas, the powerful and effective partnership between the JAG Corps and our Air Force General Counsel's office has made vital contributions to mission success.

ENSURING COMPLIANCE WITH THE LAW

In helping this world class institution navigate a very challenging environment, it is your leadership in these roles that we hold at high esteem, and that we will leverage to meet the challenges that are associated with uncertainty, head on. A prime example where leadership is critical, and the JAG Corps' role is fundamental, has been the recent situation with the "Don't Ask, Don't Tell" (DADT) policy. This year, as you recall, in January the President in his first State

of the Union Address stated that he would work with Congress and our military, "to finally repeal the law that denies gay Americans the right to serve the country they love because of who they are."



In response, DoD civilian and military leadership established a process to assess operational impacts, if any, and to fully understand what other changes might be required if there were such a change in the law. The DoD Comprehensive Review Group, with the strong support of the DoD and Air Force legal and personnel communities, worked hard to complete a detailed report to the Secretary of Defense. Over most of the past year, the Department's intent and indeed our obligation has been that we will enforce existing law. This became more complicated where United States Code, Section 654 remained in force but its future was in question. The Air Force response to these events is a prime example of the importance that you all play to our Air Force leadership and the leadership influence that the JAG Corps has across our Air Force.

The moment that the Ninth Federal District Court declared the DADT law unconstitutional, The Judge Advocate General immediately engaged to ensure we were in compliance with the law. Leaders of all levels were provided with clear guidance for operating in this very uncertain environment. Rapidly supported with updated TJAG guidance to the field, this issue

always was and is about applying standards. Airmen at all levels understand that once standards are in place that they are to be followed and they will be enforced. But there has been along the way and will continue to be gray areas for commanders to deal with. Your leadership and professional advice is vital to sorting them out.

***We must always ensure
fairness and adherence to the
Constitution we serve.***

THE POWER OF DIVERSITY

Diversity has been another active personnel issue for myself and the Chief. Secretary Gates recently noted in a speech to students at Duke University how important it is that America be invested in her defense from all segments of society, because all of society has a stake in the outcome of decisions on when and how our military is used. It is important that all segments of society be invested in America's defense. In both principle and practice, we seek an Air Force representative of the people we serve. Fostering a diverse Air Force is also a military necessity, because we stand to gain enhanced military effectiveness from the diversity of thought and experiences that Airmen from wide ranging backgrounds bring to our Air Force.

America remains a melting pot—a multi-racial, multi-ethnic and multi-cultural society, to which immigrants from around the world have come to live out their dreams. In an increasingly smaller and more independent world, this represents a unique and strategic advantage to the United States. When we fail to welcome people of all backgrounds and segments of our society, we are simply denying ourselves access to the broadest pool of qualified people who can help us build a better and more effective Air Force. Recently, we held our first Air Force Diversity Summit where we began important deliberations about how we can more intentionally and effectively interest all Americans in Air Force service, how we can remove barriers to individual advancement, and how we can ensure that all Airmen are provided the mentoring and opportunities that they deserve to succeed. And while we push the envelope on this we

must understand where the legal and ethical minds are. We must always ensure fairness and adherence to the Constitution that we serve at each step.

In closing, I think that it is quite appropriate and timely that you have gathered at KEYSTONE to focus on the topic of leadership. Thank you and your families for service as Airmen, as members of the JAG Corps and the Air Force Legal Team. Your contributions are more critical now than ever as the world changes at an unprecedented rate across all contextual elements; technologically, strategically, financially, socially and more. These changes will continue to present both opportunities and challenges for Air Force leaders. It is indeed an exciting time to be in government, to be in the military, and to be in the field of law. It is an honor to serve with you in the world's finest Air Force.

QUESTION: *Given your experience at the Senate, White House and DoD, can you share your thoughts on the impact military experience has on developing national policy?*

ANSWER: I believe it is important for our national leaders to gain military experience at some point in their careers. Many of the officials that serve in our government come to Congress representing a local district or state. But none of those jurisdictions have responsibility for national defense or foreign policy, which are responsibilities shared by the President. So, it is very important that at some level in their career development, especially as they come to Washington, that we spend time interacting with members of Congress, with Senators and other officials to acquaint them with national security: specifically, what we do, how we operate, and how hard we try to engage them in supporting the direction that we get from the President and the Secretary of Defense.

QUESTION: *Will you share some examples with us, both good and bad, of Air Force leadership that you've seen?*

ANSWER: First of all, let me just say how proud I am of the relationship that we have developed in our Headquarters between the Chief of Staff and myself and the use of our staffs. In these military department headquarters, we have two staffs, both of which

have roots in Title 10; a senior military official and a senior civilian official. There is, in some respects, overlap in functions. There are shared functions between the Chief and myself but at every step of the way I think we have been successful in fostering a relationship where the staffs are able to work together effectively across those organizational divides. So, I feel very free asking questions directly of the A3/5 or A4/7 or other parts of the Air Staff just as the Chief feels very comfortable asking the Assistant Secretary for Acquisition questions and exploring issues on the Secretariat side. The partnership that has been developed between the JAG Corps and the General Counsel, I think, is indicative of that. I am very pleased at the collaborative relationship we have today.

Probably the largest challenge on the horizon is the modernization and recapitalization of our Air Force.

QUESTION: What one thing keeps you awake at night? And secondly, what one thing should keep us awake at night?

ANSWER: I think probably the largest challenge for which there is no immediate or simple answer on the horizon is the modernization and recapitalization of our Air Force. We have so many recapitalization needs in so many different mission areas that they are not all getting met on the time line that we would like to get them done. So, it's just going to take too long and probably cost more than we would prefer. We are working hard at that. We have a major modernization program in place for each of our core functions but we still have aging inventories and modernization requirements that are not being met. So, that is the biggest overhanging challenge, I think, for all the military departments.

Over the past 60 years of defense spending, most of the increases occurred in connection with overseas

conflict. There are a lot of resources when you are on the "up slope" that go into current operations. Now, we've bought a lot of remotely piloted aircraft (RPAs). We've modernized a lot of ISR capabilities. We are far and away a better Air Force today than we were 10 years ago for many different reasons, but much of the resources in the defense buildup of the last 10 years have gone to operations.

In terms of what should keep the JAG community up at night, I think that's a local phenomenon. In each command and each office there are those high priority issues that commanders worry about. But the good thing about the legal community is that your agenda is the commander's agenda. And that's a good thing.

QUESTION: On the technology side, we've moved from exclusively pilots in cockpits to RPA operators in Nevada, and we're not that far off, as one of our speakers talked about last year, from merely autonomous systems where the human in the loop gets more and more removed. When you are discussing or someone is proposing a new weapon system, to what extent do you factor in the effects on the Force? Or does the technology opportunity dominate and the Force will have to figure out how to deal with it? How does that balance?

ANSWER: Well, I don't think I've yet to see a weapons system proposed or a new technology come on board that doesn't have a person in the loop. People are in the loop in all of these systems. The issue is where the person is in the loop, and how much can we and how much should we allow the machine to make decisions for us. But there are always people in the loop. The question is how many and where we put them. So, on the technology side, I haven't had too much concern about autonomous operations. There are always people in the loop in some form or another.

QUESTION: We've just ended the Year of the Family and through that process we learned a lot about what we were and were not doing for families who have children and members in the exceptional family member program. We also learned there was a stark difference between the services, and granted this

is my assessment, the Air Force wasn't in the lead. Now that we have left the Year of the Family, are we going to try to catch up, and do you see some parity between the services in addressing the needs of these families?

ANSWER: Yes. The need to focus more on families with exceptional members was a strong outcome from the Year of the Family. We've already got in motion the changes needed to put more attention on our people, and resources. It is very much something under our control. With some minor modifications we think we should be able to make appropriate progress. Yes, we did go into this finding out that the Air Force had not paid as much attention to this as the other services. So, we have some catching up to do.

QUESTION: Sir, the United Kingdom recently announced some dramatic budget cuts including very significant cuts in military capabilities—a ten percent reduction in their armed forces. Are you concerned that our allies are curtailing their military capabilities and becoming too overly reliant and dependent upon the U.S. forces for international peace and security? And if that is a concern, what can the Air Force do to strengthen our alliances?

ANSWER: Certainly we have concerns when alliance members and NATO are not meeting or able to meet the commitments they have made with respect to their spending on defense. There are challenges in this. The global economy has affected all these countries not just the United States. We do have and will have our own constraints going forward. So, there are a lot of challenges here but I actually prefer to look at the flipside. This is an opportunity. There is strategic need for us to work more closely with alliance partners and other partners around the world on national security. It is more and more a team sport. There is more and more out there that we cannot accomplish on our own. We need the local knowledge. We need the local resources that go with having partners in the right places at the right times

with the right political orientation. So, I am hopeful that in the midst of budgetary difficulties across the globe, with respect to us and our alliance partners being able to keep up the modernization, keep up the size of the forces that we think we need, that this will drive us together rather than drive us apart. It is an opportunity that we should not miss.

I am hopeful that in the midst of budgetary difficulties across the globe...being able to keep up the modernization, keep up the size of the forces that we think we need...

QUESTION: Sir, I'm struck in your remarks by your mention of FOIA litigation. This is near and dear to my heart because that's what I do, but the reason it struck me was that in 30 odd years of an association with the Air Force, I don't think I'd ever heard a senior leader say anything at all about FOIA. Is there something you would like to share with the JAG leadership and the civilian attorney leadership?

ANSWER: Well, it's a pretty easy explanation. In my former job, I had this responsibility at the DoD level and I could see that the Air Force, actually, was challenged in this area and had some of the most—the longest outstanding cases within the Department of Defense. We kept a top ten list and the Air Force was always up on that list and thanks to General Lord, with the support of this community and others, we've driven those numbers down in terms of backlog FOIA cases. We've actually gotten kudos from some courts on the progress that we have made, and that has taken a team effort to bring on those improvements in the last several years. I'm very appreciative of that. 🙌

These remarks were made during the 2010 Keystone Leadership Summit and have been edited for this publication.



Gen Norton A. Schwartz
Chief of Staff of the U.S. Air Force



CSAF Perspective

The KEYSTONE summit is an extremely important event for the professional development of the Air Force team of attorneys and paralegals who perform an increasingly vital role as military operations become more and more complex. I am sincerely grateful for your daily professional efforts. The hard work that you perform with commitment, conviction, and heart makes an enormous difference to commanders, leaders, and servicemembers at all levels.

As the strategic environment evolves, operational requirements will emerge with associated legal questions.

RELYING ON YOUR COUNSEL

As Airmen first, we are all guided by our Air Force Core Values that help to define our professionalism and inform our efforts. *Integrity, Service, and Excellence*—together with the JAG Corps Guiding Principles of “wisdom, valor, and justice”—delineate the parameters of service for our JAGs, civilian attorneys, and paralegals.

Today’s Airmen must keep pace with a geostrategic environment that continues to grow even

more dynamic and complex. Certainly, we must appreciate the operational and legal implications of increasingly elaborate 21st-century battlespaces. Technology is enabling a wide array of capabilities, from lightning-fast information-sharing, to more precise, networked, and effective weapon systems, platforms, and armaments.

And, as the strategic environment evolves, operational requirements will emerge with associated legal questions. Most Airmen therefore will seek your counsel, and rely on you and others to help guide us through uncharted legal territory. Your ability to analyze operational and legal complexities, and to provide accurate advice faster than ever before, will have a direct impact on our Nation’s capacity to effectively project power across the spectrum of conflict as required to achieve our vital national interests.

I appreciate that the additional overlay of broad-ranging legal complexity requires no less than full commitment from motivated, conscientious, and capable individuals. I am very grateful for our legal professionals who address the wide variety of needs, from the airman basic who requires assistance on preparing a living will, to the squadron commander who requires clarification on operational rules of engagement, to the Joint Force Air Component Commander who relies on expert counsel to comply

with all operational restrictions—from the Law of Armed Conflict to local ROE.

I know that offering this breadth of service is not easy. But, you should expect that commanders will rely even more heavily on sound legal counsel. Due to an increasingly regimented and litigious environment wherein maintaining compliance with the law is not always intuitive, commanders and leaders expect their legal advisors to be subject-matter experts on the law, as well as actively steeped and engaged in the Air Force mission. Thankfully, our Air Force legal professionals are not mere spectators. We succeed in large part because our lawyers are operationally focused, and because they intimately know and actively engage in the Air Force “family business.” Being the Nation’s stewards of air and space power, and leveraging that power toward domain control and freedom of action in air, space, and cyberspace, is a very complicated undertaking—one that we must fulfill with excellence, and assured with safety, precision, and reliability.

RESISTING THE CULTURE OF “NO”

This presents both a daunting challenge as well as an exciting opportunity. Mission success will continue to hinge on utmost professionalism, commitment, and engagement across the board—from our operators who employ, to our maintainers who sustain, to our security forces that protect our weapon platforms and systems. And, it certainly includes our legal counsels who advise us on rules for engaging our adversaries, and who, with our intelligence professionals, advise us on weapon and target selection. We therefore expect from our legal professionals the same versatility and innovative spirit that are hallmarks of our Air Force. The entire team—operations and ops support—must be able to prevail across the spectrum of operations, from larger-scale conflict, to counterinsurgency environments, to reconstruction and stabilization efforts.

This is why I am encouraged by General Harding’s emphasis not just on knowledge of black-letter law; or expertise on legal procedures and processes; or competency in researching, interviewing, and writing. These competencies are decidedly critical, but so is knowing the client so that you can properly deduce the effect of context and broader circumstances on

specific issues. I appreciate that these are all focus areas for the JAG corps.

I also commend the emphasis on teamwork always—with your fellow Airmen, between attorneys and paralegals, and with our Joint, Interagency, and international partners. And, because we expect that our JAGs should be the “one-stop shop” for all legal matters, you all must be prepared to assist our teammates across the full range of issues, even if the matter at hand is not in your particular area of practice.

We need your help in creating an environment that resists the culture of “no.” The current architecture with field support centers facilitates this brand of teamwork and support. Especially for our JAGs who are deployed to South America, Europe, Asia, Africa, and, of course, the U.S. Central Command area of responsibility, this requires reachback support for centralized expertise across the full range of legal requirements, which the 11 field support centers provide effectively. All JAGs, regardless of particular specialty, are therefore empowered to provide sound, professional advice on myriad legal issues, as required by the commander in the field.

I appreciate that significant challenges still will remain. A dramatic example—one that is legally complicated, with enormous strategic consequence—is detainee operations. Just one dimension—detention and punishment, versus rehabilitation—can alone be staggeringly complex. Nonetheless, detainee operations is one mission area that we must perform absolutely properly, and in accordance not only with the letter of the law, but also with our unflagging belief in individual dignity. We therefore highly value the efforts of our JAGs—for example, at the 386th Air Expeditionary Wing—to ensure that our actions are above reproach, and do not enable adversaries to strengthen their propaganda or otherwise exploit missteps in treating detainees.

Again, this is but one extraordinary example. There are many others. For instance, as we help the Afghan people develop their system of central governance, our team of lawyers will continue to play a vital role in ensuring that it is done with the rule of law as the centerpiece. From strengthening popular sovereignty through the establishment of electoral processes and procedures, to the more difficult challenge of

legitimizing institutions such as duly-elected legislatures, functioning bureaucracies, and independent judiciaries, legal advice will be in exceptionally high demand. To emphasize their importance, we will deploy, for the first time, an Air Force general officer JAG to lend further expertise to this mission. In doing so, we will maintain our commitment to doing everything possible to meet the full range of combatant commander requirements—legal or operational, large or small.

PROFESSIONAL DEVELOPMENT AND PREPAREDNESS

Every Airman attorney and paralegal must be ready to deliver legal services—occasionally, on a time-critical basis, and without the opportunity to conduct exhaustive research. This level of preparedness requires a high level of professional knowledge, competency, and confidence. I am heartened by your current JAG Corps 21 approach in emphasizing “foundational leadership” and focusing inward on people.

I also am pleased that you have focused your attention and efforts on revitalizing the administration of military justice in the Air Force. We have a mature, time-honored system of military justice that supports the need for good order and discipline in our Air Force, and which must be responsive to commanders’ operational needs, while safeguarding fundamental fairness to the accused. It is therefore very appropriate that you continue to explore finding ways to improve the administration of this vital commanders’ program. Your emphasis on improving legal assistance products and skills says much of your desire and drive to take care of your fellow Airmen, and reflects your commitment to excellence and service.

Therefore, your professional education and training efforts to prepare you for these roles are to be applauded, as they meet the spirit and intent of the broader Air Force priority of “caring for and developing our Airmen.” By focusing the JAG corps on “brick-and-mortar” competencies—legal skill sets, professional knowledge, and professional situational awareness—we empower our legal professionals toward maximum effectiveness. And, in forging ahead, we will need sharp minds to consider legal ramifications as we devise and develop solutions to meet any number of evolving operational requirements. For example, I am encouraged that Airman

lawyers are thinking and writing about our efforts to assure access and freedom of action in cyberspace, as well as their implications on developing operations law in this increasingly critical domain. We face, as a starting point, the following issues:

- What constitutes use of force?
- How do traditional rules on the use of force apply to cyber operations?
- And, what must be done to protect U.S. national security interests and international stability in cyberspace?

These are but a sampling of important issues to be debated regarding this ever more vital and contested operational domain. And, again, we will look to you for sound advice.

CONCLUSION

In short, we will continue to rely on our JAG corps for guidance on wide-ranging operations law—from targeting and weaponeering, to Joint and multinational air and space operations, to information operations and computer-network defense. And, as a strategically-oriented and expeditionary force,



we will need advice on the law of armed conflict as it relates to the evolving geostrategic environment; international air, space, and cyber law; status of forces agreements; and other critical matters. The depth and breadth of issues on which commanders and leaders expect the JAG corps to advise is quite astounding. And, in similar fashion to the way we tailor air, space, and cyber effects, we need our lawyers to provide sound legal counsel with full appreciation of the totality of the circumstances, and with the appropriate amount of detail and nuance.

I know that you all are up to the task—one that involves, at its very core, standards. And, I thank you all for continuing to deliver, as your mission statement aptly summarizes, “professional, candid, and independent counsel, and full-spectrum legal capabilities to command and the warfighter.” As we proceed boldly into an uncertain future, commanders and leaders at all levels will require your continued commitment to providing a diverse JAG corps, and unbiased, unvarnished, and forthright legal counsel across the full range of matters—from disciplinary issues to operational concerns to how to “get to yes.” From handling everyday legal matters at stateside military bases, to tackling unprecedented legal challenges with Joint, Interagency, and international partners at forward-deployed locations around the world, our legal professionals, every day, have a direct effect on mission readiness and effectiveness, and unit cohesion, morale, and discipline. Airmen rely on you. Commanders rely on you. Secretary Donley and I rely on you, and we are very grateful for your efforts.

Ladies and gentlemen, I thank you for your service.

QUESTION: During this period of declining budgets, do you have any insight on how we can modernize our aging airframes and satellite infrastructure while also standing up new missions like the new cyber force under 24th Air Force?

Answer: It is important to understand what Secretary Gates is trying to do when it comes to efficiencies. It is not to reduce the budget. He recognizes the best we are going to be able to do when facing a trillion dollar deficit is hold our own, and probably not at the rate of inflation. The entire efficiency effort is to

squeeze overhead in a way that allows us to put more of our precious resources toward “tooth” and less to “tail.” It is not less money necessarily. The reality is that we really have to be more efficient so that we can be better warfighters.

For example, we have a launch contract for which the multi-year purchase expires in December. And guess what? The price is going to go up, substantially. Now, knock on wood, we’ve had 45-plus successful launches consecutively. So, people know what they are doing. But it is getting more costly to do what we previously did. We are going to continue to modernize airplanes and satellites. Thus the larger issue is finding ways for us to put money where it matters most.

QUESTION: We are four months into the implementation phase of the revised PT program. Have there been any surprises in the data you are seeing on the new program?

Answer: Our failure rate was about 17 percent when looking at the data through about the 10th of October from July 1st. That’s a little bit above what we saw with the previous standards, but not substantially so. It certainly isn’t the 25 or 30 percent that some forecasted. In addition, 45 percent of those who took the test scored 90 or above, which is much higher than the case previously.

We understand that there is still some friction here in terms of attaining absolute standardization in administering the test. But we are going to stay the course and continue to review the data. In the summer of 2011, we will take stock and decide what we need to tweak from a policy point of view that isn’t related to tactics and implementation.

There are three reasons I think it makes sense to be fit. One, each one of you is looking at me right now. You are kind of taking my temperature. You are thinking to yourself, does this guy look like I would expect a Chief to look like? My point here is that there is an expectation from the American people about what members of the armed forces look like. Being fit is such an expectation. That’s not the most important reason but it’s real.

The second reason is much more important. If we are going to operate in places where the temperature is 120 degrees, then our team needs to be fit.

The third reason is a bit more strategic but it is not trivial. Today the Department of Defense spends 40-to-45 billion dollars a year on health care. And by 2015, that's probably going to be between 60-and-65 billion. That is more than 10 percent of the entire DoD budget. So part of the strategic rationale for this is health care cost containment. If we are not careful, the United States Air Force or the Department of Defense could find themselves in a situation like that faced by America's struggling automobile companies, where personnel costs are so significant that they actually drive the content in product. Now in the case of car companies, a customer can buy other cars. But where else do you go for air and space power?

QUESTION: With the wars in Afghanistan and Iraq, and as we start thinking about what lies ahead for our service, what role do you see remotely piloted aircraft playing in the Air Force's future?

Answer: Remotely piloted aircraft have been enormously important to the conduct of combat operations in the last five years. We have the capacity now to provide situational awareness to joint teammates on the ground that was never possible before. That is an Air Force role, and we will continue to provide them with this crucial information.

RPA's are also very handy for tracking individuals. For everybody here, I think that it is important to know that being the operations officer for al Qaeda is not the longest-term assignment these days.

Looking to the future, RPA's are going to be part of our inventory. As we go forward, we will have to evolve our systems and our capabilities in a way that will allow us to operate in more contested air space. This is why manned high performance aviation is not going away. We need the F-35, for example, because you cannot operate RPA's with high confidence in contested air space at this time.

QUESTION: What is it that you value most in the judge advocates who have worked for you? What is it that you expect from us?

Answer: Candor and courage, and not trying to be too kind to the boss. Be respectful and do it the right way, but you have to tell the boss the truth. We are all moving so quickly now. It needs to happen in a very timely manner. Your personal credibility matters.

QUESTION: If a commander is trying to achieve some result, and the JAG's professional, candid legal advice to him is "no" or "I can't get you there from here," what do you expect from the JAG in that situation?

Answer: Loyalty. In the end, commanders get to decide. If it is illegal, you need to make that point in a very powerful way. But if this is in the area of discretion, then I think you have an obligation to respect that discretion and to be loyal even if you think it's not sound.

Let me finish up by just mentioning two things. We have a serious problem in the Air Force right now with suicide. In fact, we are at the highest rate since we started collecting statistics on suicides in the late 90s. The reason I mention this is that an Airman in financial trouble or some legal dilemma may seek your counsel. You have the potential for intervening, for going the extra mile, to either encourage an individual to seek help or to do whatever you can to lessen the likelihood that someone would take their own life. This is something that we need you to do. It is not just black-letter law. It is important.

Finally, we earn our reputation every day. But my charge to you is don't be timid and continue to be aggressive. Continue to see your role here as the legal underpinning of constitutional military service. Continue to recognize the role you play, not only in keeping people on this side of the line, but in maintaining and sustaining the precious reputation of our United States Air Force. Thank you for that, and thank you for your professionalism. 🙌

These remarks were made during the 2010 Keystone Leadership Summit and have been edited for this publication.



American Justice

We're fighting and dying for the rule of law all over the world, but if we don't watch it, we're going to lose it here at home. Mr. Stephen Zack, who is the President of the American Bar Association and a friend of mine, will tell you that funding here at home on the civilian side is at an all time low. If you're a politician, there are a lot of squeaky wheels out there and there's just not that many advocates back here at home for the court system. We take it for granted but access to courtrooms for the poor is becoming a real problem at the state and federal level. There's just not a big constituency for the public defender's office. If you're running for office the last thing you're going to say, "Vote for me, I'll increase public defender funding." That doesn't go over that well. In my state, the money available to the court system keeps going down every year and if it wasn't for y'all coming to South Carolina and speeding, we'd be in trouble. So, if you get a ticket you know it's going to a good cause.

But at the end of the day, without adequate funding and resources, we're going to be unable to serve the public that depends on legal services to mitigate and mediate every kind of problem known to mankind. I promised Mr. Zack to do the best I could this coming session to get Republicans and Democrats at the national level talking about increasing judicial pay. Chief Justice Roberts has indicated how hard it is to

attract men and women to the bench because a lot of people, like many of you, are getting ready to send kids to college, in their forties, in the prime of their legal life. They have good practices, they want to be a judge, but they've got to pay the bills. I want to recognize what Justice Roberts is trying to do for our legal system, talking to state legislators throughout the country, to make this a high priority.

***We're fighting and dying for
the rule of law all over
the world, but if we don't
watch it, we're going to
lose it here at home.***

We have a new Judge Advocate General. You know, I'm not going to get promoted so I don't have to say anything other than what I actually believe. But Lieutenant General Harding is a good man and I think he's got a good view of where we want to be as a force through Foundational Leadership. Every organization every so often needs to make sure that you're doing the basic things well and he took over from a great guy. Lieutenant General Jack Rives is now the right-hand guy, the executive director of the American Bar Association and that says a lot about you, about who we are as judge advocates. That job was in great demand. I'm sure you had hundreds of



Honorable Lindsey O. Graham
United States Senator, South Carolina

people apply to basically run the ABA day-in and day-out, and they chose a military lawyer, which I think reflects well on you and it certainly reflects well on Jack.

The issues our country is going to be dealing with in the next few years are the same issues we've been dealing with since 9/11. How many believe that the attacks of 9/11 were an act of war? How many people believe they were a crime? They're both. But the two legal systems that we're talking about, the criminal justice system and the law of armed conflict are distinctly different. This country is still struggling with whether or not we're at war. Part of what I'll be doing next year is trying to come up with a legal reform package that will get us back into a war footing, but understands that this is not your traditional war. We're not fighting a uniformed enemy. There is no capital to conquer, no Air Force to shoot down, no Navy to sink. It's an ideological struggle. And where is the battlefield? Is the battlefield Afghanistan and Iraq? Is it the United States and the Philippines?

If you get out of the intelligence gathering business in any war, particularly this war, you're going to pay a heavy price.

I would argue the battlefield is the whole world. That is the legal concept we have to embrace in my view. When you commit an offense of terrorism in the United States, is it different than if you were caught on the battlefield of Iraq or Afghanistan legally? Yes, it is. When something happens here at home, we have a different legal regime to deal with than if you're capturing someone on a foreign battlefield under the law of armed conflict.

Consider a couple of examples of the problems we face. First, when do you have to read a suspect their *Miranda* rights? When there's a custodial interrogation, right? When do you read someone their rights in intelligence gathering? Never. These are two distinct events, both of them important within the systems that they reside.

I would argue that we need a hybrid system here at home. We don't read *Miranda* rights to someone who is captured in Afghanistan and Iraq because that would be silly. We're fighting a war. We don't say, "You have a right to a lawyer." We capture you, treat you well within the Geneva Convention, but we also have the right under the law of war to interrogate you for intelligence gathering purposes. And in this war, it's vitally important that you get as much information as you can about the enemy so you can hit them before they hit you. The idea of dying is a welcomed event among our enemy. They're not deterred by the traditional concepts that a lot of people are deterred by. Intelligence gathering is the edge that we need to keep this enemy on their heels. If you get out of the intelligence gathering business in any war, particularly this war, you're going to pay a heavy price.

The second question is: have we gone too far? I would argue that when you capture someone here in the United States, like the Christmas Day bomber, someone who got on an airplane for the express purpose of blowing it up over Detroit, that the last thing you need to think about is reading that person their *Miranda* rights. The first thing you need to think about, is there another plane coming with someone like him? And you need to turn that person over to the experts who will gather intelligence not by torture, but by good techniques that have been time-tested.

I'm not an advocate of water boarding. I think that violates the Geneva Convention and takes us down the wrong road. But I'm also not an advocate of advertising to the enemy, "Here are the things we're going to do to you. Go online and check it out." Between the Army Field Manual and water boarding, somewhere in the middle is the right answer. We can have classified interrogation techniques that live within our values. We don't have that now. So, as a nation we need to come to grips with the idea that intelligence gathering is an essential part of the war and America is part of the war. The homeland is part of the war.

What I will advocate for is a hybrid system that when you capture someone you suspect is part of the enemy force, not a traditional criminal, but someone connected with al Qaeda or a like organization, that

within a certain period of time, days not weeks, you have to present to a federal judge your case, a probable cause determination and the judge will pass judgment on your case. If you can convince that federal judge that we have reason to believe that this activity, which would obviously be a crime, is part of a war effort by our enemies, then that judge can allow interrogation to continue without *Miranda* warnings and the assignment of a lawyer. You can do that several times in my view and eventually, the government has to elect what to do: either make that person an enemy combatant to be held under the law of war, assign them to a military commission trial, or go into Article III courts. I'm here to tell you the Article III legal system has a place in the war on terror. I don't think it's the exclusive venue, but it's a venue that we could use well.

The Article III legal system has a place in the war on terror.

In the Christmas Day bomber case, to me, there is no reason after we know what we know about this guy to put him in a military commission setting. He's probably not one of the al Qaeda leaders. You could try him pretty efficiently in the Article III system. The Times Square bomber is an American citizen. You can't use a military commission. Obviously, you have to use Article III courts.

But our country has to get its hands, head and heart around the idea that you can hold some people under the law of war without a criminal trial. There are 48 detainees in Guantanamo Bay that the Obama administration had declared to be enemy combatants, too dangerous to let go, but not subject to military commission or Article III trials. Now, that is a foreign concept in criminal law. I would never advocate under criminal legal procedures to hold someone indefinitely without trial. That takes the criminal legal system and turns it upside down. But under the law of war, it's been a tried and true concept that when you capture someone as part of the enemy force, you don't have to let them go right back to the fight. And if you criminalize the war, you're doing a great disservice to the criminal justice system and to your own nation because some of the

evidence that leads us to believe that you're an enemy combatant may not be the type evidence that you want to turn over to the accused. I am never going to advocate a trial where the accused has no idea of what he's being charged with or what the evidence is against them.

Some people in the past tried to do that, creating a military commission system where the defense attorney would be shown the evidence given to the jury, but not the accused themselves. If you are a defense counsel, how would you like to go to your client and say, "They're talking about what you did, but I can't tell you what they're talking about?" The right of confrontation goes away.

What I try to do with the military legal community is convince Congress and the public at large that what we do today can come back to haunt us tomorrow. If we legitimize a trial where the accused doesn't know what the jury is seeing and being presented to find them guilty, how would we like a trial in Iran where you have an American service member or CIA agent tried in an Iranian court and they never are exposed to the evidence that is being used to convict them? We would argue that violates the article through the Geneva Convention. What we do today will follow us tomorrow.

My time in the Air Force has been a blessing. It's the best experience of my life to wear the uniform of my country, to be a member of the Judge Advocate General's Corps of the United States Air Force, to



Col Graham visits with JTF-435 members in Afghanistan

do things as a lawyer I'd never get to do as a civilian, and those experiences have helped me, I hope and think, to be a better senator. The one thing I can say is out of all the voices that have spoken out in the last eight years, the military judge advocate community has been the loudest and the clearest in speaking truth to power. When the Judge Advocates General, all in unison, said that our detainee procedures were going down the wrong road, taking us away from the Geneva Convention and the values that we hold dear, that was different than what a politician would say. It resonated with the Congress. When General Rives and his contemporaries were called before the Congress to talk about interrogation techniques and trial procedures, they spoke truth to power. And as a result in 2009, we came up with a new military commission system working with the Obama administration that I'm extremely proud of and I hope we'll start to use it.

Our country has yet to come to grips with who we are in this war and what kind of legal system we want to use.

Our country has yet to come to grips with who we are in this war and what kind of legal system we want to use. Next year, we're going to have a debate in the Congress: should we read terrorist suspects their *Miranda* rights? My answer is, no, not right off the bat. Go to court and get permission to continue to intelligence gather. Should the CIA have the ability to interrogate terror suspects using something other than the Army Field Manual? I'm going to say yes. That doesn't mean that we're going to torture people. There's a classified section in the Detainee Treatment Act that Senator McCain and I helped write that allows the CIA to use interrogation techniques not in the Army Field Manual, supervised within our values—the enemy just doesn't know what they are. To me, that is an essential component of gathering intelligence is to keep the enemy off balance.

There's a great debate going on in this country, should Khalid Sheikh Mohammed, the mastermind of 9/11, be turned over to Article III courts? The answer I give is an unequivocal no. I have no problem with

using Article III courts in a measured, logical way. But if Khalid Sheikh Mohammed is not an enemy combatant, who would be? And is it smart to hold someone for seven years under the law of war, then turn them over to an Article III system that's not set up to deal with the issues that military justice has available to them? Is it smart to take that case outside the military justice system and have a federal judge deal with the speedy trial issue?

Everything in the military during a war is inherently coercive. When you capture somebody on the battlefield, it's usually at a point of a gun with a service member behind that gun. The military legal system understands that concept. You're integrating into Article III courts things that judges never deal with and there's a reason we have a military justice system distinct and apart from the civilian justice system. There's a reason that German prisoners were never tried in Article III courts in World War II—because we were at war with the Germans. The question is, are we at war with al Qaeda, the Taliban, and other affiliated groups? If you believe we are, then the things that I'm advocating, law of war detention, make perfect sense. If we're not at war, they don't.



If we don't recognize that we are at war, Americans are going to be at risk and get killed for no higher purpose. There is not a higher purpose being achieved when you turn Khalid Sheikh Mohammed over to a civilian justice system not prepared to deal with his case because you're saying two things: first, you're saying the military justice system is somehow defective. And the secondly, you're saying is that we don't buy this idea of being at war. I hope that he gets his day

in court soon. I hope it's a military court because I am confident that the military judge, whoever he or she may be, is well grounded in the law, understands the rules of law, and will do what is required under the law no matter how he or she feels about Khalid Sheikh Mohammed.

Within the next two years I believe that we're going to have a hybrid legal system that's national security-centric.

I am confident that the jurors, whoever the panel is chosen, will follow the law and give dispassionate justice. The Gitmo cases we've had in terms of verdicts and sentencing, have been very well reasoned. At the end of the day, the same people who administered justice to our own troops will administer justice in the war on terror. I have no problem with you and your colleagues in the other services performing that role for America. I know who you are and I know what you believe. I know how you're trained. I know you believe in the values I'm talking of to the point that you would die for them. So, I will not give an inch to anybody who suggests that the legal system that we've created that will be in your hands is somehow inferior. It will be open; it will be subject to civilian court review; it will be subject to reporters being present when appropriate. It will be everything that we hold near and dear on display and I think it will be, in my view, a good opportunity for the public to understand our military justice system and have the pride in it that I do.

If we go down the other road of criminalizing this war and not create legal systems that will keep us safe and balance the rights of the accused, we will be inviting bad things. You don't have to pick and choose. You can be safe and you can live within your values if you recognize the difference between robbing a liquor store and trying to kill innocent Americans or declaring war on our country. There is a big difference. This country has yet to resolve how to move forward.

In my view, we need habeas reform; we need some kind of hybrid system for *Miranda* warnings; we need a balanced selection process between military justice and traditional Article 3 courts. We need the CIA back in the interrogation business within our values, and Afghanistan. We need to push the Afghan government to have a security threat detention law so that we can keep these guys off the battlefield to give their people some breathing space. There are so many legal decisions in a time of war that have yet to be made that need to be made and here we are, nine years after being attacked, and we have yet to make those decisions as Republicans and Democrats.

But one thing I can say to you is that as I debate these decisions and advocate to my colleagues which way to go, most of what I have learned and lot of what I rely upon comes from you, from the Judge Advocate Generals, the people that I know who deal with this day-in and day-out. If you ever doubt how valuable you are to your country, I'll make a prediction. In the next 24 months, America is going to make some long overdue decisions at home and abroad about the legal aspects of the war on terror and you and your colleagues will help make those decisions. But more importantly, when those decisions are made, you're going to take center stage not just here at home, but throughout the world.

Within the next two years I believe that we're going to have a hybrid legal system that's national security-centric, where the military legal community is going to take a leading role in administering justice in the war on terror. Through you and your actions, the world will understand better the difference between a member of al Qaeda and our nation.

You will be the face of American justice. The fact that we give an al Qaeda member a trial based on evidentiary rules and findings, that we give them a lawyer, that we treat them within our value system does not make us weaker, it makes us stronger. The legal system that you all have sworn allegiance to and would die for is an asset, not a liability, in this war. As the coming months unfold, get ready and be prepared to show the world what American justice is all about. 🦅

These remarks were made during the 2010 Keystone Leadership Summit and have been edited for this publication.



THE OFFICE OF THE JUDGE ADVOCATE GENERAL



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



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

The Judge Advocate General (TJAG) serves as the legal adviser to the Secretary of the Air Force and all officers and agencies of the Department of the Air Force. He directs all judge advocates in the performance of their duties and is responsible for the professional oversight of more than 4,500 members of the Total Force Judge Advocate General's Corps worldwide. TJAG oversees military justice, operational and international law, and civil law functions at every level of command.

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

the Air Reserve Component Advisor to TJAG (JAR), the Air Force Trial Judiciary (JAT), the Professional Development Directorate (JAX), the Senior Paralegal Manager to TJAG (JAY), and the Civilian Professional Development, Plans and Programs Directorate (JAZ).

The Office of The Judge Advocate General oversees implementation of JAG Corps 21—an enterprise-level efficiency program. Since its inception in 2006, JAG Corps 21 established a network of eleven specialized Field Support Centers (FSCs) which augment legal office services worldwide. The enhanced services provided by FSCs include: (1) on-call reachback support, (2) the capability to perform tasks that are beyond the experience and expertise of installation legal offices, and (3) emergency/crisis response resources.

TJAG introduced Foundational Leadership in 2010—the latest series of efficiency-building initiatives under JAG Corps 21. After five years of comprehensive reorganization under JAG Corps 21, Foundational Leadership focuses on the individual professional development of every member of the JAG Corps—officers, enlisted, civilians...active duty, reserve, guard. Foundational Leadership improvement programs cover four areas: attorney-paralegal teaming, legal assistance, military justice and training.

Attorney-paralegal teaming is the combination of legal skills, professional knowledge, and professional situational awareness between attorneys and paralegals to produce an optimal working relationship. Teaming includes training paralegals in skills traditionally done only by JAGs, to

include: will preparation, interviewing, and discovery management.

Legal Assistance improvements include increased use of the legal assistance website to deliver services, will preparation by paralegals, and the use of webcasts to enhance Corps-wide training for attorneys and paralegals who practice legal assistance.

Military justice is about warfighting and this initiative focuses on improving the processes that enable the

warfighter to maintain a disciplined force. Improvements include new metrics that span date of discovery of the offense to action, new nonjudicial punishment metrics, and improvements to the docketing system.

Training is critical to readiness, professional knowledge and professional development. Field support centers provide a rich and tremendous resource for the JAG Corps; but, JAGs and paralegals must be trained in legal skill sets, professional knowledge of

law and process, and professional situational awareness to face the toughest challenges.

Through JAG Corps 21, and now Foundational Leadership, the entire Air Force JAG Corps continues to advance as a lean, agile, and effective force prepared for the modern legal environment.

Spotlight on

New JAG Corps Deployment Cycle

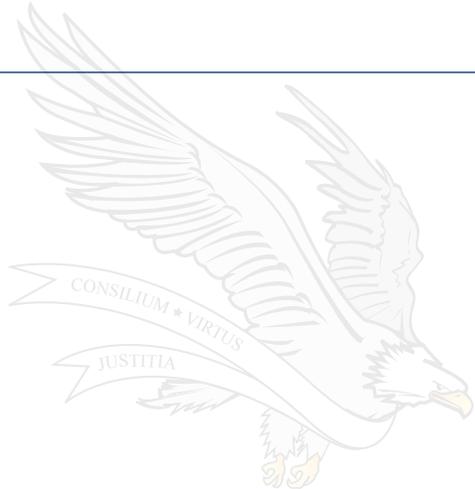
As missions in Iraq and Afghanistan drastically changed over the past year, so have the deployed commanders' needs for legal support. In response to the Combatant Commanders' increasing demands for more specialized and higher ranking TJAGC members, as well as feedback from judge advocates and paralegals, TJAGC realigned the Corps under AEF Tempo Band C. Tempo Band C's 24-month deployment cycle, vice Tempo Band B's 30-month cycle, better met the needs of the deployed commanders and maintained the health of the Corps. Although TJAGC will now be postured for deployment at a 1:3 boots-on-the-ground (BOG)-to-dwell ratio, each member's vulnerability period remained six months,

as did most deployment tour lengths. Most importantly, JAX continued to centrally source deployments and retained



its ability to control a member's personnel tempo. The tempo band realignment reduced TJAGC's deployment blocks per cycle from five to four, effectively

increasing the number of JAG Corps members available to deploy throughout each block. Moreover, the new tempo band eliminated the target base alignment that divided a unit's personnel into only two vulnerability blocks. Under the new tempo band construct, all TJAGC personnel were evenly distributed among the four deployment blocks, properly reflecting the reality that the Corps deploys primarily in support of the joint fight and not as part of a "lead wing." The realignment process required substantial effort on behalf of TJAGC's functional area managers and unit deployment managers. Their hard work ensured the Corps will continue to meet its enduring deployment obligations and remain ready to respond to any new contingencies.



JAA



*Mr. Conrad M. Von Wald
Director*

The Administrative Law Directorate (HQ AF/JAA or JAA) provides legal advice and assistance to the Air Staff; elements of the Secretariat including the Personnel Council, the Board for Correction of Military Records, and the Discharge Review Board; The Inspector General; and command and staff judge advocates on matters relating to the organization, administration, operation, personnel, and functions of the Air Force. In service to JAA are 26 active duty and civilian attorneys, 3 civilian paralegals, a military administrator, 3 civilian administrators, and 7 reserve attorneys. The directorate oversees the administration of homosexual conduct policy Air Force-wide, and reviews adverse personnel actions on officer personnel, including officer administrative discharges, promotion propriety actions, and senior officer unfavorable information files.

Three of the 26 JAA judge advocates provide direct legal and investigative support to the Air Force Inspector General (IG) and his staff on every IG investigation involving a subject in the grade of colonel-select and above, as well as civilian employee equivalents. One JAA

judge advocate provides legal advice to the IG Complaints Resolution Division on all investigations of reprisal, restriction, and improper mental health referrals, as well as requests for IG records. One civilian attorney serves as legal advisor to the Air Force Surgeon General (AF/SG). One military JAG serves as the legal advisor to the Air Force Chief Information Officer (A-6). Other divisions handle Services, Communication and Computer, Civil Liberties, Resource and Readiness, Military Affairs, Information and Privacy Law, and Professional Responsibility issues.

Finally, the directorate reviews and takes final Secretarial action on complaints under Article 138, Uniform Code of Military Justice, and provides legal reviews for actions pending before the Board for Correction of Military Records. During 2010, JAA was involved in a number of significant efforts, in a ubiquitous array of the law, including but not limited to:

PRESIDENTIAL ADVANCE AGENTS

The directorate assisted the Air Staff in drafting a memorandum of understanding with the White House Military Office (WHMO) that delineated tasking author-

ity, responsibilities, and accountability for Presidential Advance Agents. This effort ensured proper command and control of Agents stationed at installations around the world who are tasked to support special air missions at the direction of the Air Staff and Presidential Airlift Missions at the direction of the White House.

10 U.S.C. SECTION 654, "POLICY CONCERNING HOMOSEXUALITY IN THE ARMED FORCES"

JAA provided legal and policy development support to the comprehensive review working group (CWRG) directed by the Secretary of Defense to study repeal of the law commonly known as "Don't Ask, Don't Tell" policy. The directorate detailed a full-time JAG to the working group who assisted in the review and development of military equal opportunity policy, standards of conduct, personnel management, reentry and separations pay policies, benefits policy and the training plan to support implementation of repeal of this law and DoD policy change. The working group issued its report to the Secretary in December.

BIOMETRICS IN FORCE PROTECTION

Instrumental in the development of Department of Defense (DoD) policy governing use of biometrics in force protection and identity management, the Communications Law Division (JAA-C), drafted DoD policy guidance and the Air Force Policy Guidance Memorandum which will soon be released as an Air Force Policy Directive on this rapidly evolving technological area. JAA-C also provided direct assistance to base legal offices in the conduct of the biennial Telecommunications Monitoring and Assessment Program which resulted in a 100 percent General Counsel certification of all Air Force installations permitting uninterrupted continuation of OPSEC monitoring. JAA-C also provided a new section for the next edition of *The Military Commander and the Law* which provides guidance for the use of Social Networking Sites.

TOTAL FORCE INTEGRATION

JAA continued to assist with the review of Total Force Integration (TFI) initiatives to include Air National Guard (ANG) support for the Distributed Common Ground System that processes, exploits, and disseminates products from U-2, RQ-4, MQ-1, and MQ-9 aircraft. JAA joined with the office of the Secretary of the Air Force General Counsel to propose changes to the personnel composition of an ANG unit conducting federal space warning and installation security missions. As part of this effort JAA drafted legislation to expand the legal scope of duties authorized to be performed by Air Guard Reserve personnel. In its review of TFI initiatives, JAA highlighted issues concerning the constitution of units that include full time support reserve component personnel providing full time support to federal missions. JAA provide detailed counsel to the field on

the practice of civilian employees leading military units.

INFORMATION AND PRIVACY LAW/ FREEDOM OF INFORMATION AND PRIVACY ACTS

In conjunction with the Air Force FOIA office, Privacy Act office, and Records Management, the directorate put together and provided briefings for the first ever Air Force worldwide conference of FOIA, Privacy Act, and Records Management personnel. The Air Force conference followed and for the first time brought all Air Force Information, Privacy, and records management personnel together to hear how the Air Force collects and maintains records on individuals, protects the personal information of its personnel and the public from unauthorized use, and provides records and information to the public as required under the Freedom of Information Act. The directorate also continued to be heavily involved in record release decisions to the public on all significant FOIA requests, to include requests for congressional and Presidential travel information and senior official investigation records. The initiative to ensure the sharing of information between access and legal professionals continued, manifesting more consistency in the application of the FOIA and Privacy Act throughout the Air Force.

DEPARTMENT OF DEFENSE/AIR FORCE PUBLICATIONS

JAA provided legal reviews for hundreds Air Force and DoD publications. Legal and policy issues were wide-ranging, to include in coordination with SAF/IG the creation of the first "core" JA compliance inspection checklist for use by all MAJCOMs. The checklist streamlined the base inspection process and ensured all legal offices are inspected on core items of importance to the Air Force and Judge Advocate General Corps.

INSPECTOR GENERAL

The directorate in coordination with National Guard Bureau established procedures for obtaining defense counsel, when necessary, to assist Air National Guard general officers in responding to allegations of misconduct. JAA also identified inefficiencies with IGS intake and processing procedures and recommended revisions to those procedures, which were implemented by the Senior Official Directorate and resulted in more timely initial complaint analysis reviews. In the training arena, JAA expanded the program for IGs and supporting JAGs, providing briefings/updates at the IG Worldwide Conference, GATEWAY and SJAC. JAA reconstructed the JAG Guide to IG Investigations and added to it (and to FLITE) field requested templates which demonstrate detailed legal analysis in various areas that include Reprisal, Restriction, and Improper Mental Health Referrals. JAA also assisted the Air Force Inspector General of the Air Force (TIG) in creating the first-ever releasable TIG's Exemplary Conduct briefing for senior leaders.

OFFICER ADVERSE ACTIONS

Working closely with AFPC, the directorate re-drafted substantial sections of the forthcoming, long-awaited rewrite of AFI 36-3206, Administrative Discharge Procedures for Commissioned Officers. In doing so, JAA dramatically improved both its sensibility and readability. By way of example, for the first time, clear direction is given on how to process a "Drop-from-the-Rolls" case. Additionally, innovation appears in the form of requiring Board of Inquiry (BOI) voir dire to be conducted by legal advisors and also requiring that BOI testimony by a respondent be provided under oath. JAA also coordinated closely with AFPC and SAF/GC to institute better utilization of probationary officers. The specific focus was establish-

ing a formal process by which those who fail initial skills training are evaluated for re-classification. The process permits the streamlined discharge (apart from Show Cause proceedings) of officers not suited for any available re-classification opportunities. This latter feature was crucial to ending the "lazy" reassignment of training failures into already-overmanned career fields rather than undertaking a lengthy Show Cause action. Now those probationary officers who aren't up-to-par and not otherwise needed are quickly separated rather than "carried."

MILITARY AFFAIRS LAW

JAA participated in planning and review sessions with CAP-USAF and ACC to maximize use of the Civil Air Patrol as an auxiliary of the Air Force and to ensure new CAP mission to train airmen on remote sensing capabilities comply with federal law. Additionally, throughout the year, JAA provided guidance on novel issues affecting today's military installations to include: the ability of a commander to bar civilian occupants from privatized housing for the use of medically prescribed marijuana; the applicability of DoD's traffic safety program to ANG installations; and comprehensive commander authorities in privatized housing (all available as OPJAGs on FLITE). The directorate also participated in a working group tasked to create Air Force policy on investigation of active duty suicides, which culminated in the development of a new AFI which established an investigative review board for these types of deaths.

CONSTITUTIONAL AND PERSONNEL ISSUES

JAA reviewed a tremendous variety of constitutional and personnel matters to ensure compliance with legal and policy requirements. In that regard, JAA provided legal opinions on matters involving religious accommodation, free exercise

and establishment, including: immunization waivers, accommodation related to use of vehicles on the Sabbath, wear of religious head coverings in uniform, propriety of religious-oriented blogs, religious content in official speeches, and the balance of individual interests under the Religious Freedom Restoration Act against the interest in uniformity within the Air Force and among the Services. The Directorate also assisted in the implementation of new compensation authorities to promote retention of Remotely Piloted Aircraft operators and other stressed assignments, transition to a new statutory scheme for aviation pays, implementation of force shaping actions to reduce excess end strength in specified grades, and DoD and Air Force implementation of the Post-9/11 GI Bill.

ETHICS AND TRAVEL ISSUES

The directorate now serves as a minimally-manned Air Staff Ethics Office providing advice to Air Staff organizations and personnel on issues such as public speaking, funded travel, charity events, commanders' coins and awards, and conference organization and funding. Notable issues in the past year included clarification of Air Force spouse travel rules, permissible communication support to spouses serving as volunteers, overlap between official and personal social networking sites and content, and development of DoD and Air Force policy on compensation for senior mentors. JAA also advised AF/A1 on federal travel regulation matters such as entitlements for deployed personnel on indeterminate temporary duty and permissibility of official travel on terminal leave.

LEGISLATION

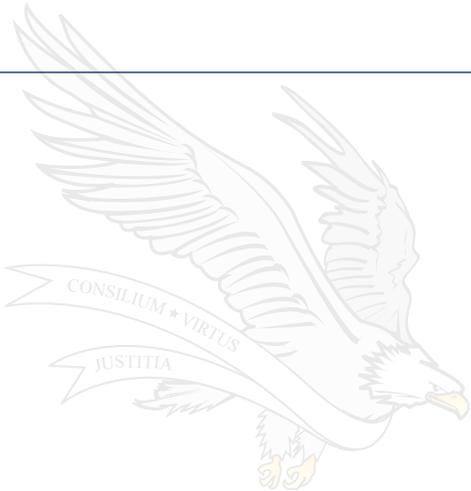
JAA reviewed hundreds of legislative proposals to identify potential adverse impacts and to improve the benefit to the Air Force and DoD. The Directorate

drafted statutory proposals to expand the authority of boards for correction of military records and to allow the Alaska Air National Guard to continue their present manning scheme in support of space surveillance and missile warning; both proved to be worthy but ultimately losing battles.

AIR FORCE FOOD TRANSFORMATION INITIATIVE (FOOD T)

The directorate, specifically, JAA-S the Services Law division, provided primary legal support for the successful initiation of what will modernize Food Delivery Services to Airmen who receive subsistence in kind. The contract for the first phase of the Air Force Food T was awarded for implementation at six Air Force installations. The concept will revolutionize Air Force food service to provide capability similar to what is provided on corporate, college, and university campuses—increasing food quality and variety while simultaneously reducing costs. In addition to mission essential feeding, each of the pilot installations includes an option to equally modernize traditional NAF food service facilities, including, for example, at bowling alleys, golf courses and Clubs.





JAG



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

The TJAG Action Group (HQ AF/JAG or TAG) is responsible for policy and special projects, strategic communication, and executive services. It includes five active duty judge advocates, two civilian attorneys, two paralegals, and one civilian administrator.

POLICY AND SPECIAL PROJECTS BRANCH

Branch personnel serve as principal policy advisors to TJAG. They are responsible for a myriad of policy documents, including policy guidance, mission directives, and TJAG Intent Papers. The Branch examines and makes recommendations concerning a variety of JAG Corps issues and initiatives, and leads, facilitates, and serves on special project teams. Finally, the Branch serves, when necessary, as a crisis management cell for TJAG.

This year's projects included helping define, articulate, and communicate TJAG's vision of Foundational Leadership. The Branch also helped lead the focus

on four key TJAG initiatives: attorney-paralegal teaming, training, legal assistance, and the revival in military justice. As part of Foundational Leadership, the Branch developed a "TJAG Intent" paper concept to articulate TJAG's vision for the JAG Corps. In support of TJAG's Foundational Leadership vision, the Branch conducted JAG Corps 21 Horizons sessions on Attorney-Paralegal Teaming and Training Requirements.

The Branch initiated the updating of the Base Legal Office Task List which for the first time includes the role of Field Support Centers and other JAG Corps 21 initiatives. The Branch also attended and supported the first two GATEWAY courses. The Branch briefed at a variety of events, including GATEWAY, the TJAGC New Colonels Orientation, and the JASOC NCR tour.

The Branch, in concert with JAZ, was instrumental in the development, administration, and stand-up of JAQ on

the Air Staff. The Branch also develops the agenda for large JAG Corps events (e.g., KEYSTONE and executive conferences).

Finally, the Branch manages facility matters for Air Staff directorates within the Pentagon. This year, that included leading the process as the AF/JA Front Office moved to its permanent location in the Pentagon.

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.

In 2010, the Strategic Communications Branch provided guidance to various agencies in several high-profile, high-media interest cases and conducted a first of its kind TJAG webcast to the entire JAG Corps. The Strategic Communications Branch also prepared several presentations on behalf of the senior JAG Corps leadership, facilitated speaker presentations, and prepared custom graphics for the 2010 KEYSTONE Leadership Summit.

EXECUTIVE SERVICES BRANCH

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

During 2010, the Executive Services Branch managed numerous promotion, retirement, change of command, and medal presentation ceremonies. In particular, Major Sheri Jones led the execution of multiple events related to the retirements of Lieutenant General Jack Rives, Major General Charles Dunlap, and Chief Master Sergeant Debbie Stocks, as well as the promotion and investiture ceremony for TJAG. The branch also coordinated a swearing-in ceremony at the Supreme Court of the United States for JAGs in the NCR, and visits to the Pentagon by three Judge Advocate Staff Officer Course classes from The Judge

Advocate General's School. During the 2010 KEYSTONE Leadership Summit, the Executive Services Branch managed all social events, including the TJAG Annual Awards Banquet, and coordinated all requirements for distinguished visitors, including Senator Lindsey Graham, the Secretary of the Air Force, and the Chief of Staff of the Air Force.

OFFICE OF THE SPECIAL COUNSEL TO THE JUDGE ADVOCATE GENERAL

Attorneys designated as special counsel to TJAG act as key advisors to TJAG and DJAG and serve as action officers for high-profile legal projects. Assigned projects are often for Air Force senior leadership and are generally sensitive in nature. The special counsel also act as a liaison with HAF agencies, AFLOA, the Major Command legal offices and others to gather data and legal recommendations; providing actionable recommendations to TJAG.

In September 2010, the Office of the Special Counsel was created and one attorney was designated as a special counsel. In November 2010, a second special counsel was named. During 2010, the Office of Special Counsel coordinated two Corps-wide responses to audits by the Government Accountability Office, compiled military justice statistics in support of TJAG's presentation to senior officers at the KEYSTONE Leadership Summit, assisted with high-level Corps personnel issues, oversaw the creation of a new database for homosexual conduct cases, and managed the tracks, electives, professional development sessions and MAJCOM breakout sessions for the KEYSTONE 2010 Leadership Summit.

2010 KEYSTONE LEADERSHIP SUMMIT

The TAG is the lead office for the planning and execution of the annual JAG Corps KEYSTONE Leadership Summit. This year,

KEYSTONE was held in Orlando, Florida, from 25-29 October 2010. The Summit was an unqualified success, with more than 700 judge advocates, civilian attorneys, paralegals, and distinguished guests participating. This year, our featured speakers included Senator Lindsey O. Graham; The Honorable Michael B. Donley, Secretary of the Air Force; The Honorable Charles A. Blanchard, General Counsel of the Department of the Air Force; General Norton A. Schwartz, Chief of Staff of the Air Force; General Douglas Fraser, Commander, United States Southern Command; Lieutenant General Michael C. Gould, Superintendent, United States Air Force Academy; Simon Sinek, Author of *Start With Why*; and Stephen N. Zack, President, American Bar Association. This KEYSTONE was held in conjunction with a meeting of the Comité Jurídico Militar de las Americas (also known as The Military Legal Committee of the Americas or COJUMA).



JAH



Col Barbara G. Brand
Director

The Air Force Court of Criminal Appeals has jurisdiction over: (a) all trials by court-martial in which the sentence includes confinement for 12 months or longer, a punitive discharge, dismissal, or death; (b) all cases forwarded to the Court for review by The Judge Advocate General of the Air Force under Article 69(d), UCMJ; (c) certain government appeals of orders or rulings of military trial judges that terminate proceedings with regard to a charge or specification and certain other rulings adverse to the government, pursuant to Article 62(a), UCMJ; (d) petitions for new trial referred to the Court by The Judge Advocate General, pursuant to Article 73, UCMJ; and (e) petitions for extraordinary relief under the All Writs Act, 28 U.S.C. § 1651.

Occasionally, a party will request oral argument in a case before the Court. The Court also may order oral argument sua sponte. Arguments normally take place in the appellate courtroom at Bolling Air Force Base, Washington D.C. However, periodically the Court hears argument at law schools and military installations across the country in furtherance of

“Project Outreach”—a program designed to educate civilian and military audiences about the military justice system. In 2010, the Court heard arguments before law school audiences at University of Mississippi, Suffolk University, Hamline University, University of Colorado, and Loyola University New Orleans. Argument was also heard at the CONUS Trial Advocacy Course in Charleston, South Carolina. These arguments were well received and perhaps served a serendipitous benefit of recruitment for the Air Force Judge Advocate General’s Corps.

In addition to performing their statutory responsibilities in 2010, members of the Court used their judicial experience to assist the Air Force and Department of Defense in other areas. Two judges from the Court serve on the United States Court of Military Commission Review (USCMCR) and heard arguments at the United States Court of Appeals for the Federal Circuit. Pursuant to the Military Commission Acts of 2006, the USCMCR has automatic appellate jurisdiction over any convictions under the Act and also hears appeals of issues taken prior to and during trial. Additionally, two appellate judges presided over environmental impact hearings in accordance with the National Environmental Policy Act in Arizona, South Dakota, North Dakota, Montana, and Wyoming. The hearings allowed for public comment on any potential change in base mission which could impact the environment.

Our judges and staff also participated in educational programs for judge advocates in all branches of the armed forces. One of our judges briefed on tips to avoid the top ten post-trial processing errors at the 14th Air Force Judge Advocate Post-trial Processing Conference at Vandenberg Air Force Base, California. The Clerk of the Court also gave several briefings on post-trial processing errors

in various venues to include the Senior Paralegal Managers Summit, KEYSTONE Leadership Summit, and the Air Force Judge Advocate General’s School. Finally, one of our judges participated in the 2010 Appellate Advocacy Symposium hosted at George Mason University Law School in Arlington, Virginia. The judge, along with the chief judges of our sister service appellate courts, educated attorneys on the appellate process and effective appellate advocacy from a judge’s perspective.

The Court continues to develop and implement the use of technology to make its operations more accessible to the public. This year, the Court began posting its orders on the Court’s website and also established an electronic docket which reflects cases currently docketed.



The Court again experienced changes in personnel, welcoming one new Senior Judge, two new Associate Judges, a new Chief Commissioner, and a new Honors Law Clerk after the departure of our previous personnel in those positions due to permanent changes of station. The Court continues to rely heavily on our strong, experienced group of reservists. In October, we had the pleasure of promoting our Reserve Honors Law Clerk, Major Diana Lee, to the rank of Lieutenant Colonel.

JAO



*Col Craig M. Miller
Division Chief*

During 2010, the Air Force Operations and International Law Division (HQ USAF/JAO or JAO) assisted The Judge Advocate General (TJAG) in developing Air Force positions and responding to international issues across the full spectrum of Air Force operations. In addition, JAO reviews multiple joint actions from across DoD departments and commands as well as from the interagency process. A few highlights follow:

LAW OF ARMED CONFLICT

JAO served as TJAG's office of primary responsibility for all areas related to the law of armed conflict program. JAO participated in numerous conferences, symposia and panels including a discussion with professors from Cambridge University, the Naval War College, and other sister service JAG representatives to discuss LOAC issues that arose from the war in Afghanistan. JAO reviewed numerous lethal and non-lethal weapons systems to ensure compliance with U.S. treaty obligations, domestic law, and customary international law. Such weapon reviews included a Marine Corps proposal to expand the use of a high powered

cartridge, and a Navy proposal involving hollow-point munitions. JAO addressed several issues pertaining to operationally procuring and fielding non-lethal weapons. JAO also prepared a briefing on legal issues concerning directed energy weapons for presentation at the High Power Weapons Conference in the UK.

AIR AND SPACE LAW

JAO was involved in the development of the U.S. position on the meaning of international responsibility for national activities under the Outer Space Treaty and clarified the relationship between the concepts of responsibility and liability under the Outer Space Treaty and Liability Convention. JAO also worked with USSTRATCOM on a proposed agreement for sharing space situational awareness (SSA) data with commercial and foreign entities. In coordination with SAF/GC, JAO reviewed the National Space Policy. JAO also attended the fifth annual National Space Forum.

DoD LAW OF WAR WORKING GROUP (LOWWG)

JAO represented the Air Force on the DoD Law of War Working Group on several initiatives. This working group, consisting of representatives from the four services' headquarters operations law sections and general counsel offices, tackles critical operations law issues such as identifying the permissible level of civilian participation in hostilities and whether the U.S. should ratify Additional Protocol II, the Ottawa Convention or other arms control agreements, a legislative proposal to prohibit crimes against humanity, participation in discussion with the American Red Cross, and review of the Belgian amendment to the Rome Statute prohibiting expanding bullets in Non-International Armed Conflicts. Additionally, the LOWWG regularly reviewed chapters for the new draft DoD

Law of War Manual which is expected to be completed by early 2011.

EXCHANGE OFFICER PROGRAM

JAO was fortunate to continue to have two exchange officers, one from the United Kingdom and one from Australia, as part of its legal staff. These officers provide in-depth expertise and perspective from their respective services on critical international law issues. Some of their other activities included serving as AF/JA representatives to the DoD Law of War Working Group, providing substantial support on the impending draft of the Law of War Manual, and managing JAO's reviews of all Air Force and joint publications. Additionally, JAO's exchange officers served as TJAG's representatives at the United Nations Peace Operations and Law Symposium in New York City.

FOREIGN CIVIL LITIGATION AND FOREIGN CRIMINAL JURISDICTION

JAO provided legal advice on several foreign civil and criminal jurisdiction matters that involved many different countries. JAO continued to serve as the JA lead for matters related to the conviction of an Air Force colonel in Italy, including coordinating with multiple Air Force and DoD legal offices to develop a consistent corporate approach to a complex FOIA request and to coordinate legal support for the colonel's appeal in an Italian court. Working with JAJM, JAO also reviewed a legislative proposal to amend MEJA to extend jurisdiction to overseas non-DoD federal employees and contractors. Along with DoD/OGC, SAF/GCI, and OSD Policy representatives, JAO met with German Parliamentarians to discuss U.S. experience regarding prosecuting servicemembers and paying claims for injured civilians and how the U.S. system (e.g., FCJ, SOFAs, MEJA, courts-martial) operates.

INTERNATIONAL AGREEMENTS

JAO provided support and assistance on a number of complex international agreement issues including review of several issues related to the new Strategic Arms Reduction Treaty (START), a proposed agreement with a nongovernmental Ugandan University, and a complex arms verification regime which contained different standards from previous regimes governing the same facility. JAO reviewed a Department of State request for Circular 175 authority to negotiate a cost sharing agreement with the Government of Japan. JAO also advised on the appropriate Air Force executive authority for an international agreement that included cost sharing and continues to maintain the Air Force database for all international agreements as well as providing the Air Force's annual report to DoD/GC.

DETAINEE AND MILITARY COMMISSIONS

JAO served as TJAG's lead for legal issues related to detainee operations and military commissions. JAO participated in DoD's Detainee Policy Task Force and reviewed its final report. JAO participated, along with Department of State officials, in DoD LOWWG discussion on DoD's proposed definition for "detainee" and review of the chapter pertaining to prisoners of war.

CYBER/INFORMATION

JAO experienced a significant increase in cyber related issues. JAO drafted an extensive legal review on cyber capabilities as they relate to compliance with the law of armed conflict. In addition JAO reviewed the National Strategy-Cyber Operations Implementation Guide, the Air Force Doctrine Document on Cyberspace Operations, the DoD's Counterintelligence in Cyberspace Implementation Plan, the National Defense Cyber Policy, and issues related to establishment of U.S. Cyber Command. JAO also reviewed various legislative

proposals related to cyber authorities. Upon TJAG's recommendation, DoD/GC stood up a DoD working group to develop guidance on cyber operations. JAO serves as TJAG's representative to this working group.

INTERNATIONAL OPERATIONS ISSUES AND JOINT ACTIONS

JAO continued to serve as TJAG's designated Joint Readers and provided legal support to a wide range of joint actions for 2010 that covered a broad spectrum of international operational issues including review of PLANORDs for AFRICOM, USNORTHCOM, and SOMALIA; CONPLANS for AFRICOM, PACOM, and USNORTHCOM; and EXORDs for Nuclear Security Summit, and ANG activities to support DHS on southwest boarder, and Pakistan Humanitarian Assistance/Disaster Relief Operation. JAO reviewed the Air Force report to the Intelligence Oversight Board and participated in the Air Force Intelligence Oversight Panel. Additionally, JAO represented AF/JA at the Air Force crisis action team in several exercise and as activated for event driven situations. JAO coordinated on several mobility packages and a wide variety of intra- and interagency matters.

WORKING GROUPS

This year JAO represented TJAG in several Air Staff level working groups that include interagency participants. Such forums included the DoD Law of War Working Group (LOWWG), Air Force Operations Group, Air Force Doctrine Working Group, Aviation Fees Interagency Working Group, COOP Working Group, Force Protection Committee Steering Group, Pakistan-Afghanistan Coordination Cell, and the Proliferation Security Initiative (PSI). DoD/GC concurred with JAO's position on the United States' message for a diplomatic meeting that considered a proposed amendment to the Montreal

Convention to criminalize the civil air transportation of WMD. As part of the COOP Working Group, JAO reviewed the EXORD on Emergency Preparedness for the National Capital Region and participated in a National Level Exercise. JAO also participated in a joint working group with the HQ National Nuclear Security Administration.

TRAINING, CONFERENCES, AND OUTREACH

JAO served as the Air Force lead for inquiries related to LOAC training under the expeditionary training program as the Air Force transitioned from AEF Cycles to the AEF Schedule, ensuring that bases understood the training and reporting requirements. JAO continued to submit LOAC training inputs for TJAG's Article 6 visits, assisted AF/SG in drafting a revised AFDD that addresses LOAC issues for medical personnel, and revised several instructions on the Air Force implementation of the DoD Law of War program. Additionally, JAO attended the PACOM and EUCOM SJA conferences. JAO provided substantial support to improving the content of the Judge Advocate's Advanced Contingency Skills Training Course (ACST) for JA personnel deploying to Iraq and Afghanistan and routinely instructed on ROE at the Combat Airman Skills Training (Fort Dix, New Jersey). JAO led a seminar at Air Force JAG School's first two GATEWAY courses on a variety of international issues and assisted with the JAG School's JAGFLAG exercise. JAO coordinated/ hosted a NORTHCOM sponsored engagement visit by attorneys from the Mexican military to provide briefings from JAX, JAJM, and JAO. Finally, JAO staff welcomed a third year law student from Duke University Law Center for a fall semester internship.

JAQ



*Col Mark S. Teskey
Director*

On 1 October 2010, the Acquisition Law and Litigation Directorate (HQ AF/JAQ) stood-up in answer to the Chief of Staff's call for "Recapturing Acquisition Excellence." The Air Force has developed an Acquisition Improvement Plan to ensure the Air Force acquisition system delivers products and services that perform as promised—on time, within budget, and in compliance with all laws, policies and regulations. The directorate is the Air Staff lead in supporting the plan and the Air Force's acquisition goals.

AF/JAQ's specific roles are to: Provide counsel to The Judge Advocate General (TJAG) on acquisition law and assist TJAG in providing acquisition advice at the headquarters level; assist the Secretariat (SAF/AQ and SAF/GC) in the review and evaluation of Air Force acquisitions; oversee and direct the representation of the Air Force in legal challenges to acquisition decisions and contract claims made against the Air Force; formulate and issue policy pertaining to litigation and the resolution of claims based on litigation developments and risk factors; serve as functional manager for more than 250

JAG Corps personnel worldwide who advise on major systems and other types of acquisition, providing executive leadership for those attorneys and support personnel; ensure JAG Corps assets are organized, trained, and equipped to provide expert acquisition legal advice; and interface directly with the Air Staff, sister Service counterparts, Department of Defense agencies, the United States Department of Justice, legislative and executive agencies of the United States, and representatives of foreign governments.

To carry out these responsibilities, AF/JAQ is organized into three divisions: The Policy, Plans, and Programs Division; the Litigation, Alternate Dispute Resolution (ADR), and Multifunctional Independent Review Team (MIRT) Division; and the Acquisition Law Division. To facilitate the execution of the Air Force JAG Corps' acquisition advice in the field, the Director of AF/JAQ has the additional responsibility and role as the Director of the Air Force Legal Operations Agency's Commercial Law and Litigation Directorate (AFLOA/JAQ), which contains the Commercial Litigation Field Support Center and Contract Law Field Support Center.

AFLOA/JAQ

In furtherance of the Secretary of the Air Force and the Chief of Staff's acquisition excellence initiative, the Commander of the Air Force Legal Operations Agency (AFLOA) stood up the Commercial Law and Litigation Directorate (AFLOA/JAQ) on 12 January 2009. The directorate consists of two field support centers: The Commercial Litigation Field Support Center (CLFSC) and the Contract Law Field Support Center (KLFSC). The directorate is responsible for oversight, strategic planning, and resourcing of the two field support centers. The Director of JAQ also serves as the director of the

Director of the Acquisition Law and Litigation Directorate for the Air Staff.

COMMERCIAL LITIGATION FIELD SUPPORT CENTER

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

In 2010, the CLFSC vigorously represented the Air Force in a variety of venues. The CLFSC defended contract protests and contractor claims against the Air Force before the Armed Services Board of Contract Appeals (ASBCA), at the Government Accountability Office (GAO), and in Federal Court. At the end of FY10, the CLFSC reorganized from functional branches into litigation teams in order to provide the most effective utilization of manpower possible and ensure continuity for long-term litigation. The CLFSC retained a Special Litigation Team to represent the Air Force in matters relating to intellectual property, bankruptcy and surety, housing privatization, and enhanced use leasing. The CLFSC's litigation activity in these areas is summarized below.

FEDERAL COURTS

The CLFSC represents Air Force interests in commercial disputes before the U.S. Court of Federal Claims (COFC), Federal District Courts, as well as appeals to the U.S. Court of Appeals for the Federal Circuit (CAFC), and the United States Supreme Court. Among its 2010 suc-

cesses was the highly significant CAFC decision in *Alabama Aircraft Industries v. United States and The Boeing Company*, a decision that reversed a prior ruling by COFC. At issue was an unsuccessful bidder's post-award bid protest arising from its failed bid for the Air Force billion-dollar-plus best value contract to perform long-term maintenance on our tanker fleet. COFC granted the bidder partial judgment on the administrative record and permanent injunctive relief, as well as bid preparation and proposal costs. CAFC reversed, holding that the Air Force's price-realism analysis for cost/price evaluation was reasonable. CAFC's decision criticized the COFC judge for having interjected an evaluation factor not present in the solicitation.

The CLFSC has also been working with the Department of Justice this past year (and continuing into FY11) in the nettlesome arena of Federal District Court challenges to in-sourcing of performance previously provided by contractors. Late in the fiscal year, the CLFSC obtained a dismissal on jurisdiction and standing grounds of one such in-sourcing challenge in *Vero Technical Support, Inc. v. U.S. Department of Defense*. The challenges continue, with six cases brought to date. A more recent Air Force in-sourcing victory was a FY11 dismissal, *Harris Enterprises, Inc. and Speed Aviation v. United States Department of Defense and United States Air Force*, this one before the U.S. District Court in the Western District of Texas. Defending in-sourcing decisions promises to be an ever-increasing activity as FY11 progresses.

GAO BID PROTESTS

Bid protests continued to draw significant attention in 2010 with 224 protests closed in FY10, a 17 percent increase from FY09, with FY09 having been an 11 percent increase from FY08. The number of

affected procurements has expanded by an even larger percentage, from 116 in FY09 to 155 in FY10 for a phenomenal growth in excess of 33 percent. The trend for increasing bid protests is driven by the shrinking number of procurement dollars available for defense contractors, along with the downturn in the economy; and perhaps most importantly, the increasing demands on the acquisition community as their experience levels decrease. Despite this considerable increase in bid protest activity, the CLFSC had only two sustained protests in FY10, reflecting less than one percent of protests filed against the Air Force.

By far the most common theme from protests resulting in a need for corrective action are improper evaluations and failure to document the evaluation process. Examples of improper evaluations included such things as removal of a page limit after an offeror had submitted a proposal in excess of the limit, but without providing other offerors the same opportunity. Another was source selection using a "Low-Cost, Technically Acceptable" rationale, rather than following the "Best Value" process dictated by the solicitation. Others have involved application of evaluation criteria not stated in the solicitation. In the failure-to-document category was a protest where GAO found that the Source Selection Authority's rationale was not recorded contemporaneously and testimony was conclusory. Without support for conclusions, GAO is unlikely to find a decision was rationally based. A one sentence summary of an evaluation in the source selection decision, without any written documentation of the evaluation itself, will simply not be defensible.

When the Air Force improperly establishes a contract and discovers the impropriety, it takes corrective action. Occasionally corrective action is accomplished to per-

mit recompetition. Recompeted contracts included occasions when requirements were unduly restrictive; when an awardee was ineligible, such as improper consideration of a large business for a small business set-aside; and when specifications were copied directly from one bidder's product specifications. Organizational conflict of interest issues occasionally result in resolicitation, such as an instance where an individual in charge of evaluations was alleged to have an improper relationship with the putative awardee. Another instance involved a procurement official purchasing Super Bowl tickets from the awardee. Yet another instance involved a company that had assisted with development of specifications and then became a competitor.

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

The CLFSC has seen an increase in protests from locations in the Central Command area of operations where the protestors have hired civilian counsel in the United States to represent them. The CLFSC also now represents the U.S. Transportation Command for its bid protests (as well as significant commercial litigation), and this past year successfully defended a \$750 million contract award.

ARMED SERVICES BOARD OF CONTRACT APPEALS

The CLFSC had a banner year at the ASBCA, successfully resolving dozens of appeals without even a single total victory for a contractor claim, and only two partial victories (with those two resulting in recoveries of only five percent of the amounts claimed). The ASBCA's 109-page decision in the appeals of *American Renovation and Construction Co.* continues to be a highlight, now proceeding from the ASBCA's sustainment of the contracting officer's revocation of acceptance and default termination, both for gross mistakes by the contractor amounting to fraud (a very rare decisional basis). This involved a contract for 122 duplex and single family housing units on Malmstrom AFB, Montana. The briefing in this case exceeded, in total, close to a thousand pages, and the evidentiary record exceeded 90 thousand pages, plus an array of CDs and DVDs. The ASBCA decision directly benefits a \$20 million Air Force claim for damages, docketed by COFC (with the contractor's appeal now likely to be withdrawn with prejudice). In another case, the ASBCA ruled that SUFI Network Services, Inc., was entitled to recover only \$7 million on its total claim of \$147 million for contracts involving telephone network operations in Europe. This is the eleventh case from the same appellant over the past six years.

The CLFSC continues to defend 86 open appeals at the ASBCA, with close to \$700 million in total claims, including cases with potentially significant impact on DoD as well as Air Force operations. One such case is "Redlands," the Air Force's largest procurement-related litigation with \$228 million claimed for anticipated cleanup and tort defense costs for groundwater contamination at a rocket motor production site from 1966 to 1973. This Boeing/Lockheed case may

set a precedent and create an incentive for other contractors with similarly high valued indemnification claims—claims relating to contracts issued since 1958 containing indemnification provisions (there are potentially 2,500 such DoD contracts). Currently pending before the ASBCA in the Redlands case are motions, cross-motions, replies, etc., with filings totaling over 2,000 pages, not counting exhibits. Another set of significant cases arise from the weight growth of GPS satellites and consequent disagreements with the Boeing/Lockheed-formed United Launch Services company over the costs attendant to use of more capable launch vehicles—confronting the Air Force with monetary claims above the quarter billion dollar range.

BANKRUPTCY AND SPECIAL LITIGATION

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

INTELLECTUAL PROPERTY

The CLFSC provides advice to field offices, other Air Force members, and organizations around the world in subject areas including patents, trademarks, copyrights, technology transfers, trade

secrets, data rights, and software rights. The CLFSC also defends the Air Force against administrative claims alleging patent and copyright infringements, and defends the Air Force in litigation involving all aspects of intellectual property law. The CLFSC also defends the Air Force in litigation involving all aspects of intellectual property law, including administrative claims filed pursuant to the Department of Defense FAR Supplement (DFARS) alleging patent and copyright infringements.

The paramount matter in 2010 was the adverse CAFC decision in *Honeywell v. United States* in which it reversed the trial court's decision that the Government did not infringe plaintiffs' invention directed to night vision goggle compatible aircraft cockpit displays because the asserted patent was invalid. A third-party defendant and display manufacturer has filed a petition for a writ of certiorari before the U.S. Supreme Court. Other matters that reflect the broad spectrum of intellectual property issues include the following: Trial as to the quantum owing to plaintiff for improperly disclosing proprietary information that had been received under a cooperative Research and Development agreement; patent infringements involving a DoD-wide inventory control identification system and a technique for mounting ballistic missile heads inside aircraft external fuel tanks; copyright infringements involving a database management software and alleged failure to pay performance royalties for musical works; trademark infringements involving an affirmative lawsuit to preclude defendant from improperly using the falcon trademark of the U.S. Air Force Academy and the Air Force Coat of Arms; and DFARS data rights disputes involving a new universal aircraft mounting interface and a medical training course for pain management.

HOUSING PRIVATIZATION

The bulk of new housing for airmen and their families has proceeded from a housing privatization process, whereby housing is provided through private construction with the developer collecting Basic Allowance for Housing (BAH) and the Air Force forgoing the need to construct these units. This CLFSC responsibility involves providing pre-solicitation advice to the Secretariat (SAF/IEI and SAF/GCN) and the Air Force Center for Engineering and the Environment concerning major procurements where sole source procurements are contemplated. The CLFSC also was involved, through an Executive Steering Group, in moving 37 housing privatization projects through to the solicitation phase since September 2009. Another aspect upon which the CLFSC repeatedly is consulted is the scope and application of Commander's authorities in privatized housing projects.

ENHANCED USE LEASING

The CLFSC provides advice to the Air Force Real Property Agency concerning the litigation risk surrounding the competitive process for leasing of little-used property at various bases under the Enhanced Use Lease Program, pursuant to 10 U.S.C. § 2667. This statute permits the military departments of the Government to lease non-excess property for either case or in-kind consideration (i.e., alteration, repair, or improvement of the property or other property or facilities, or some other service). A competitive process is used to select private offerors, who submit offers via a Request for Qualifications.

CONTRACT LAW FIELD SUPPORT CENTER

The Contract Law Field Support Center (KLFSC) is undergoing rapid change as 2010 ends and 2011 dawns. As new personnel are hired and brought on-board in the coming months, the KLFSC will expand and grow its acquisition law capability to encompass a wide variety of missions.

Per the Memorandum of Agreement between AFMC/CC and AF/JA signed in January 2010, the KLFSC's Enterprise Sourcing Branch will provide direct legal support to the Air Force's Installation Acquisition Transformation (IAT) initiative. IAT will utilize economies of scale and volume discounts through strategic sourcing across the entire Air Force. On October 29, 2010, the Air Force stood up the Enterprise Sourcing Group to identify commodities and services as viable candidates for strategic sourcing, and then to acquire those commodities and services. The various field locations reporting to the Enterprise Sourcing Group are all directly supported by KLFSC attorneys, including a dedicated staff in the National Capital Region to ensure consistency of legal advice and to provide reachback capability to the field locations. The IAT initiative will result in significant savings of budget dollars.

The KLFSC's Field Support Branch also provides reachback capability to Air Force legal offices at all levels of command, including deployed locations, on issues of contract and fiscal law. The

KLFSC staff in this area is growing, to meet the growing demand for expertise in these areas.

As the KLFSC continues to grow, it will expand its reachback expertise to include a branch dedicated to providing reachback capability for on higher-dollar acquisition actions, focusing on source selection issues. This branch will also provide direct liaison with AF/JAQ, SAF/GCQ and SAF/GCA on matters of acquisition and fiscal policy. Eventually, the KLFSC will also stand-up a branch focused on providing support to non-AFMC bases and MAJCOMs on matters involving acquisition fraud. This will relieve bases of having to appoint and train individual acquisition fraud counsel as subject matter experts pursuant to AFI 51-1101. The Acquisition Fraud Branch will provide an expert point of contact to work with base and MAJCOM attorneys, the Air Force Office of Special Investigations (AFOSI), the Defense Criminal Investigative Service (DCIS), U.S. Attorneys, and SAF/GCR on all matters involving acquisition fraud outside of AFMC. This Branch will work closely with AFOSI and DCIS investigators to develop and guide all values of fraud cases, with an eye to litigating cases under \$1 million for Department of Justice, ensuring that smaller dollar value frauds receive the appropriate attention.

Captain John Page

Perspective of a Contract Law Field Support Attorney

Acquisition law is one of the most important fields in the AF JAG Corps today. Our acquisition units support both the warfighter and the mission; without them, we would have no aircraft, buildings, infrastructure, or contract services. Clearly, the smooth functioning of the acquisition process is one of the keys to the Air Force's success. By defending the Air Force against contract protests and appeals, the Commercial Law and Litigation Directorate (AFLOA/JAQ) helps the warfighter and the Air Force mission.

As a member of the brand-new Field Support Branch of the Contract Law Field Support Center (KLFSC), I am a contract and fiscal law issue-researcher for attorneys throughout the Air Force. The KLFSC is set up to be a clearinghouse of contract law expertise, and I've had the opportunity to answer all kinds of contract and fiscal law questions from everywhere. We field routine questions from base attorneys who are new to acquisition law, complex questions from experienced attorneys, and extremely nuanced questions from deployed attorneys around the world. Because of the experience and subject

matter expertise cultivated at the KLFSC, I've trained units from all over the Air Force, Army, and even members of other agencies in contract and fiscal law subjects.



One of the exciting aspects of being assigned to the KLFSC's Field Support Branch is that I also get to litigate cases with AFLOA/JAQ attorneys in the Commercial Litigation Field Support Center. Contract litigation informs us about potential weaknesses and critical areas of focus in contract formation and management—in other words, contract litigation makes me a better contract Field Support attorney.

Right now the KLFSC is small, but it's about to expand in a big way. The KLFSC will soon have over three times its current manpower. It will be providing multiple attorneys for each facet of contract law: Field support advisors, source selection experts, enterprise sourcing attorneys, and an acquisition fraud team. The KLFSC is poised to become a major force in Air Force contract law, and it's extremely exciting to be a part of it right from the beginning!

JAR



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

The Air Reserve Component (ARC) Advisor to The Judge Advocate General is responsible for providing counsel to TJAG on all matters pertaining to the ARC's 842 judge advocates and 421 paralegals. The ARC Advisor develops policy and training requirements, oversees the Corps' Air Force Reserve and Air National Guard judge advocate recruiting program, handles judge advocate assignments and attachments, oversees the allocation of Military Personnel Appropriation mandates among ARC judge advocates and paralegals in support of active duty missions, and serves as the JAG Corps' liaison to the Chief of the Air Force Reserve and his staff.

POLICY MODERNIZATION

2010 has seen the rewriting of the ARC's policy guidance, found in Air Force Policy Directive 51-8 and Air Force Instructions 51-801 and 51-802. This year's modernization reflects our Corps' current practice, and provides a framework for future growth. Among the changes are substantial revisions to judge advocate and

paralegal eligibility requirements, application and accession processes, and assignment procedures, as well as education and training requirements and management policies. These three documents articulate a clearer picture of the Corps' mission for ARC judge advocates and paralegals, and set forth a well-designed path for fulfilling that mission.

RECRUITING

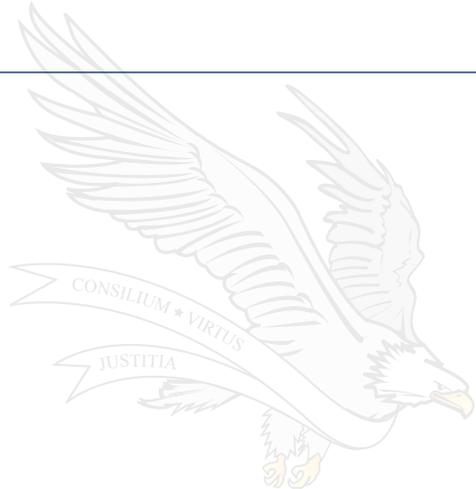
Our office devoted considerable attention to boosting the Corps' manning by judge advocates and paralegals. Among several initiatives was the launching of a site in CAPSIL, tailored for Air Force judge advocates and paralegals who are considering separation from active duty. 2010 also brought the reinvention of the ARC public recruiting web site (<http://jagrecruiting.law.af.mil>), which focuses on individuals who have little or no familiarity with our Corps or its ARC mission. We engaged in an aggressive recruiting campaign, seeking accession of as many qualified active duty judge advocates and paralegals as possible into the ARC while also mining previously-untapped sources of talent. A recent drop in the number of Air Force judge advocates leaving active duty has also spurred renewed interest in the recruitment of experienced attorneys with no prior military experience—finding and attracting top talent is a top priority for our office. These efforts bore substantial fruit: judge advocate recruiting increased by 23 percent in FY10 over the previous year, and accession processing accelerated by 30 percent over the rate from the year before.

EDUCATION AND TRAINING

In October 2009, TJAG directed changes to the continuing education requirements for ARC judge advocates. The Reserve Forces Judge Advocate Course, known as "RFJAC," was abolished. In its place, ARC judge advocates and paralegals will

now attend the Annual Survey of the Law every two years, instead of every four years. Additionally, Air Force Reserve and Air National Guard judge advocates will attend an approved in-residence course at the Air Force Judge Advocate General's School at least once every six years. The JAG School attendance requirement fosters increased familiarity with the active duty mission among ARC judge advocates, and permits the blending of perspectives from the active and reserve components in JAG School course offerings. Our office has coordinated with active duty staff judge advocates and senior ARC JA leadership to ensure that ARC judge advocates receive the training that will best-equip them to perform their jobs. For FY11, over 130 Air Force Reserve and Air National Guard judge advocates have been nominated for more than a dozen approved JAG School courses.





JAT



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

The Air Force Trial Judiciary has 18 active duty trial judges, five reserve trial judges, one non-commissioned officer, and one civilian employee assigned worldwide. The Chief Trial Judge, the Deputy Chief Trial Judge, one noncommissioned officer, and one civilian are assigned to the United States Air Force Trial Judiciary, Bolling Air Force Base, District of Columbia.

In 2010, military judges have presided over 619 general and special courts-martial. They have 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 have presided at public hearings held to consider draft environmental impact statements.

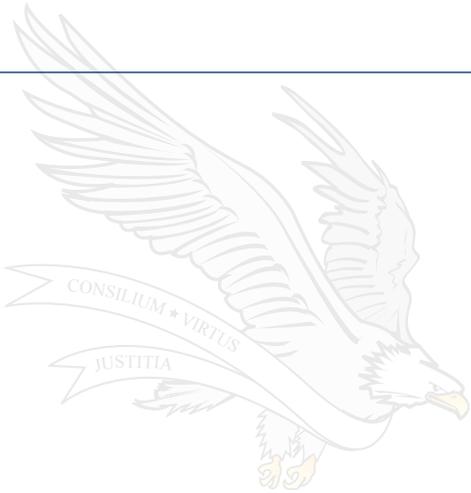
One Air Force military judge, Lieutenant Colonel Tom Monheim deployed to Iraq where he served a six month tour. Colonel Dawn Eflein presided over three courts-martial at Balad Air Base, Iraq and one case at Bagram Air Base, Afghanistan. Colonel Bill Orr presided over three courts-martial at Al Udeid Air Base, Qatar

and one court-martial Balad Air Base, Iraq. Currently, four trial judges have been detailed to the military commissions in Guantanamo Bay, Cuba.

Air Force military judges have shared their specialized knowledge and expertise by publishing articles and lecturing in academic environments. Lieutenant Colonel Kate Oler published an article entitled, "Criminal Law and Litigation in the JAG Corps" in the American Bar Association's book, *Careers in Criminal Law*. Air Force judges served as ambassadors for military justice in both Air Force and Army classrooms. Colonel Eflein and Colonel Oler instructed new military judges at The Army Judge Advocate General's Legal Center and School in Charlottesville, Virginia. Colonel Eflein and Colonel Tom Cumbie lectured at a number of Judge Advocate Staff Officer courses at The Judge Advocate General's School, Maxwell Air Force Base, Alabama. Air Force judges have also instructed at various trial advocacy courses and programs throughout the country and overseas to enhance practitioners' litigation skills.

Members of the Trial Judiciary have continued to receive recognition from a variety of professional organizations. Colonel Eflein was awarded the Judge Advocates Association William K. Suter Distinguished Judicial Service Award for her dedicated and exceptional service as a military judge. Lieutenant Colonel Scott Harding was recognized as the distinguished graduate of the 53rd Military Judge Course at the Army Judge Advocate General Legal Center and School in Charlottesville, Virginia.

The Air Force, along with a total of over 120 judges from all the services, attended the Annual Interservice Military Judges Seminar. The Seminar was held at the National Judicial College in Reno, Nevada. The weeklong Seminar consisted of continuing legal education lectures, seminars on emerging issues, and a variety of collegium opportunities.



JAX



*Col Peter Marksteiner
Director*

When judge advocates think about the Professional Development Directorate (HQ AF/JAX or JAX), they think about assignments, which is a large part of our business. In 2010, JAX managed over 400 JAG assignments. But JAX does much more. JAX manages all phases of more than 1,200 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 has a positive influence on young men and women even before they become judge advocates. In 2010, judge advocate recruiters visited more than 185 American Bar Association-approved law schools and interviewed more than 3,600 prospective applicants, yielding over 1,700 applications for approximately 100 available positions. JAX conducted selection

boards and then worked with selectees to ensure a smooth transition from lawyer or law student to Air Force officer and judge advocate. Judge advocate recruiting efforts also garnered 260 applications for 25 paid summer internship 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 (CLE) at the service judge advocate schools and the competitively selected LL.M. and developmental education programs. In 2010, over 1,700 selections were made for judge advocates to attend CLE courses. Forty percent of those selections were centrally funded. Additionally, more than 110 applications were submitted for 18 LL.M., eight intermediate developmental education, and four senior developmental education positions. As in 2009, the LL.M. positions include six government procurement positions, which were funded by the Air Force acquisition community to satisfy the increased need for experienced contract lawyers.

JAX also manages all TJAGC deployment requirements and develops total force sourcing solutions within the AEF construct. In 2010, we deployed over 240 total force judge advocates and paralegals to every Area of Responsibility (AOR) in support of contingency operations. We remained engaged in Iraq as part of Operation NEW DAWN as we continued to meet emerging requirements in Afghanistan and Pakistan. The JAG Corps role in support of Operation ENDURING FREEDOM's counterinsurgency strategy has proven vital and is likely to increase over the next year.

JAX plays an important role in creating incentive programs as well. In 2010, JAX implemented the JAG Student Loan Repayment Program, which provides eligible judge advocates up to \$65,000 in student loan debt relief. Last year, TJAGC also continued the Judge Advocate Continuation Pay Program and the Attorney Bar Licensing Reimbursement Program.

JAY



*CMSgt John P. Vassallo
Senior Paralegal Manager*

The Office of the Senior Paralegal Manager (HQ AF/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.

TEAMING ATTORNEYS AND PARALEGALS

Paralegal utilization is a term we have been kicking around the JAG Corps for over 30 years. We've been very successful in many areas, especially in the increased quality of our training. However, we can do more.

Instead of concentrating on paralegal utilization, we've begun teaming—utilizing both our attorneys and paralegals, military and civilian, as true teams.

Teaming begins with training. We have started exploring new training opportunities for our paralegals. Two areas explored have been wills and interviewing. The JAG School put together an outstanding instructional program for our initial concept demonstration class. One paralegal from each MAJCOM was selected to attend. Preliminary results have been outstanding. Having highly trained paralegals preparing standard wills, under the supervision of an attorney, is proving to be a true force multiplier. The JAG School is working to make this training available to all our paralegals in the future.

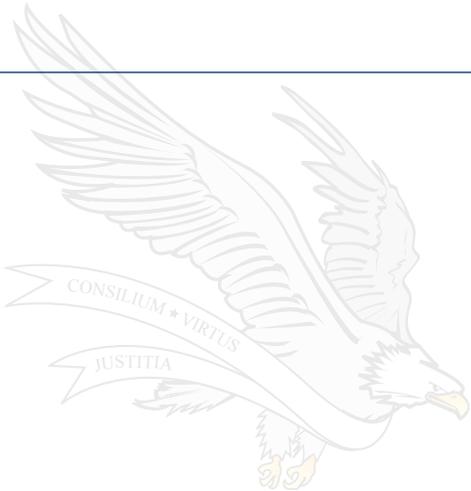
Interviewing is another paralegal skill set that we are expanding. The loss of much of the claims function at the wing level has had an unexpected consequence. In the past, most of our paralegals spent hours every week interviewing claimants in both the legal office and the claimant's home. This face-to-face interaction was an important foundation for developing interviewing skills in the military justice arena. We are currently conducting "market research" with both commercial and government sources to find the ideal training program for our paralegals.

This is, however, still a team effort. It's not just about paralegals. In order for this training to be successful we need attorneys at all levels to work with our paralegals to further develop the skills they are taught. One of the best examples of this need for attorneys is in the legal research and writing area. The JAG School provides outstanding training on these subjects, especially in the Paralegal Craftsman Course. However, if these skills are not used once the paralegal returns to his or her home station they are often forgotten

and lost. Many times the only additional training is provided by other paralegals during weekly training sessions. Many offices rarely use one of their most valued resources—attorneys. All attorneys need to develop this training. Ask the paralegals what they have learned, show them how it applies to their current position and develop their skills as part of the team. Not only will the paralegal develop these skills, but the attorney who trained them will have the confidence to fully use their abilities.

Attorneys aren't the only neglected training asset we have in our offices. Paralegals themselves have been overlooked as a training asset for attorneys. Historically the JAG Corps has followed the model of NCOs being developed as leaders and supervisors through both professional military education and practical experience. This model has not necessarily been followed on the attorney side. Rarely have we given our JAGs both the responsibility and tools to lead our enlisted personnel. This is changing. Attorneys will now be trained in all the enlisted matters necessary to develop them as leaders and supervisors. Both the JAG School and, more importantly, office SNCOs will be responsible for training JAGs in the areas of enlisted promotions, assignments, and training among other areas. This training will help provide our JAGs the skills and knowledge to be fully capable Air Force leaders and supervisors. In turn, this will strengthen the bonds between attorneys and paralegals to create more highly effective teams.

Attorneys and paralegals bring different skills to the fight. Both skills sets are valuable on their own. Teaming is using these complementary skill sets together to increase both the effectiveness and the efficiency of how we provide legal capabilities to command and the warfighter.



JAZ



*Mr. David E. Sprowls
Director*

In July 2010, AF/JAZ was re-named the Civilian Professional Development, Plans and Programs Directorate. The director was designated the career field manager (CFM) for all civilian employees of Corps. As CFM, the director is responsible for the professional development of JAG Corps civilian employees worldwide. JAZ retained its responsibilities for planning, programming, and budgeting activities for the Office of The Judge Advocate General (AF/JA) and the Air Force Legal Operations Agency (AFLOA). JAZ also serves as The Judge Advocate General's representative to the Air Force Group, Air Force Board, and Headquarters Air Force Program Budget Review Group and Board. Additionally, JAZ analyzes programming decisions and develops AF/JA and AFLOA requirements, for inclusion in the Air Force submission to the Department of Defense Program Objective Memorandum (POM) that supports the President's annual budget submission to Congress. Furthermore, JAZ constructs the annual financial plan, administers a budget of almost \$50 million for AF/JA and AFLOA, and manages

more than 3,000 JAG Corps manpower positions. During 2010, significant JAZ projects included the following areas.

JAG CORPS 21

Over the past year and a half, JAZ spearheaded the creation of AF/JAQ, an acquisition law and litigation directorate on the Air Staff, directing concept development and driving the effort through complex staffing and coordination to completion. On 1 October 2010, 26 years after the first headquarters JA position was committed to the contract law specialty, AF/JAQ stood up, with 9 positions dedicated to managing contract law activities Corps-wide and providing direct support to SAF/AQ. By FY12, AF/JAQ will reach full strength of 16 positions. Meanwhile, AFLOA/JAQ will continue to devote more than 60 positions to contract litigation, legal support of Installation Acquisition Transformation, and reachback support to field activities in contract law.

JAG CORPS RESOURCES

JAZ worked through the Air Force Corporate process to fund long term

programs in furtherance of JAG Corps transformation initiatives. New programs included a three-week course for mid-career field grade officers. The GATEWAY course is meant to prepare judge advocates to move into leadership positions. Another course was stood up to orient new JAG Corps civilian employees to the Air Force and the practice of law within the Air Force.

In a year of remarkable dynamics in JAG Corps manpower, JAZ engineered complex manpower solutions for the Spring 2011 move of all NCR JA positions (outside the Pentagon) to JB Andrews-NAF Washington, the transfer of 25 positions to the NCR, the stand-up of AF/JAQ, the downsizing of the AF Claims Service Center, and payment by AFLOA of a 2.5 percent "corporate tax" against manpower. Additionally, JAZ developed Common Level Standards for legal support and successfully briefed them through the ESG level in the governance process. Once approved, the new standards should posture the Corps well for future programmatic efforts to secure base operating sup-

port resources for installation legal offices. In conjunction with the TAG, JAZ began updating the base office task list in the JA manpower standard. JAZ also advocated at OSD level for the “inherently governmental” nature of legal services across the Executive Branch. And this year, JAZ took on the role of JA lead for Agile Combat Support (ACS), representing JA on the colonel-level working group, contributing to the drafting of ACS CONOPS and plans, and for the first time, participating in the biannual Capabilities Review and Risk Assessment.

PERSONNEL INITIATIVES

This year, JAZ assumed the mantle of CFM for JAG Corps civilian employees and absorbed the resource specialist position from JAX. In this new role, JAZ developed the Legal Career Field Management Plan for inclusion in AFMAN 36-606. JAZ also managed the transition from National Security Personnel System (NSPS) back to the General Schedule (GS), running paypools and executing hundreds of personnel actions requesting classification of new

GS core documents of those employees with NSPS position descriptions.

Because of JAG Corps 21 changes and the infusion of new civilian slots from recent initiatives, AF/JA and AFLOA experienced a significant number of civilian employee vacancies. To address this situation, JAZ, working in tandem with the headquarters divisions, launched a determined effort to fill as many vacancies as quickly as possible.

In support of JAG recruiting, JAZ framed technical requirements for a software system to automate the administration of the Student Loan Repayment Program (JA-SLRP) and worked closely with JAS on its development. JAZ also joined JAX to pursue approval and funding for JA-SLRP. On 1 July 2010, JA-SLRP came on line and the new software was activated. As of year’s end, all those eligible in FY10 have filed claims, and DFAS has begun payment.

JAZ also oversaw the reopening of Attorney Bar License Reimbursement

System (ABLRS) in FY10, the first year of maximum eligibility for reimbursement of bar dues for JAGs and civilian attorneys. Throughout the ABLRS claims season, JAZ managed claims funding, issued guidance to claimants, and resolved numerous eligibility/qualifying expense issues.

Finally, JAZ initiated the hiring of two mental health professionals, whose primary duties will be to act as forensic mental health experts, providing in-house consultation and expert witness services. This will drive a reduction in the costs associated with hiring external expert witnesses.

JOINT BASING

With the joint bases now in place, JAZ continues as lead JA office for all joint basing issues, advising A7C and joint base SJAs, overseeing the implementation of legal support, and reviewing proposed MOA changes. JAZ also led the review and resolution of scores of identified issues in current publications requiring adjustments or waivers to accommodate various activities at joint bases.



FIELD OPERATING AGENCIES



AFLOA AIR FORCE LEGAL OPERATIONS AGENCY



*Brig Gen Daniel A. Fincher
Commander (Deployed)*



*Brig Gen Dixie A. Morrow
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 Daniel B. Fincher. General Fincher deployed to Afghanistan in October 2010 to serve as Rule of Law Deputy to Ambassador Hans Klemm, Coordinating Director of Rule of Law and Law Enforcement. Brigadier General Dixie A. Morrow was activated from the JAG Corps Reserve to serve as Commander in his absence. The Vice Commander is Colonel R. Michael Welsh.

The AFLOA Commander is the only command billet in the JAG Corps and exercises command authority over 800 military and civilian attorneys, paralegals, and support personnel stationed in more than 75 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.

These directorates oversee reachback capabilities through ten Field Support Centers (FSC) designed to augment and support legal services to wing, numbered air force, center, and major command legal offices around the globe. The Agency's FSCs include: the Air Force Claims Service Center (AFCSC), the Accident Investigation Board FSC, the Commercial Litigation FSC, the Contract Law FSC, the Environmental Law FSC (ELFSC), the Medical Law FSC, the Medical Cost Reimbursement Program (MCRP), the Labor Law FSC (LLFSC), the Tort Claims FSC (TCFSC), and the Utility Law FSC.

During 2010, AFLOA continued to refine JAG Corps 21 initiatives and to improve the Agency's business processes. Construction of the Jones Building on Joint Base Andrews Naval Air Facility (JBANAF) began and will be completed

in early 2011. It will house JAJ, JAC, JAQ and some other National Capital Region (NCR) JAG Corps elements under one roof together with a number of Air Force organizations. We look forward to the synergy this common location will provide the Directorates and predict it will further enhance our ability to deliver legal expertise throughout the Air Force—anywhere, any time. AFLOA championed the revival of military justice this year, renewing the Corps' emphasis on procedural efficiency and the art of trial practice; retooling the Senior Trial Counsel program to increase experience and coordination; and focusing attention on computer forensic capabilities, to include harmonizing a partnership with the Defense Computer Forensic Laboratory. In conjunction with JAS, AFJAGS continued to develop and launch e-learning, to include an expanded catalogue of CAPSIL courses

and live webcasts linking personnel worldwide with the Corps' leaders and current training.

AFLOA's outcomes (what we do) and our processes (how we do it) continue to change—influenced by our sustained focus on organizational self-improvement, advances in technology, and the strategic thinking of our military and civilian professionals. As KEYSTONE 2010 speaker Simon Sinek observed, the “what” and the “how” of an organization should change—the “why” of an organization should not. Proud of AFLOA's past, we look forward to a future that continues to answer AFLOA's “why” with the same continuity of vision that created it: to support and defend the interests of the Air Force everywhere with legal expertise that helps make TJAG Corps legal teams the most relevant and reliable advisors on commanders' staffs!

Spotlight on

Brigadier General Daniel B. Fincher assumed Command of the Air Force Legal Operations Agency during the summer of 2010, and helped lead the JAG Corps' continuing mission as a model 21st century law firm. However, in October 2010, his leadership abilities took him in an entirely new direction as he was selected to become the Rule of Law and Law Enforcement (ROL/LE) Deputy in Afghanistan. Here, he undertakes a new mission to bring a modern judicial system to a fledgling democracy.

Rule of Law and Law Enforcement activities are vital components of the United States' mission in Afghanistan. In order to carry out this mission, the United States Embassy in Kabul, under the direction of Ambassador Karl W. Eikenberry and General David Petraeus revamped the

Afghanistan ROL/LE structures and efforts. The ROL/LE Directorate has program and policy responsibilities for the full range of law activities, including justice sector assistance programs, counter-narcotics and anti-corruption.

As Deputy to Ambassador Hans Klemm, Director of ROL/LE, General Fincher will provide all advice and assistance that Ambassador Klemm may require. He will work closely with the Afghan judicial system in coordination with civilian agencies such as USAID, State/INL, DOJ, FBI, DEA and DHS to fully commit United States resources to achieving unified civilian-military rule of law and law enforcement.

ROL/LE will become the engine of the entire judicial structure, efficiently provid-

ing services to the field, developing plan and analysis for policymakers, working with implementing partners to eliminate duplication or gaps in projects, monitoring resource constraints, and greatly enhancing our ability to support and develop the capacity of Afghan judicial and law enforcement institutions to deliver fair, efficient and transparent justice to Afghan citizens.

The Rule of Law is an important aspect of overall stability operations to provide a safe, secure and stable environment for Afghan citizens. Ultimately, programs such as these are critical to put civilian authorities in a position to govern effectively and fairly. Despite the many challenges his mission will undertake, General Fincher is committed to supporting our Afghan partners.

A Deployed General

The Utility Law Field Support Center



Karen S. White

Ms. Karen S. White is the “Ambassador-at-Large” of the small team of attorneys who make up the ULFSC located at Tyndall Air Force Base, Florida. A native New Yorker, Ms. White entered the Air Force as a line officer, serving tours as Executive Officer, Protocol Officer, and Commander before earning her law degree through the Funded Legal Education Program. As an active duty Air Force JAG, Ms. White worked as Claims Officer, Chief of Military Justice, Deputy Staff Judge Advocate and Contract Attorney at the wing level. She earned a LL.M. in Contract and Fiscal Law at The Judge Advocate General’s School, United States Army, where she then taught as a Professor of Contract and Fiscal Law. After serving as a Staff Judge Advocate, Ms. White became Chief of the ULT, retiring there following an accomplished 21-year career. Unsurprisingly, her utility and contract law expertise caused the Air Force to hire her as a civilian Staff Attorney for the Team she once led. She has never stopped leading. Ms. White is recognized throughout the Air Force,

the Department of Defense, and the private bar for her expertise in renewable energy project development—an innovative problem-solver who can develop acquisition strategies and nurture complex projects to completion. She was instrumental in streamlining the Secretary of the Air Force approval process for renewable projects, saving the Air Force both time and money. She developed a model joint partnership agreement for renewable projects with regulated utility service providers which is now employed across the Air Force. She was the key driver behind development of the Renewable Energy Handbook which guides Air Force commanders on how to best address installation energy demands. Ms. White has also never stopped teaching. It says something for her reputation—and that of the ULFSC—that she was the by-name request to brief at the Government Energy Conference this year. Her enthusiasm for this unique practice is infectious—and she has readily assumed the role of mentor to both junior ULFSC attorneys and Air Force Civil Engineer Support Agency (AFCESA) personnel.



Capt Shayla McNeill

Al Udeid Air Base (AUAB), Qatar, is a vital link in the United States' ability to support warfighting activities in the Middle East, and consumes a considerable amount of energy resources. To meet the needs of AUAB, the Qatar Armed Forces (QAF) agreed to supply the base with electricity. QAF independently selected a Qatari power provider which built a power plant on AUAB. In 2006, QAF signed a 10-year contract with the provider. As a result of this contract, the provider is charging the Air Force 49 cents per kilowatt hour for electricity, with an anticipated annual cost to the Air Force of \$90 million. Separately, the QAF pays their power provider only four cents per kilowatt hour. The imbalance amounts to an excess cost of \$83 million per year to the Air Force.

What to do? Call the Air Force Utility Rates Management Team (URMT), comprised of ULFSC and AFCESA personnel, into action! Captain Shayla McNeill, ULFSC Staff Attorney, is a direct appointee whose prior TJAGC service included work as Chief of Adverse Actions, Chief of Military Justice, and Trial Attorney for the Central Criminal Court of Iraq Liaison Office in Baghdad, Iraq. Captain McNeill traveled to AUAB with an AFCESA engineer on two occasions to meet with the Qatari power provider and negotiate new electricity rates. Employing domestic rate case techniques, the URMT designed a defensible rate structure to compensate the Qatari power provider in accordance with established industry standards. The URMT vigorously represented the Air Force's interests in sometimes contentious negotiations. Captain McNeill and her partners achieved a temporary agreement pending further negotiations. It would amount to annualized savings to the Air Force of \$35 million.

AUAB staffed the URMT-designed rate structure to CENTCOM. The command approved and adopted the proposal. If fully implemented, the URMT's efforts will net annual cost savings to the Air Force of approximately \$55 million.

AFJAGS



Col Holly M. Stone
Commandant



CMSgt Rodney J. Wilson
Manager, Academics &
Paralegal Development

The Judge Advocate General's School (JAG School), located at Maxwell Air Force Base, Alabama, is the educational hub of the JAG Corps (TJAGC). In addition to directing and teaching over 35 JAG School courses and conferences over the last year, the faculty instructed at numerous Air University schools and colleges, and other schools and courses throughout the Department of Defense. Further, 63 field-grade level JAGs successfully completed the first two GATEWAY classes, the Corps' new leadership course for mid-career judge advocates. Furthermore, the training curriculum and the faculty structure for our paralegals have gone through momentous modifications. The curricula for the Paralegal Craftsman Course and mid-level Career Development Course have been modernized. Course materials are now current to today's legal support requirements and are delivered using the latest technological advances. The structure of the paralegal faculty has also witnessed a dramatic change. Historically, there was a distinct division between paralegal

training and training for judge advocates. To increase JAG/Paralegal teaming, paralegals have been integrated into all of the various divisions.

PROFESSIONAL OUTREACH

CAPSIL, the JAG Corps' learning management and social networking system, continues to provide attorneys and paralegals state-of-the-art training 24/7/365. CAPSIL provides the ability to access and share information and e-learning resources across TJAGC. Using Defense Connect Online, the school hosted 40 webcasts that were attended by more than 11,000 participants. Links to more than 80 recorded webcasts are posted on CAPSIL for offices unable to attend. The JAG School distributed more than 30,000 copies of its publications this year, from the *Air Force Law Review* and *The Reporter* to the *Military Commander and the Law* and the *AFJAGS Bulletin*.

CIVIL LAW

The Civil Law Division presented the annual Environmental Law Update

Course entirely via webcast. Moreover, the Civil Law division offered 12 webcasts covering general civil law topics. Faculty in the Civil Law Division continued to provide comprehensive legal training in a wide variety of subjects to students attending the Judge Advocate Staff Officer Course (JASOC), Paralegal Craftsman Course (PCC), and Paralegal Apprentice Course (PAC).

LEGAL ASSISTANCE

The legal assistance mission released the new Air Force Legal Assistance website, <https://aflegalassistance.law.af.mil> where users have access to basic information on a wide variety of legal assistance topics. Users also can fill out online questionnaires for wills, advance medical directives, and powers of attorney. Air Force legal assistance attorneys and paralegals use those questionnaires for a more streamlined legal assistance process. As part of the JAG-Paralegal teaming initiative, the legal assistance mission has spearheaded the brand new Will Preparation for Paralegals Course, an intensive three-day

course instructing all seven-level paralegals how to draft wills. Thus far, over a hundred paralegals have completed the training and are drafting wills under the supervision of an attorney at their bases, with over 300 students projected students to follow in their footsteps

MILITARY JUSTICE

The Military Justice Division organized and executed three Trial Advocacy Conferences held around the world. These conferences updated more than 300 practicing trial counsel, defense counsel, and paralegals on evolving aspects of military justice trial practice. The conferences focused on working with experts in courts-martial. Students completed practical exercises with expert forensic toxicologists and psychologists along with computer forensic examiners. Subject matter experts updated the students on a variety of issues including: Article 120, Uniform Code of Military Justice and important appellate cases. Additionally,

the Military Justice Division participated in the Training by Reservists in Advocacy and Litigation Skills (TRIALS) program. The TRIALS program provided advocacy training to over 140 JAGs at 13 different visits both stateside and overseas.

OPERATIONS & INTERNATIONAL LAW

The Operations and International Law Division published *Air Force Operations and the Law: A Guide for Air, Space & Cyber Forces*. This comprehensive desk book is a valuable resource to judge advocates and paralegals supporting Air Force and joint military operations worldwide. The Operations and International Law Division also held the first-ever Cyber Law course—a foundational course to develop a new cadre of judge advocates with experience in this complex and ever-relevant field of law. This well-received course was attended by members of all military services.

ACADEMIC DEVELOPMENT

The Academic Development Division's missions are oversight and assistance to the JAG School's other divisions in curriculum development, faculty training and development, and liaison with other Air Force schools on the JAG School's outside training commitments. The JAG School's outside teaching activities involve in excess of 800 faculty hours and reach more than 19,000 students each year. The Academic Development Division has been in the forefront of developing the curriculum for GATEWAY and the Wills Preparation for Paralegals Course, and reviewing existing curriculum to ensure lessons reflect sound principles of Instructional Systems Development. The Academic Development Division is collaborating with the TJAG Action Group to conduct a formal academic needs assessment for the JAG Corps, with the goal of identifying any gaps in knowledge and skills that can be addressed by training solutions.



JAC



*Col Thomas F. Zimmerman
Director*

CIVIL LAW & LITIGATION DIRECTORATE (JAC)

The Civil Law and Litigation Directorate (AFLOA/JAC) defends Air Force interests in civil litigation in various forums to include local, state, federal administrative bodies, federal district court, the U.S. Court of Federal Claims, and federal appellate courts. In addition to litigation work, AFLOA/JAC oversees the Air Force Claims Program. The Directorate is led by Colonel Thomas F. Zimmerman, who joined AFLOA/JAC in June 2010. As AFLOA/JAC Director, Colonel Zimmerman is responsible for supervising 374 judge advocates, civilian and Reserve attorneys, paralegals, and administrative personnel at 23 locations worldwide. JAC includes three divisions: Claims and Tort Litigation (JACC), General Litigation (JACL), and Environmental Law and Litigation (JACE).

CLAIMS & TORT LITIGATION DIVISION (JACC)

The Claims and Tort Litigation Division, AFLOA/JACC, has a broad and diverse portfolio. The division provides administrative processing of personnel, carrier

recovery, and tort claims. It operates the Medical Cost Reimbursement program (MCRP) to recover money owed to TRICARE for medical care provided to Air Force personnel and their families. The division also advises Air Force attorneys, commanders, and other officials at every organizational level on issues related to medical and aviation law, and it provides legal support to accident investigations. In addition, JACC represents the Air Force in litigation in a variety of forums. The Division is divided into four branches and five Field Support Centers (FSCs).

AIR FORCE CLAIMS SERVICE CENTER (AFCSC)

The AFCSC paid out approximately \$5.7 million in FY10 in personnel-type claims as well as tort and foreign claims act claims. The AFCSC also collected \$2 million in carrier recovery claims with an outstanding 96 percent collected-to-asserted ratio. The household goods claims module of Web AFCIMS was deployed in July 2010 and the remaining Web AFCIMS modules will be fielded in FY11. With the implementation of the Full Replacement Value (FRV) and the Defense Personal Property System (DPS), carriers are now required to reimburse DoD claimants the full replacement value for property damaged in all household goods moves. As a result of the new program, the AFCSC claims workload declined significantly over the past year. This dictated a reduction in the AFCSC's manning which will be reduced to an all-civilian, 31-member staff by mid-FY11. The AFCSC still handles approximately 15,000 phone calls per year from members with claims, FRV and DPS questions and carriers with questions about carrier recovery assertion packages. Finally, the AFCSC continued to progress toward eventual relocation to newly renovated space on Wright-Patterson AFB, Ohio.

AVIATION & ADMIRALTY LAW BRANCH

The Aviation and Admiralty Law Branch adjudicates aviation and admiralty tort claims and defends the United States in litigation arising from Air Force aviation and admiralty activities. The majority of claims seek monetary restitution for property damage and for death or personal injury arising from overflights, sonic booms, and aircraft crashes. In litigation arising from Air Force aviation and admiralty activities in which the United States is not a party, the branch ensures responses to litigants' discovery requests to protect Air Force interests, such as its policy of strict neutrality in private litigation and preservation of the military safety privilege. The branch also advises the Air Staff on all issues within the purview of aviation and admiralty law and provides Air Force-wide policy and guidance on the accident investigation board (AIB) and ground accident investigation board (GAIB) processes. The branch prepares and presents training for AIB and GAIB board presidents and legal advisors at the Air Force Safety Center, Air University, The Air Force Judge Advocate General's School, and Air Force bases throughout the world.

ACCIDENT INVESTIGATION BOARD FIELD SUPPORT CENTER (AIBFSC)

Working closely with the Aviation and Admiralty Law Branch, the AIBFSC provides experienced legal advisors and paralegal-recorders to support both Aerospace and Ground Accident Investigation Boards Air Force-wide. Primarily, it assists with MAJCOM-convened Class A mishap investigations, prepares publicly releasable reports, and secures evidence for potential claims litigation and other actions. It also provides critical reachback expertise for other judge advocates and paralegals providing AIB/GAIB legal support in the field. Since its inception in September

2007, the AIBFSC has provided support for 72 mishap investigations.

FOREIGN CLAIMS BRANCH

The Foreign Claims Branch adjudicates the Air Force's highest value tort claims arising abroad under the Foreign Claims Act (FCA) and coordinates with overseas commands and foreign government offices in appropriate cases to resolve third party claims falling under international cost-sharing agreements. It also assists in resolving tort claims arising in the United States in connection with foreign military sales (FMS) agreements having an Air Force focus. Throughout the year, the branch provided effective reachback to worldwide Air Force and sister-service legal offices seeking guidance on Air Force tort claims policy and procedures and advanced Air Force training objectives through repeated instructional visits to the Air Force JAG School. Most significantly, through close scrutiny of case merits and tight teamwork with 337 ASUF/JA, 5 AF/JA, and AFCENT/JA, host nation relations were responsibly protected and promoted in Australia, Japan, and Pakistan.

MEDICAL LAW BRANCH (MLB)

Attorneys and military paralegals in the MLB adjudicate all claims alleging medical malpractice by Air Force health care providers worldwide, and provide litigation support to all assistant U.S. attorneys and Department of Justice attorneys defending these lawsuits. Moreover, attorneys in the MLB, with collectively 40+ years of experience in medical law, are recognized as subject matter experts both within and outside the Air Force, serving as invited lecturers at the DOJ's National Advocacy Center, the Society of Federal Health Agencies, and the Army Legal Services Agency. The MLB's Air Force Medical Law Quarterly has become a respected source of medical-legal guidance, with distribution throughout the Air Force medical and legal communities

expanded to include professionals from the Army, Navy and Department of Veterans Affairs. In the past two years, the MLB has kept close watch on ongoing legislative and judicial efforts to repeal the *Feres* doctrine, which bars military members from recovering for tort injuries, including medical malpractice, incident to their military service under the Federal Tort Claims Act (FTCA).

MEDICAL LAW FIELD SUPPORT CENTER (MLFSC)

The MLFSC provides specialized advice and worldwide reachback support to base legal offices and medical treatment facilities (MTFs) on medical-legal issues. The MLFSC is comprised of the MLFSC Chief and 13 Medical Law Consultants (MLCs), two military paralegals, and seven civilian legal assistants assigned to nine regional MLC offices. All members of the MLFSC work closely with the subject matter experts in the Medical Law Branch. MLCs continue to serve as the "face of the JAG Corps" for MTF commanders and their staffs seeking medical-legal advice. MLCs provide timely advice on a host of medical-legal issues that arise in healthcare operations, including issues involving the Health Insurance Portability and Accountability Act (HIPAA), adverse privilege actions, informed consent, and training affiliation agreements. While MLCs remain co-located at MTFs to provide medical-legal advice to MTF commanders and their staffs, in 2009, all active duty MLCs were reassigned to the MLFSC.

GENERAL TORTS BRANCH (GTB)

The GTB, which also serves as a Field Support Center to assist base legal offices with the adjudication of tort claims, provides litigation support for tort claims that are not within the scope of one of the other branches. The branch also assumed oversight responsibility for pro-government tort claims (e.g., "G claims"

for damage to Air Force property). The types of litigation supported by the GTB are as varied as the number of installations we support. GTB attorneys flew around the country to assist the Department of Justice in defending some highly-contentious cases, and took the opportunity to meet with and train base personnel in tort claim procedures. GTB paralegals have become increasingly proficient in investigating and adjudicating complex tort claims, and in sharing their knowledge with installation-level paralegals. A more robust Action Officer Handbook has become the one-stop resource for the base-level practitioner.

THE MEDICAL COST REIMBURSEMENT PROGRAM (MCRP)

The MCRP Branch entered 2010 with all eight offices open. In the first full year of operations, the program was able to meet the \$19 million in collections that was projected at the inception of the program. The MCRP is looking forward to continued success in the years to come.

GENERAL LITIGATION DIVISION (JACL)

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

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

INFORMATION LITIGATION BRANCH

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

During fiscal year 2010, the Information Litigation Branch reviewed and rendered legal advice on 81 FOIA appeals. Working with the Department of Justice (DOJ), the branch processed nearly 40 cases in litigation. A case that illustrates the nature and scope of issues managed was *ACLU v. Dep't of Defense, et. al.*, filed in U.S. District Court (Southern District of New York). In 2004, the ACLU submitted a FOIA request to federal agencies including DoD, seeking all records concerning treatment of detainees held at military bases outside of CONUS; deaths of detainees who were in the custody of coalition forces; and rendition of detainees to foreign powers. The Air Force produced a small number of responsive documents for release, but withheld a number of photographs. DoD subsequently withheld photographs under FOIA Exemption 7(f), which protects law enforcement information that "could reasonably be expected to endanger the life or physical safety of any individual." The U.S. District Judge reviewed the photographs *in camera* and ordered their release. DoD

appealed that decision to the U.S. Court of Appeals for the Second Circuit, which upheld the lower court's release determination. DoD petitioned for Supreme Court review. While pending decision, Congress enacted legislation prohibiting the release of such photographs when the Secretary of Defense (SECDEF) certified so doing would endanger the lives or safety of individuals. In November 2009, SECDEF issued such certification, and the Supreme Court vacated and remanded the case to the Second Circuit. In May 2010, the Second Circuit remanded the case to the District Court for proceedings consistent with the newly enacted legislation and SECDEF's certification.

LABOR LAW FIELD SUPPORT CENTER (LLFSC)

The LLFSC is comprised of a leadership section and four subordinate branches, plus four regional offices (Eglin, Scott, Randolph and Los Angeles AFBs). The LLFSC handles labor and employment matters across the Air Force in federal court and in administrative forums such as the Merit Systems Protection Board (MSPB), the Equal Employment Opportunity Commission (EEOC), and the Federal Labor Relations Authority (FLRA). The LLFSC routinely advises policy makers at the Headquarters Air Force level and at other DoD agencies. The Center is the source of most of the labor law training in the Air Force.

The Labor Law Branch defends the Air Force against hundreds of unfair labor practice (ULP) charges filed annually by unions representing approximately 120,000 of the Air Force's 165,000 full-time civilian employees. This requires daily analysis of labor management relations, rights, obligations and evidence. Charges not dismissed or withdrawn by the FLRA must either be settled or litigated at hearings. Attorneys regularly provide advice to agency labor counsel and

civilian personnel officers worldwide. On request, the branch defends the Air Force in complex labor arbitrations or those having potential service-wide impact.

The two Administrative Litigation Branches defend the Air Force in cases before the EEOC and the MSPB. They also advise Air Force installations on disciplinary actions. The Federal Litigation Branch assists DOJ in defending the Air Force in U.S. District Courts and Courts of Appeal. In addition, the branch reviews formal complaints of discrimination and advises on their acceptance and dismissal.

This year, LLFSC attorneys defended Air Force interests in a number of cases, including: alleged failure to bargain changes in conditions of employment; reprisal for protected activity; wrongful removal based upon age, sex, and race discrimination; wrongful termination for unacceptable performance; discipline for various types of misconduct; and class discrimination. The LLFSC also advised Headquarters-level policymakers and field labor and employment attorneys and labor specialists on every aspect of labor and employment law, including labor management relations, collective bargaining, and adverse personnel actions.

The Administrative Litigation Branches defended almost 500 administrative EEO and MSPB cases this year. The Federal Litigation Branch handled over 20 District Court cases and the Labor Relations Branch handled over 200 FLRA cases. The LLFSC began actively defending a class grievance about claims for unpaid overtime under the Fair Labor Standards Act (FLSA) which spans four Air Force installations and three major commands, and has the potential to spread Air Force-wide.

MILITARY PERSONNEL LITIGATION BRANCH

The Military Personnel Litigation Branch defends the Air Force against all federal civil court challenges to Air Force personnel practices and programs, averaging 40 to 50 active cases at any one time. The branch defends claims for military pay and benefits in the United States Court of Federal Claims. *Habeas* petitions filed by former and current Air Force members serving court-martial sentences are part of the branch's workload. Additionally, the branch defends Air Force personnel decisions challenged in United States District Courts under the Constitution, the Administrative Procedures Act, and other statutes. The Branch routinely handles "front-page headlines," time-sensitive litigation carefully monitored by Air Force and Department of Defense senior leadership and the American public, the results of which have broad application.

As in past years, many military personnel claims arose from denial of applications for relief to individual Airmen-petitioners by the Air Force Board for Correction of Military Records. Military Personnel litigators also defended a number of significant cases with program-wide impact. The branch partnered with DOJ to defend *Witt v. Dept' of Air Force* in U.S. District Court, a case remanded by the Ninth Circuit to apply heightened "as applied" scrutiny to the discharge of a homosexual Reservist pursuant to the Congressionally-mandated homosexual policy.

Military Personnel Litigation Branch personnel continued to work with Army and Navy counterparts to settle *Sabo et al v. U.S.*, a class action lawsuit asserted on behalf of 4,200 Iraq and Afghanistan veterans (including 270 Airmen) diagnosed with Post-Traumatic Stress Disorder (PTSD), improperly assigned less than 50 percent disability

rating on discharge. Plaintiffs agreed to stay their claims and remand their cases to the Physical Disability Review Board (PDRB) for processing. The Military Personnel Litigation Branch assumed responsibility for managing the Veterans' Administration (VA) medical records for all opt-in class members. In a model of paralegal and Air Reserve Component (ARC) utilization, active duty attorneys supervised Air National Guard and Air Force Reserve paralegals in receiving, organizing, scanning and uploading records to the unique Department of Justice/Department of Defense web portal designed to track the litigation.

UTILITY LAW FIELD SUPPORT CENTER (ULFSC)

The ULFSC (Tyndall AFB) provides expert legal advice to Air Force functional communities, Air Staff, DoD, and Headquarters Air Force Civil Engineer Support Agency (AFCESA) on highly specialized issues in an effort to achieve intelligent, fact-based energy acquisition and management. The ULFSC provides advice and contract negotiation support for matters involving electric, gas, water and sewage rates and service. The Center's attorneys represent the Air Force and other federal executive agencies before state and local regulatory bodies in matters involving those commodities. In regions where the General Services Administration (GSA) has delegated responsibility to the Air Force to represent all federal utility customers in rate-making cases, the ULFSC acts as executive "lead agent." ULFSC attorneys make up the "legal half" of AFCESA's joint attorney/civil engineer Utility Rates Management Team (URMT), providing advice and negotiation skills for utilities contracts.

In addition, Center attorneys provide contract law support to the Sustainment, Restoration, & Modernization (SRM) and Air Force Contract Augmentation Program (AFCAP) contracting offices located within AFCESA, some \$750 million of activity per year.

In 2010, ULFSC attorneys advised commanders on legal issues related to purchase of renewable energy and development of renewable power projects on Air Force installations, including: solar, wind, urban waste, biomass, algae fuel, landfill gas, photovoltaic, and geothermal energy. Center lawyers expertly negotiated for services with local utility providers and resolved difficult fee and tax challenges on behalf of Air Force installations and federal agencies coast-to-coast.

ENVIRONMENTAL LAW & LITIGATION DIVISION (JACE)



JACE Office

JACE works to preserve and protect air, land, and other precious resources central to the successful performance of the USAF mission. JACE assists USAF clients on complying with environmental laws and on seeking legislative and regulatory resolutions to environmental issues impacting the mission. JACE also defends the USAF against legal challenges that threaten mission accomplishment. JACE provides direct reachback capability that improves consistency of advice, reduces

redundancy of effort, and provides our installations and MAJCOMs with an unparalleled cadre of environmental law expertise.

ENVIRONMENTAL LITIGATION CENTER

The Environmental Litigation Center pursues USAF interests in affirmative and defensive litigation nationwide. The Center litigates approximately 60 active matters at any given time, including injunctions and encroachment issues with the potential to directly impact USAF missions, as well as a potential monetary liability exceeding \$500 million. In addition, the Center pursues affirmative cost recovery (ACR) cases to return scarce remediation funds to USAF coffers. Center attorneys, in cooperation with attorneys in the regional offices, seek to reduce alleged USAF liability estimated at \$361 million for contamination at more than 100 sites located outside installation boundaries. The Center also adjudicates environmental tort claims currently worth \$100 million.

ENVIRONMENTAL LAW FIELD SUPPORT CENTER (ELFSC)

The mission of the Environmental Law Field Support Center is to provide full spectrum reachback for USAF environmental law practitioners at all levels. Staffed with 38 subject matter experts within the field of environmental law, including two reservists, as well as environmental liaison officers (ELOs) embedded at six MAJCOMs and a satellite office in Alaska, the ELFSC consolidates Air Staff and MAJCOM environmental law support to a single center located at the former Kelly AFB, San Antonio, Texas. The ELFSC maintains expertise to address restoration; environmental compliance; air space and ranges; natural and cultural resources; pollution prevention; NEPA and other environmental planning issues; energy; and hazardous and solid waste issues. In addition, the branch

advances the environmental education of USAF attorneys by providing subject matter experts throughout the year as speakers at various training conferences and symposiums.

AIR & WATER BRANCH

The Air and Water Branch (A&W) provides guidance to meet the complex requirements of the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act. The branch further protects the USAF's interests in the area of surface and groundwater rights. The branch performed a Clean Air Act conformity analysis review during F-35 bed-down planning and assisted with water rights issues critical to installation sustainment. A&W worked closely with USAF and DoD officials to develop the DoD policy implementing storm water management requirements raised by Executive Order 13514 and implementation of the Energy Independence and Security Act of 2007. The A&W branch tracks compliance with environmental laws USAF-wide and the cost implications of any non-compliance. These efforts helped preserve scarce resources since corrective action and/or environmental penalties are generally expensive, time consuming, and often must be funded with installation O&M funds.

CULTURAL & NATURAL RESOURCES

The Cultural & Natural Resources Branch (C&N) helped a base avoid mission impacts by assisting in the development of a Biological Assessment (BA) after the U.S. Fish and Wildlife Service (USFWS) listed the Slickspot Peppergrass (SSPG) as a threatened species. C&N continued to support the USAF's Housing Privatization program by providing guidance for conserving both cultural and natural resources on parcels leased to housing developers. The branch assisted Mountain Home AFB consult with the Idaho State Historic Preservation Office before demolishing

historic 1950s "International Style" housing units designed by noted architect Richard J. Neutra and helped Wright-Patterson AFB develop a Programmatic Agreement to resolve the adverse effect of transferring historic senior officer brick quarters to a developer.

HAZARDOUS MATERIALS MANAGEMENT BRANCH

The Hazardous Materials Management Branch (HMMB) provides legal advice related to compliance with federal and state environmental laws, regulations, and policies for solid and hazardous waste, hazardous and toxic materials, radiation, environmental management system (EMS) issues, and environmental, safety, and occupational health (ESOH). HMMB advised engineering clients on the use of recycling program proceeds to fund construction of recycling centers. HMMB worked with engineers and attorneys at all levels to protect the USAF's authority to investigate and respond to perchlorate contamination in groundwater under its Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) authority. In addition, the branch led the USAF cross-functional team that defended against state regulators' attempt to impose a costly, oppressive, and mission-stopping open detonation hazardous waste treatment permit on a key installation in the southwest United States.

PLANNING & SUSTAINMENT BRANCH

The Planning & Sustainment Branch (P&S) provides proactive guidance to Air Staff as well as to MAJCOM and installation attorneys on environmental planning requirements, the legal aspects of new energy programs, and safeguarding our flying and training missions from encroachment. P&S assisted in the NEPA analysis of the Joint Strike Fighter (F-35A), which involved four separate environmental impact statements. In

addition, P&S provided support on the BRAC directed bed down of remotely piloted aircraft (RPA's) at Grand Forks AFB and on the expansion of the Powder River Training Complex which would create the largest bomber training area in CONUS.

RESTORATION BRANCH

The Restoration Branch provides direct legal support to AFCEE, AFRPA, MAJCOMs, and bases on all environmental restoration matters. One branch member is geographically separated to deal exclusively with the unique environmental restoration issues facing the USAF in Alaska. The branch played a key role in resolving disputes with the Environmental Protection Agency (EPA) over interagency agreements for all but three of the USAF facilities on the National Priorities List. The branch remained heavily involved in the unresolved disputes, including the interagency agreement for Tyndall AFB and the RCRA order issued against that installation. The branch also represented USAF interests on issues involving the cleanup of a large POL leak at a bulk fuel facility, the discovery of high levels of perchlorate in a borehole, and the closure of a permitted open detonation facility.

ENVIRONMENTAL LIAISON OFFICERS

ELOs are embedded at six MAJCOMs and provide timely and accurate legal advice to base and MAJCOM SJAs as well as MAJCOM-level clients on environmental issues affecting command interests. Each ELO is responsible for keeping their MAJCOM SJA and JACE informed on the status of environmental issues affecting the particular MAJCOM in which they are embedded. Examples of the active involvement of our ELOs include: advising an installation's senior leadership on the environmental aspects of OSHA violations; working to resolve issues surrounding the discovery of an unrecorded skeet range beneath a

housing privatization project; providing continued direct support of the F-35 bed down in three different MAJCOMs; providing guidance during government to government consultations with multiple federally recognized tribes related to a land transfer; and providing consistency in ESOHCAMP legal support across commands.

REGIONAL COUNSEL OFFICES (RCOs)

Located in Atlanta, Dallas, and San Francisco, the RCOs work with state and federal regulators and with state legislators in their geographic regions. The RCOs are located with regional AFCEE offices, and the synergy of the engineers and environmental attorneys pays dividends for the USAF. The RCOs support the Environmental Litigation Center's affirmative cost recovery program and administer a third party site program that seeks to limit USAF liability for potential contamination at sites not owned or operated by the USAF.

The RCO in San Francisco (JACE-WR) engaged with the California Air Resources Board to save DoD tens of thousands of dollars and protect operations by obtaining exemption of tactical equipment from regulation under California's Global Warming Solutions Act. In Washington, JACE-WR provided comments to a proposed rule-making for Green House Gas reporting that secured an exemption for tactical military vehicles and equipment. JACE-WR also successfully negotiated a hazardous materials transportation case affecting Travis AFB and Edwards AFB, saving the Air Force over \$19 million.

The RCO in Dallas (JACE-CR) spearheaded critical state legislation that prevented encroachment at 45 DoD installations in six states. JACE-CR convinced Colorado to grant a National Security Exemption for emergency generators

located at 58 different nuclear control facilities after initially telling the USAF that they must remove the generators or face fines. Finally, JACE-CR settled a \$160 thousand New Mexico enforcement action for no cost.

The RCO in Atlanta (JACE-ER) took the lead for DoD in responding to a notice of violation received by a sister service from Georgia EPD. After coordinating with all services, they realized the impact on DoD in complying with Georgia's new policy for satellite accumulations could total several million dollars. Presenting a unified DoD position, JACE-ER convinced Georgia EPD to rescind their policy change, resulting in no mission impact and a savings of \$1.5 million annually at Robins AFB alone.



*Operation CRAYON DROP
Humanitarian efforts to provide school
supplies to local schools*

JAJ



*Col Gordon R. Hammock
Director*

The Judiciary Directorate (AFLOA/JAJ) is responsible for the administration and improvement of military justice across the Air Force. Colonel Gordon R. Hammock is the Director, USAF Judiciary and manages 290 Total Force personnel assigned to locations around the world.

JAJ largely performs its mission by supporting the work of its five divisions: Military Justice, Government Trial and Appellate Counsel, Trial Defense, Appellate Defense and Clemency, Corrections and Officer Review. The work of these divisions covers a comprehensive gamut that includes advising The Judge Advocate General, Chief of Staff and Secretary of the Air Force on a full range of military justice matters, working with the other uniformed services to propose legislation and modifications to executive orders, assisting convening authorities and staff judge advocates in the field, providing defense services to Airmen worldwide, ensuring the sure-handed litigation of complex cases through the detailing of senior trial and defense counsel and overseeing the practice of government

and defense appellate lawyers before the Air Force Court of Criminal Appeals, the United States Court of Appeals for the Armed Forces and the United States Supreme Court.

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

In line with The Judge Advocate General's vision, JAJ's primary mission focus in 2010 turned to revitalizing military justice across the JAG Corps and larger Air Force. This comprehensive effort seeks to align JAG Corps objectives, metrics and processes with the "discovery of offense to action" sight picture held by our respective commanders. We expect this effort to be enduring in nature.

APPELLATE DEFENSE DIVISION (JAJA)

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. JAJA is led by Colonel Eric N. Eklund and Master Sergeant Gina DiProfrio.

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 throughout the Judiciary.

The division is composed of twelve active duty judge advocates, eleven Reserve judge advocates, one civilian attorney, and three paralegals 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: Vanderbilt University School of Law, Fort Campbell, Kentucky, Creighton University, Suffolk University, and University of Colorado. The Project Outreach program highlights the fairness and professionalism of the military justice system to the public and servicemembers alike.

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

In the 2010 term, the Air Force Appellate Defense Division garnered over 46 percent of the petitions granted for review by USCAAF; nearly as many grants as all of the other services combined. The Army received the next highest number of grants with only half the amount granted to the Air Force. JAJA continues on this path of excellence. The first two petitions granted in the 2011 term were both Air Force cases. This is proof positive that the individuals selected to work in this division are the very best legal minds not only in the Air Force, but throughout all the Services.

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. Jones*, 68 M.J. 465. Appellant was charged with rape in violation of Article 120, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 920 (2006). The military judge sua sponte instructed on, and the members convicted Appellant of, an uncharged violation of Article 134, UCMJ, 10 U.S.C. § 934 (2006)—indecent acts with another (indecent acts), presented as a lesser included offense (LIO). AFCCA affirmed the findings and USCAAF granted review. Appellate defense counsel successfully convinced USCAAF to overturn years of precedent and to return to the “eminently straight-forward” elements test. The Court then held that although indecent acts was listed in the Manual for Courts-Martial (MCM) as an LIO of indecent assault which in turn was listed as an LIO of rape, because the elements of indecent acts were not a subset of the elements of rape, indecent acts was not an LIO of rape. USCAAF set aside appellant’s conviction for indecent acts. This decision has already had a significant impact throughout all of the Services and resulted in several reversals where an accused had been convicted of an LIO that did not satisfy the elements test.

In *U.S. v. Blazier*, 68 M.J. 439, Appellant was convicted, contrary to his pleas, of wrongful use of controlled substances, in violation of Article 112a, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 912a (2006). AFCCA approved the findings and USCAAF granted review of the question whether the admission of “drug testing reports” over defense objection violated Appellant’s rights under the Sixth Amendment’s Confrontation Clause. The Court found, contrary to AFCCA’s ruling, that the covers on the drug testing reports were testimonial and

not admissible at trial. The Court then ordered further briefing and argument in order to decide if other parts of the drug testing reports are also testimonial in nature and not admissible. The Air Force Appellate Defense Division led the way and coordinated with all of the other Services in submitting briefs and argued the additional issues requested by USCAAF earlier this term. The day after this second oral argument, the United States Supreme Court granted certiorari in *Bullcoming v. New Mexico*, 147 N.M. 487, 226 P.3d. 1 (2010), *cert. granted*, (U.S. Feb. 12, 2010) (No. 09-10876) a case raising issues similar to those USCAAF is reviewing in *Blazier II*. All of the Services are now waiting for the Supreme Court and for USCAAF to rule on these issues.



TRIAL DEFENSE DIVISION (JAJD)

The Trial Defense Division (JAJD) is responsible for the provision of comprehensive defense services to all Air Force members. The Division Chief is Colonel Polly Kenny and the Superintendent is Master Sergeant Jodi Hayes.

Area Defense Counsel (ADCs) represent military members globally in criminal investigations and proceedings under the UCMJ, such as nonjudicial punishment proceedings under Article 15; Article 32 investigations; pretrial confinement hearings; summary, special, and general courts-martial; and all post-trial and clemency matters. ADCs also serve as counsel in a variety of adverse personnel actions,

such as involuntary separations, demotion actions, and administrative boards (e.g., flying evaluation, physical evaluation, and medical credentials boards). In overseas locations, ADCs may serve as military legal advisors in foreign jurisdiction cases. In spite of these diverse duties, the enduring mission of JAJD remains steadfast: to provide vigorous, comprehensive, and world-class legal defense services to all Air Force members.

The Trial Defense Division is comprised of a Chief, Paralegal Superintendent, three Chief Senior Defense Counsel (CSDC) that are responsible for regional oversight of ADCs, a Deputy Chief for Policy and Training, 3 Defense Paralegal Managers (DPMs), 18 Senior Defense Counsel (SDCs), 82 ADCs and 72 Defense Paralegals (DPs) stationed at 69 installations worldwide. At the macro-level, defense services are managed by the Chief and three CSDCs, each responsible for oversight of an area of responsibility (AOR)—Eastern/Europe, Central, and Western/Pacific, respectively. Within each AOR, there are six geographically aligned regions led by an SDC. The SDC billets are selectively filled by majors or senior captains with prior defense counsel experience. Each SDC supervises the defense services provided by four to five ADC offices within his/her area of responsibility and is responsible for litigating complex cases; providing attorney and paralegal training and mentoring; and professional responsibility oversight.

Additionally, three defense counsels are assigned to The Air Force Judge Advocate General’s School (AFJAGS) at Maxwell AFB, Alabama, as Instructor/Litigators. These personnel spend 1/3 of the year serving as trial defense counsel and 2/3 of the year teaching AFJAGS courses. This arrangement allows the School to have current litigators on the staff, greatly enhancing the School’s trial advocacy programs.

Professional development of assigned counsel and paralegals continues to be a top priority for JAJD. Each newly assigned ADC and DP attends one of two Defense Orientation Courses held annually at AFJAGS. A separate SDC Leadership Conference was held in May 2010 at HQ AFLOA, Bolling AFB, D.C., focusing on the leadership and management skills required of these defense positions. JAJD also participated in three Trial Advocacy Conferences sponsored by AFJAGS: Germany for all European defense personnel, Japan for Pacific defense personnel; and Charleston AFB, South Carolina, for all defense personnel assigned to the continental United States.

The three defense Instructor/Litigators also served as liaisons between JAJD and AFJAGS on all defense advocacy curriculum development and implementation. Along with the ADC professional development curriculum, JAJD nominates defense counsel to attend the Trial and Defense Advocacy Course and the Advanced Trial Advocacy Course taught at AFJAGS. Numerous SDCs participated in these courses as adjunct faculty. JAJD also sponsored a select cadre of experienced defense counsel to attend specialized training conducted by sister Services and other institutions and associations.

GOVERNMENT TRIAL AND APPELLATE COUNSEL DIVISION (JAJG)

The Government Trial and Appellate Counsel Division (JAJG) provides the United States trial and appellate services to promote and preserve good order and discipline within the Air Force. The division is led by Colonel Don Christensen and Master Sergeant David Furno. The judge advocates assigned to JAJG serve as either senior trial counsel or as appellate government counsel, working in concert to enhance and promote the fair administration of our military justice system. This Division is comprised of 27 active duty judge advocates, 1 civilian attorney,

10 reserve judge advocates, 2 enlisted paralegals, and 1 civilian paralegal.

Senior trial counsel (STCs) are strategically stationed at various locations throughout the Air Force to maximize efficiency. This year our STCs prosecuted 165 general courts-martial, a full 78 percent of all general courts-martial tried within the Air Force. In addition, STCs supported 57 special courts-martial, 99 Article 32 hearings, 5 officer discharge boards, and 28 other judicial and quasi-judicial proceedings.

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

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

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

In 2010, Appellate Government Counsel have presented 32 oral arguments, 11 before USCAAF and 21 before AFCCA. Government counsel participated in Project Outreach at USCAAF and AFCCA by conducting oral arguments at various locations including Suffolk University, the University of Colorado, Hofstra University, and Loyola University at New Orleans. Counsel defended the United States on the full range of issues, including the constitutionality of the military's drug testing program, the constitutionality of the new Article 120 of the UCMJ enacted by Congress to address sexual misconduct in the military, the evolving doctrine of lesser included offenses, ineffective assistance of counsel, speedy trial issues, and many other matters. In addition, appellate counsel continued to defend the government against claims of post-trial processing errors and untimely post-trial processing.

Appellate government counsel also serve a *de facto* role as the "solicitor general" of the Air Force, taking interlocutory appeals from the rulings of military judges in courts-martial to AFCCA, and then to USCAAF, as may be necessary. In 2010, the government took six interlocutory appeals of military judges' rulings, and successfully requested that The Judge Advocate General certify two AFCCA decisions for review by USCAAF.

The Division continued to fulfill its obligation to support warfighting commanders by deploying its personnel. Captain Mike Rakowski, an appellate

counsel, deployed to Iraq in 2010, and the Division is preparing to deploy another appellate counsel to Afghanistan in 2011. Appellate government counsel also built active relationships with sister service counterparts through participation in quarterly meetings and regular consultation on matters of common interest; on one such issue, Air Force counsel filed an amicus brief in a Navy-Marine CAAF case involving the release of trial defense counsel who had reached the end of their term of active duty service.

Trial and Appellate Government Counsel continue to seek out opportunities to provide guidance and leadership in military justice. Thus far, Division Counsel have provided training at the Trial Advocacy Conferences, the Military Justice Administration Course, the Trial and Defense Advocacy Course, at KEYSTONE, during two worldwide webcasts, and at several Numbered Air Force Conferences. STCs have also provided training at the base level in conjunction with trying courts-martial. Further, Appellate Counsel continue to update and distribute the Trial Counsel Deskbook, as well as an electronic newsletter containing appellate updates and relevant articles for military justice practitioners. Finally, JAJG established the Government Trial and Appellate Learning Center on CAPSIL, which provides the field with the latest developments and resources concerning case law, trial advocacy, and military justice.

MILITARY JUSTICE DIVISION (JAJM)

The Military Justice Division (JAJM) supports the field in military justice matters and drafts and implements Air Force military justice policy. JAJM is led by Colonel Ken Theurer with Master Sergeant Stephen Bryant serving as the Law Office Manager. Mr. Jim Russell serves as the Associate Division Chief.

JAJM is responsible for ensuring that military justice practice complies with

continually evolving legislation, court decisions, and policy—and informing the field of these changes. JAJM represents the Air Force on the Joint Service Committee (JSC) on military justice and its working groups, which draft proposed legislation and executive orders for the Manual for Courts-Martial (MCM). The Division promulgates and updates regulations establishing Air Force policies and procedures for the conduct of courts-martial and other proceedings. JAJM facilitates designation for the exercise of military justice, preparing Secretary of the Air Force (SecAF) documents and Department of the Air Force special orders designating convening authorities. The Division makes recommendations to the Judiciary and The Judge Advocate General for changes in military justice policy and completes other staff taskings as requested.

In its role as a JSC voting member on military justice, JAJM is helping refine proposed procedural and evidentiary changes to the Uniform Code of Military Justice (UCMJ) and the Rules for Court-Martial. One proposal will redraft the Article 120 elements and model specifications listed in the MCM to reflect the revised Article 120 pending in Congress. Another proposal will expand the existing Article 134 offense to encompass the abuse, neglect and abandonment of all animals. The JSC also is conducting a comprehensive comparison of the Military Rules of Evidence with the proposed “restyled” Federal Rules of Evidence to determine the differences that need to be reconciled.

JAJM served as the executive agency for drafting the 2010 Manual for Military Commissions. Division personnel led the joint-service effort to not only capture Congress’ intent in revising many of the rules governing the Guantanamo-based commissions, but to set policy in areas left untouched by the National Defense Authorization Act. After obtaining input

from the Department of Justice, the State Department, and the intelligence community, the JAJM-led working group presented a draft to Secretary of Defense Robert Gates, who implemented the manual on 27 April 2010.

In 2010, the Division’s Policy and Precedent Branch worked with its counterparts in AF/SG to lay the foundation to hire two civilian mental health forensic experts dedicated to court-martial support. These new positions will increase expert availability and save tax dollars. The Branch implemented key changes to AFI 51-201 on jurisdictional, command coordination, and witness travel issues for reservists. JAJM also collaborated with JAA to craft the new Air Force-wide policy banning the abuse of salvia, spice, and other intoxicating substances.

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. In August, the Division arranged for 27 trial counsel to attend the week-long Military Institute on the Prosecution of Sexual Violence. In October, the Division sent 47 Victim-Witness Assistance Program (VWAP) representatives to the National Center for the Victims of Crimes’ National Conference. At the conference, VWAP representatives interacted with federal, state and community-based victims’ rights advocates; received Air Force-specific VWAP training; and learned techniques to better serve victims of crimes. Throughout 2010, JAJM served as the executive agency on a \$1.2 million joint-service interactive trial advocacy software program focused on providing trial counsel with practical training on the prosecution of sexual assault. Division

personnel have drafted scripts for interactive direct and cross examinations, and have developed training modules on voir dire, closing argument, and sentencing.

The Division monitors officer and other special interest cases, preparing a monthly consolidated report for TJAG and the Chief of Staff. JAJM reviews officer resignations in lieu of court-martial (RILO) and prepares advisory opinions for the Secretary of the Air Force. The Division has reviewed 17 RILOs so far this calendar year. Action officers review and process requests by civilian jurisdictions for return of overseas Air Force members, review and process requests for inter-major command (MAJCOM) permanent change of station or temporary duty of accused members for courts-martial, review and process Article 15 appeals from MAJCOMs, act on special requests for Air Force counsel, and participate in the Drug Abuse Screening Coordinating Committee.

In support of the Military Justice Revival, the Justice and Court Activities Branch identified several opportunities to streamline the military justice process. For example, after analyzing historical data, Division personnel addressed inefficiencies in the RILO process. Per TJAG's approval and direction, JAJM implemented a new RILO process that emphasizes near-simultaneous review at the NAF, MAJCOM, and HQ level—made possible by electronic filing of RILOs through FLITE. Together with the implementation of new metrics, the RILO process now takes an average of approximately 60 days—a dramatic improvement on the average 110-day processing time experienced from 2004 to 2009. Similarly, new Article 15 processing metrics have dramatically reduced the time between the date of discovery of the offense and offer of nonjudicial punishment. These processing improvements ensure that justice is not only fair but timely and efficient.

In 2010, JAJM's Relief and Inquiries Branch answered more than 60 high-level inquiries from the White House, members of Congress, and SecAF. JAJM action officers reviewed 87 applications to the Air Force Board for Correction of Military Records (BCMR) on military justice issues. After carefully reviewing the applicable records and researching the issues, the Division provided the BCMR with an evaluation, including an interpretation of the request, an opinion of the applicant's contentions, and recommendations for disposition. The Division performed more than 20 post-trial reviews for TJAG under Article 69(a), UCMJ, and reviewed 2 applications for relief under Article 69(b).

JAJM maintains the file repository for all courts-martial records of trial. The Appellate Records Branch processes all records of trial undergoing appellate review, distributing necessary copies, and preparing correspondence directing actions taken by appellate courts. The Branch processed over 700 records of trial into JAJM during the year, closed nearly 300 cases, transferred over 500 cases to the Air Force Court of Criminal Appeals and the Court of Appeals for the Armed Forces, processed over 250 decisions of the AFCCA and CAAF and the U.S. Supreme Court, and staged over 1200 records of trial to permanent storage. The Division also annually processes over 90 requests for court records under the Freedom of Information Act and Privacy Act.

Division personnel manage the \$500,000 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.

CLEMENCY, CORRECTIONS, AND OFFICER REVIEW DIVISION (JAJR)

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 two civilian employees, is headed by Ms. Paula McCarron, with her paralegal, Ms. Paula Edmiston-Linneman. JAJR has one Reservist assigned, Major Elaine Ho.

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

Under Article 74, UCMJ, SecAF has the power to substitute an administrative discharge for a punitive discharge when "good cause" is determined. JAJR reviews enlisted cases at the completion of appellate review when requested either by the Airman, Appellate Defense Counsel or Appellate Court Judges. It is rare for SecAF to exercise the power to grant clemency, but there are those unusual cases where extenuating circumstances exist. No enlisted members received Secretarial clemency this year.

The President of the United States is given the authority by the U.S. Constitution to grant pardons to offenders, including those convicted by court-martial. In the past year, JAJR provided advice and information to dozens of former members on how to apply for a Presidential pardon. Additionally, they prepared multiple case

analyses for the United States Justice Department's pardon attorney, at his request, on former Air Force offenders.

JAJR serves as TJAG's representative on the Air Force Clemency and Parole Board. The board considers cases of long-term prisoners, i.e., those with approved sentences of a year or more, for clemency, parole, and mandatory supervised release. The board also considers whether to revoke parole when conditions of parole are violated, reviews applications for entry into the Return to Duty Program, and approves those who have completed the program for actual return to duty. The board has acted in hundreds of cases this year, including approximately 100 parole decisions. The Air Force has the highest parole rate of the services, hovering around 40 percent, and at around 10 percent, its parole revocation rate is extremely low.

JAJR provides counsel to Air Force Security Forces (AFSFC) regarding corrections matters, and gives 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.

The Return to Duty Program has been operating at Lackland AFB, Texas, since 2007. So far, a total of 30 individuals have entered the program at Lackland; 12 have graduated and been returned to duty, and 5 are currently active in the program. JAJR advocates the program within the JAG Corps, and provides valuable education regarding its benefits. Ultimately, this has led to an increase of awareness

and support from convening authorities. Over the course of the past few years, the program has seen a ten-fold increase of participants and graduates. Statistically, 90 percent of Return to Duty graduates continue on in their careers and eventually either separate honorably from the Air Force after their commitment, or go on to retirement.

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

Spotlight on



When Captain Shane McCammon arrived at JAJM, he expected to answer Congressional inquiries, and research new ways to improve military justice processing. He certainly did not expect to become a video game developer.

When the Air Force became the executive agency for overseeing a \$1.2 million joint-service interactive trial advocacy software program, Captain McCammon was selected to represent JAJM on the working group. His role began as the group's POC with the software developer and quickly evolved into becoming the project lead, despite being the junior member of the working group. It hasn't hurt that the project combines his love of writing with video gaming.

Trial Advocacy Software Program

"This is no ordinary training program," he explains. "Unlike a lot of interactive training, which focuses on quizzes and memory games, this program will allow users to conduct a fully interactive direct and cross-examination. Based on the questions you ask, your witness will respond in a variety of ways. And if you ask the right questions—getting those nuggets of information that will help you in closing—you will score accordingly."

The program, allows users to work a sexual assault case from the initial investigative steps up through sentencing, combines training modules with filmed simulations with professional actors. To develop the simulations, Captain McCammon and a team of JAGs from the Army, Navy, and Marines scripted thousands of potential questions and responses. Then, Captain McCammon and the team advised the

developers on proper trial techniques, evidentiary law, and common witness behavior.

Having already "played" the direct examination several times, Captain McCammon reports that there are plenty of learning opportunities available to the user.

"I replayed some of the fiascos I created as a young trial counsel," he said, "and my simulated victim and military judge in the game were as aggravated as I remember them being in the actual trial. The idea here is that it's much better to make these mistakes at your desk, within the safety of a computer program, than it is in front of the members."

For a demonstration, go to <http://www.simmersion.com/demonstration.htm>.

Appellate Counsel—Two Perspectives

APPELLATE DEFENSE COUNSEL



Maj Reggie Yager
AFLOA/JAJA
Bolling AFB, D.C.

As an appellate defense counsel, you still represent clients but you do so free of the anxiety and stress of trial practice. In most cases, your clients have already moved beyond the fear of losing at trial and they no longer fear what the sentence will be. You are, however, their last hope for justice; you are their Obi Wan Kenobi.

The rewards of appellate work, however, extend far beyond just your clients. On the one hand, you will grow personally and professionally. I understand military justice now better than I ever imagined. At the same time, I am also painfully aware now how much more there is still to learn and I have a much greater appreciation for each of the roles we play in the justice process. On the other hand, you have an invaluable opportunity and ability to advance the law to new heights by arguing unique legal positions on appeal and providing critical inputs to changes in the Manual for Courts-Martial.

Take *U.S. v. Jones*, for example, which changed decades of case law on lesser included offenses. Who knew it would have such an impact? Similarly, what a great experience it is to be part of the group that is changing how we prosecute drug cases and how we deal with the challenges of Article 120.

Like most kids, I had pretended to hit the winning home run in the bottom of the

ninth or the game-winning shot as time expires. We do not often have opportunities like that in the JAG Corps, chances to have game-changing moments, but they do exist. Cases like *Jones and U.S. v. Blazier* demonstrate how rewarding appellate work can be, personally, for the client, and for the advancement of military justice.

In reflecting on my time at the Appellate Defense Division, I feel fortunate to have been a part of this group of intellectual giants and I can only wish three things for our youngest JAGs: that each of you has the opportunity to garner a conviction in a serious prosecution; to win an acquittal for someone truly deserving of a second chance; and to be part of the advancement of military justice by securing a meaningful appellate victory.

APPELLATE GOVERNMENT COUNSEL



Capt Michael
Rakowski
AFLOA/JAJG
Bolling AFB, D.C.

The law is constantly adapting to meet new challenges, something Captain Michael Rakowski has learned very well as an Appellate Government Counsel and a deployed judge advocate working with an Iraqi judge. The job of an Appellate Government Counsel not only includes arguing on behalf of the United States to uphold proper court-martial convictions, but also informing base level attorneys about new issues under the UCMJ so they can provide the best possible legal advice to commanders. This involves constant research, cooperation with our sister ser-

vices on issues they raise before the U.S. Court of Appeals for the Armed Forces (USCAAF), and relying on the attorney's own military justice experience. "Because of my job, I've had the privilege of speaking with our Army and Navy counterparts on common issues and proposing a rewrite to a UCMJ article to the Joint Service Committee," said Captain Rakowski, "but the most rewarding part of the job is speaking with a new Chief of Justice about a charging decision to make sure it is legally correct from the start."

When Captain Rakowski was notified he would also be deploying to the joint Law and Order Task Force (LAOTF) in Iraq, little did he know his experience at the appellate office would prove indispensable to his deployed job. As the American prosecutor for a joint U.S.-Iraqi Investigative Team, Captain Rakowski worked one-on-one with an Iraqi investigative judge, local investigators, prison officials, and Department of Defense personnel from all branches of the service to successfully prosecute wanted terrorists in Iraq.

His work resulted in over 60 detention hearings in his first four months and required both advice to U.S. military units on the Iraqi criminal code and coordinating U.S. forensic expert witness testimony in Iraqi courts. During his last two months, he also set up a forward deployed legal office combining Iraqi criminal investigators with the U.S. and Iraqi military forces that execute the arrest warrants for these terrorists. "While the law we relied on was different, the required job skills of legal expertise, dedication and advising were actually quite similar," said Captain Rakowski.

AREA DEFENSE COUNSEL

Advancing the Air Force mission by vigorously providing world-class legal defense services for Air Force members is the mission statement of 82 area defense counsel (ADCs), 72 defense paralegals (DPs), 3 instructor litigators (I/Ls), and 18 senior defense counsel (SDCs). Including the chain of command, defense services are provided by 184 personnel at 69 bases. Typically second or third assignment captains, ADCs are primarily responsible for managing legal defense services at a single installation, for managing the installation ADC office, and for supervising one DP. 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 discharges, demotion and nonjudicial punishment proceedings; flying evaluation boards and medical credentials boards; and various other adverse personnel actions. Overseas-assigned counsel also serve as military legal advisors in foreign jurisdictions. The Military Defense Counsel's charter defines the types of services ADCs are responsible for providing and to whom they may be provided. These responsibilities were first defined in the TJAG Letter "The Workload and Charter of an ADC," dated 14 June 1976. The current charter is dated 24 October 2005 and is in the process of being updated with an expected release date in winter 2010.

Today, the ADC motto is "independence without an attitude." Prior to 1974, defense counsel services were provided by the local base legal office. Judge advocates could be assigned as either trial or defense counsel. There was no specialization, and the judge advocates were moved between

the positions as necessary. This manner of assigning defense counsel created a perception of command influence by the public and by the client. In 1972, the Secretary of Defense created the task force on the Administration of Military Justice in the Armed Forces. One of the Task Force's recommendations was to prepare a plan to remove defense services from the base legal office. In January 1974, the Air Force implemented a test plan whereby defense counsel would be assigned to the Directorate of the USAF Judiciary. The test plan was implemented worldwide in July 1974 and involved 135 Judge Advocates and 120 legal specialists. In July 1974, the Chief of Staff of the Air Force authorized the program on a permanent basis. From its inception, each TJAG has made clear that ADC vacancies are to be filled from among the most highly qualified and available judge advocates. In most cases, the ADC is selected from among judge advocates at the base where an ADC vacancy occurs; this ensures the ADC has considerable knowledge of local base personnel, policies, and concerns. ADCs do not report to the base staff judge advocate or the installation commander. Today, ADCs report through an SDC to the Trial Defense Division (AFLOA/JAJD), thereby guaranteeing independence and an unfettered ability to represent their clients. For years, one ADC office was the exception to this rule. Air Force Reserve Command's ADC and DP were rated by and reported to the Air Force Reserve Command's staff judge advocate. This changed in early October 2010 when the ADC and DP positions transferred to AFLOA/JAJD.

As an integral part of the defense team, 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: day-to-day logistics and budgeting for the defense office, 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.

In 2010, 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 533 courts-martial including 145 general courts-martial, 263 special courts-martial, and 125 summary courts-martial. ADC teams also represented Airmen in approximately 5,200 Article 15 proceedings.

In the past year, the Air Force tried two contentious murder cases. In a non-capital murder case at Davis-Monthan AFB, the client was charged with the murder of a fellow Airman at an off-base party. The defense team of Major John Harwood, Major Lance Wood, Captain Jeremy Harris, and Staff Sergeant Florenda Johnson litigated the case before a panel of officer and enlisted members in a federal courtroom in downtown Tucson, Arizona. The witnesses had varying accounts of the events of the night. A male Airman (later deceased) and a female had an argument

that resulted in the female being assaulted. A group of males confronted the Airman. The size of the group was unknown, but it's clear the client/accused stood between the group and the Airman trying to pacify the group while telling the Airman to go home. Testimony varied regarding the ensuing events, but the evidence showed the client hit the Airman after the Airman swung at him. The client then straddled the Airman, grabbed the front of his shirt, and shook him to get his attention. The variance comes in what actually happened on the ground as one witness testified that he saw Airman's head hit the ground 1-4 times. Afterwards, the Airman was moved from the middle of the road by another individual and was dropped or put down between 3-5 times. The Airman died a few hours later. The defense team presented evidence of an alternative theory of the cause and mechanism of the death. The team used this information, as well as the client's good military character, to develop the defense's theory and trial strategy that the client was a peacemaker—not a lawbreaker—who came to the defense of others and, ultimately, came to his own defense. In the end, the client was fully acquitted.

In another high profile, non-capital murder case, Major Michael Coco, Captain Brent Dishman, two civilian co-counsel, Staff Sergeant Lashawne Burr-Dunlap and Staff Sergeant Marcie Strickland-King zealously defended an Air Force nurse charged with the murder of three patients and with conduct unbecoming an officer. On 5 August 2008, the client, a nurse at the local medical center, was on duty in the intensive care unit when five patients passed away. Although some of the patients had been put on end of life care, this was still an unusually high number for the unit. On 6 August 2008, the client added a note to one of the medical records documenting a verbal order for medication that was given on 5 August 2008. This was the basis of the conduct unbecoming

charge. Shortly thereafter, OSI began to investigate the client, and he was charged with the murder of two patients who died on 5 August 2008 and the murder of one patient who died approximately two months earlier. The client was the primary caregiver to two of the patients and was involved in questionable circumstances surrounding the last days of the third. The defense team presented evidence from an expert forensic pathologist, an expert in palliative care, and family members of one of the three patients regarding the client's excellent care. The defense theory was that the patients were expected to pass away and did so as expected—not as a result of the client's actions. The defense team ultimately proved that the client, in fact, met the standard of care for treatment of these patients, that there was neither evidence of causation nor intent for murder; and that there were systemic flaws in the system. The client was fully acquitted of all charges.

In addition to these high-profile cases, ADC teams participated in courts-martial resulting in 59 full acquittals. One acquittal involved an Airman charged with divers use and introduction of ecstasy. A fellow Airman reported the client's admissions of using ecstasy to two noncommissioned officers. The client was then interrogated by Security Forces, where he consented to a urinalysis and a search of his dormitory room. The client made both oral and written admissions to the Security Forces investigator, and his urinalysis sample was positive for ecstasy. In one of her first cases as an ADC, Captain Rebecca Dickinson, with Technical Sergeant Marc Henderson and Technical Sergeant Jessica Larsen, presented character for untruthfulness evidence for the Airman fact witness and questioned the reliability of both the urinalysis result and the statements to Security Forces. Even with the multiple statements and the positive urinalysis result, the members found the client not guilty of all charges and specifications.

Captain Daniel White, Captain Jason Gammons, and Staff Sergeant Jesus Quijano teamed to defend an Airman who faced allegations at a general court-martial that he conspired with other Airmen to steal and wrongfully dispose of over \$100 million of battle gear while working in the security forces' supply warehouse. The defense's vigorous cross-examination of the OSI agent and the warehouse NCOIC revealed that it was impossible to prove the seized battle gear actually belonged to the military. Several witnesses also testified that the conspirators testifying under a grant of testimonial immunity were untruthful. Captain White's outstanding closing argument convinced the military judge to acquit the client of all charges.

Defense teams are faced with many challenges when they enter the courtroom. Captain Michael Berens, an Instructor-Litigator, Captain Aaron Ogden, Technical Sergeant Joey Barefield, and Staff Sergeant Stephen Smith defended a noncommissioned officer facing charges for sexually assaulting his biological daughter. The client had a prior court-martial for possession of child pornography which resulted in an acquittal. The client was originally charged with aggravated sexual contact, indecent liberties, and assault. The base family advocacy office deemed the allegations unsubstantiated, and after the Article 32 hearing, the initial charges were withdrawn.

A few months after the Article 32, new charges involving the same minor alleged two instances of aggravated sexual contact with a minor under 12 years old and one charge of indecent liberties. These charges were referred to trial by general court-martial. The defense walked the panel through the minor's multiple inconsistent statements and the minor's questionable testimony regarding the inappropriate touching charges. The client was found not guilty of all charges.

In another case, a senior noncommissioned officer represented by Captain Matthew Andrade, Captain Michael Schwartz, and Technical Sergeant Jobette Rosati was charged with marijuana use based on a positive urinalysis test. The client was convicted six months prior for another instance of marijuana use, which was also based on a urinalysis result. In the first court-martial, neither jail nor a punitive discharge was adjudged. The prior result was admitted as evidence, but the client was nonetheless 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. Captain Tom Alford represented a client accused of introducing and distributing oxycodone. Shortly before trial, the ADC team learned the client had given immunized testimony in two previous courts-martial involving Airmen accused of drug use. The day after the client's immunized testimony in the second court-martial, OSI opened an investigation against the client. After a thorough investigation, the ADC filed a motion to dismiss all charges with prejudice because the ADC argued the client's immunized testimony influenced and led the government to investigate and prosecute him. The military judge ordered a Kastigar hearing forcing the government to call several witnesses in an Article 39(a) session. The military judge ruled the government did not meet its "heavy burden" during the Kastigar hearing and granted the defense's motion dismissing the charges with prejudice.

Captain Dustin Lane represented a non-commissioned officer accused of larceny of \$40,000 and of presenting fraudulent claims stemming from travel vouchers claiming a higher per diem than to which the government believed he was entitled. The defense team researched the Joint Federal Travel Regulation and found a provision stating that when a member is

TDY the member is not required to check for on-base billeting after being initially billeted off-base. The evidence proved the client was not wrongfully claiming the higher per diem because he was both TDY and initially billeted off-base. Based on this little known provision, the charges were dismissed after the Article 32 hearing.

In a shaken baby case, the client was charged with aggravated assault by means or force likely to produce death or grievous bodily harm. In the sentencing case, the defense team of Major Darrin Skousen, Major Felix Sutanto, and Staff Sergeant Ami Harris worked hard to avoid the punitive discharge and to limit confinement. The mother provided outstanding testimony on behalf of her son, and the unit and squadron commander supported the client's retention in the Air Force. The defense team limited the client's sentence to three months confinement without a punitive discharge. As a result, the family of four will remain together with the necessary financial and medical resources critical to care for their very seriously mentally and physically handicapped baby boy.

ADC teams displayed the same vigorous representation in all facets of the law, and defense successes were not limited to courts-martial. Below are but a few of the hundreds of examples from 2010 where ADC teams produced positive results for their clients:

A lengthy-service NCO faced an administrative discharge board after pleading no contest in a civilian court to an involuntary manslaughter charge stemming from an unfortunate automobile accident that took the life of a fellow active duty Airman. The defense team of Captain Jeffrey Hawkins and Staff Sergeant Sara Monroe presented both testimonial and documentary evidence of the NCO's character, of the impact the accident

had upon the client's family, and of the significant guilt the client bore for causing the tragedy. Countless character letters and testimony from fellow Airmen stated the client was still an asset to the Air Force despite the incident. In the end, the board panel recommended retention. Another Airman with approximately 10 years of service faced an administrative discharge board for a pattern of misconduct. Specifically, the client had two Article 15s and two Letters of Reprimand. The defense team of Captain Patrick Schwomeyer and Technical Sergeant Amanda Lopez interviewed numerous officers and enlisted squadron members and uncovered their fears of reprisal. Many of the squadron members nonetheless testified as to the squadron's environment. Based on all of their testimony, the board panel found the client did not commit the charges alleged in one of the LORs and in one Article 15 and then did not consider the remaining LOR and Article 15. Ultimately, the board panel found there was no basis for administrative discharge, and the client was retained.

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 brightest of our Corps ensure that the legal rights of the members of the Air Force are protected every day. They have the best jobs in the Air Force!

Mr. James T. Skinner, Jr.



Mr. James “Tim” Skinner, Jr., Deputy Director, Air Force Legal Operations Agency, Legal Information Services Directorate (AFLOA/JAS) retired on 1 January 2011 after serving nearly 37 years on active duty and as a civilian employee for the United States Air Force. Universally

known throughout the Corps as an early pioneer of legal information services and technology, Mr. Skinner served as the driving force behind JAS’ technological direction and change throughout the last three decades.

Mr. Skinner began his Air Force career in 1963 by enlisting as an Airman Basic. He spent his first two years on active duty training as a Russian Airborne Linguist at Syracuse University, New York, and Goodfellow Air Force Base, Texas. Following technical training, he was assigned to Eielson Air Base, Alaska where he performed duties aboard a RC-135 reconnaissance aircraft that flew Cold War missions. He separated from active duty in August 1967 and graduated from the University of California at Berkeley in 1969 with a Bachelor of Science in Business Administration. Upon graduation, he worked for a management consultant firm establishing information systems throughout the United States under authority of the Demonstration Cities Act of 1966, part of the federal government’s War on Poverty. He then began law school and in 1974, was admitted to the California Bar, spending several years in private practice. In 1978, Mr. Skinner noticed a federal job opening advertisement seeking an

attorney with computer experience. He applied for and was hired as an attorney for the Federal Legal Information Through Electronics or FLITE program, then located at Lowry Air Force Base, Colorado. The rest is history.

Since 1978, Mr. Skinner has served JAS as an attorney advisor, chief of the legal research division and product development branch, and as of 2006, as deputy director. He influenced a critical manpower study by demonstrating that JAS could operate its own servers. In 1988, he helped set up the first enterprise-wide JAGMAIL system. Thanks to his efforts, by 1993, the Corps was operating entirely on its own systems. “Having our own machines permitted us to migrate to the web in late 1995 and go live on the web on 1 April 1996. Once we were on the web, JAS and our applications took off like a rocket.”

Mr. Skinner summarizes his secret to success as follows: “Know when to lead, know when to follow, and know when to get out of the way.” For example, when “Don Nolte wanted to put out a ROSTER program, I told him no. No one will ever update it and it will quickly become worthless. He kept pestering me about the ROSTER and enlisted then Captain Brad Mitchell. I finally told the two, ‘Go for it.’ It has turned into one of the best decisions I have never made, and today nearly every FLITE application depends on ROSTER.”

Starting out in 1978 as a 30+ year-old attorney, Mr. Skinner has not only seen, but driven vast changes in legal information services and technology. His foresight and vision have been critical to the success of The Judge Advocate General’s Corps. Mr. Tim Skinner—we salute you!

JAS



*Col Melinda L. Davis-Perritano
Director*

The Legal Information Services Directorate (AFLOA/JAS) is the Department of Defense's (DoD) executive agent for the Federal Legal Information Through Electronics (FLITE) computer assisted research system. Located at Maxwell AFB, Alabama, JAS is led by Director, Colonel Melinda L. Davis-Perritano, Deputy Director, Mr. James T. Skinner, and Law Office Superintendent, Master Sergeant Daniel R. Perge. The staff of forty-four highly-skilled and creative professional military and civilian personnel provides a broad range of information technology (IT) products to the Air Force and DoD. JAS serves as The Judge Advocate General's Corps (JAG Corps) center of excellence for innovation and initiative in the IT field. Its five divisions include application development (JASA), systems operations (JASD), legal (JASL), resources and personnel (JASR), and plans, requirements, testing and training (JASX). Within those divisions are six branches. Additionally, JAS' manning is augmented by five in-house contractors.

JAS creates, fields, and maintains a broad range of products that enhance knowl-

edge management and facilitate decision making dominance. JAS provides legal research technology, expertise in procuring Air Force-specific hardware and software, facilitates web site hosting, and develops legal management programs such as the Automated Military Justice Analysis and Management System (AMJAMS) and Web-based Legal Information On-line System (WebLIONS). JAS continues to automate and standardize routine processes to make the JAG Corps more efficient and more productive, enabling the warfighting legal professional.

AFLOA/JASL DIVISION CHIEF NEXTGOV AWARD WINNER



*Ms. Lynn Mokray,
Chief JAS Legal Division*

Ms. Lynn Mokray, Chief of the JAS Legal Division, was named one of eight winners of the inaugural Nextgov Awards. The awards, presented by the Government Executive Media Group in Washington D.C., are designed to recognize federal professionals who have challenged the status quo creating innovative programs, policies or management practices that rely on technology to improve government operations. Ms. Mokray, who has been with JAS since 1989, was the only Air Force winner among 19 finalists selected from more than 100 nominees for this incredibly prestigious award and honor. Ms. Mokray was nominated for her leadership in spearheading two crucial

JAG Corps' programs—the initiative to provide VTC capability for every Air Force legal office and the computer-assisted legal research contract, which consolidated Army, Air Force and Marine legal research needs into one contract for almost 15,000 DoD personnel.

ACCIDENT INVESTIGATION BOARD MISHAPS REPORTING SYSTEM

This system was completely redesigned and programmed to provide an improved user-interface, capture additional data fields, and provide increased security. For example, AIB has a functionality to provide the user the option of whether to review the pages vertical through a scroll bar or horizontal through tabs. The programmer's efforts resulted in a much more sophisticated application emphasizing improved customer service and ease of use.

AFTER ACTION REPORTING



GEN Odierno and Maj Brent Osgood

JAS conducted a ground-up re-write of the current JAG Corps' post-deployment reporting system After Action Report (AAR). The new system is designed to capture a large amount of deployment information in an efficient questionnaire which eliminates many of the open text boxes used in the current version of AAR and is expected to reduce the amount of time required for completion. The new AAR automatically generates several top-

level reports which significantly reduce the lead time required to provide JAG Corps' leadership up-to-date information on various deployment concerns. Additionally, a base-level report is now available to assist the Staff Judge Advocate and Law Office Superintendent in focusing training for deployment-tasked personnel in the areas they are likely to encounter at a given location. The improved questionnaire also streamlines the AFJAGS' Operations and International Law division's ability to create relevant training scenarios for courses such as JAG Flag and the Paralegal Craftsman Course.

ARC STATISTICAL REPORTING SYSTEM

With the Information Technology Readiness Committee (ITRC) as lead, JAS teamed its Reserve and civilian programmers to completely rewrite ARCSTARS. Modifications include better organized tabs and expanded work product to capture work product at base and HQ level offices, a dynamic data pull from WeBLIONS and a delegable permissions module to allow senior leaders the ability to delegate access to the applications. Reserve programmers assigned to JAS have repeatedly demonstrated they are a valuable part of its application development mission.

AREA DEFENSE ELECTRONIC REPORTING

JAS completed requirements and began a complete rewrite of Area Defense Electronic Reporting (ADER). ADER has evolved to have two central purposes: a case program for defense counsel and a tool for AFLOA/JAJD to effectively manage the case load of defense counsel. As originally written, the program did not provide an effective interface for either of these functions. JAS continues to work with JAJD to develop ADER to achieve its goals of becoming a true case manage-

ment and workflow management tool for defense services.

AUTOMATED MILITARY JUSTICE ANALYSIS AND MANAGEMENT SYSTEM

JAS converted the Automated Military Justice Analysis and Management System (AMJAMS) from a client based desktop application to a Web version and completed its fielding in 2010. Completion of this 3-year initiative guarantees the system will be available for use by military justice attorneys and paralegals no matter the operating system or standard desktop configuration. In addition to a fully capable web version, the capabilities of the system were significantly enhanced and an interface connecting AMJAMS to an Air Force Office of Special Investigation's system was designed. New reports tools, which included a Staff Judge Advocate widget and spotlight charts for real time monitoring of case loads and progress at the base legal offices, were also released.

CONTINUITY OF OPERATIONS

JAS completed building its Information Technology (IT) Continuity of Operations (COOP) system. DoD requires an IT COOP system for redundancy—basically a mirror image backup in the event of a complete system failure, whether from a natural disaster or cyber attack. The Area Processing Center (APC), Andrews AFB became home to JAS' IT COOP in late 2010. The JAS IT COOP is the first of its kind installed at the Andrews AFB APC.

JUDICIAL DOCKETING SYSTEM

In order to better serve members of the Judiciary who travel on a regular basis, JAS programmers modified access to the Judicial Docketing System (JDS) so it could be accessed by users through a non-military ".com" address instead of only ".mil". This enhancement enabled traveling judges and counsels to access the

system from a non-government computer if needed.

MOBILE PHONE APPLICATION

JAS also built and launched its first browser based mobile phone application. The application, which works on several mobile operating systems, allows users to perform a quick last name search of any Air Force Judge Advocate Generals Corps member registered in the JAG Corps Roster. The search pulls the member's cell and office phone number and displays it on the user's mobile device.

PEOPLE FINDER

Enhanced People Finder was released with advanced look up features such as languages spoken, fields of expertise, and includes a listing of deployed personnel assigned to locations not blocked by security concerns.

STUDENT LOAN REPAYMENT SYSTEM

JAS programmers developed a Student Loan Repayment System (SLRS) for new judge advocates to electronically apply for, verify, and process requests for reimbursement of law school loans. This marks the inauguration of the JAG Corps student loan repayment program.

SUSPENSE SYSTEM

The Suspense System was modified based on customer requests and now has reoccurring suspense and reporting capabilities on a monthly, quarterly, semiannual, and annual basis. This missing feature was the most cited factor by Staff Judge Advocates for not using the program—it is ready for a new test drive.

SYSTEMS ENGINEERING PROCESS

DoD's mandate that all new systems to include aircraft, missiles, ships, and IT systems of all sorts be developed according to a formalized process resulted in the creation and implementation of a JAS System Engineering Process (SEP). The

process provides effective, affordable, and timely systems to JAS users and sets process improvement goals and priorities, provides guidance for quality processes, and provides a point of reference for appraising current processes. SEP provides a firm and well documented technical foundation for the design and documentation of JAS products. It is an established process designed to track software development and/or enhancement from cradle to grave and ensure that proper documentation and procedures were followed throughout. In order to effectively utilize SEP, JAS programmers developed what is known as the Tracker program. This program allows the SEP manager to enter new requests and follow them from beginning to end. Tracker is an essential tool used for the management of work orders within JAS. It replaces a commercial off the shelf software product and provides superior functionality and speed

in comparison. Tracker is split into two basic areas: work orders and SEP requests. Work orders cover short-duration items such as helpdesk tickets, while SEP requests signify software modifications or new software requests and typically involve a long-term investment in time. The overarching capability of SEP generates efficiencies and maximizes the productive output of JAS.

UNIFIED MODELING LANGUAGE

Unified Modeling Language is an IT industry, standardized modeling language, which includes use of graphical notation techniques to create visual models in the field of software engineering. UML is used to specify, visualize, modify, construct and document the artifacts of an object-oriented software intensive system under development. UML offers a standard way to visualize a system's architectural blueprints, including elements such as actors,

business processes, logical components, activities, programming language statements, database schemes, and reusable software components.

Training is underway at JAS to fully implement UML. The Student Loan Repayment Program, released in 2010, was the first JAS application to utilize UML in its development.

WITNESS FUNDING

The witness funding application was substantially modified to clarify several areas which previously caused user errors on the requests, identify a POC for each request in the event of discrepancies, identify the appropriate method for each witness to file travel vouchers based on their status, ensure JAJM is informed of all centrally funded witness travel cancellations, and increase the timeliness of travel vouchers.



2010 proved to be an exciting year for JAS as it unleashed new technologies waiting to be harnessed!

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.



AFCEE

AIR FORCE CENTER FOR ENGINEERING AND THE ENVIRONMENT LACKLAND AFB, TX

This year the Air Force Center for Engineering and the Environment (AFCEE) continued its support of Air Force civil engineering functions worldwide. A FOA to the A7C, AFCEE continues to be the centralized office where Air Force commanders can go for assistance with their installation's environmental and construction programs.

In 2010 AFCEE moved physically from Brooks AFB to property leased by the Air Force that was part of the former Kelly AFB. Another major change was AFCEE's contracting function transitioning from being an organic AFCEE asset to become part of the Air Force Materiel Command's Enterprise Sourcing Group.

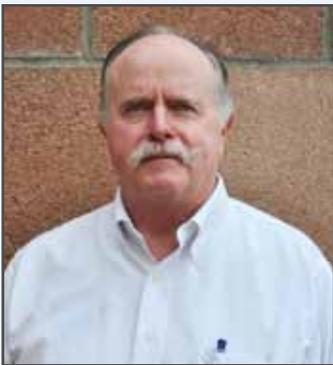
AFCEE's worldwide mission has continued to require support from a team of expert attorneys. The legal staff currently comprises eight attorneys, a paralegal and an SJA. AFCEE's legal practice concentrates primarily on contract and government ethics law. This past year, AFCEE/JA's attorneys advised on thousands of actions totaling approximately \$2 billion, provided advice to help implement the Air Force's performance based cleanup contracting policies, trained all AFCEE personnel on ethics, and were central in operating a requirement vetting process for contract types that helped the Project Management Execution and Contracting Divisions choose the correct contracting vehicle for each of AFCEE's thousands

of projects. AFCEE's SES director relied on the legal team's advice covering a wide range of issues from multi-million dollar contract claims to providing legal advice to multi-billion dollar source selections.

AFCEE's legal functions next challenge will be to transition to the Air Force Legal Operations Agency and take on two additional acquisition related customers who support Air Force medical services and Air Force security forces.

Spotlight on

Henry Byers, AFCEE



Mr. Henry Byers is an attorney assigned to the Air Force Center for Engineering and the Environment (AFCEE) in San Antonio, Texas. As the ethics counselor for AFCEE, Henry advises more than 700 contracting officers and engineers in executing the Center's multi-billion dollar construction and environmental clean-up mission. With more than 25 years of Government Service, this vigilant warrior supplies the scrutiny necessary to make acquisition excellence more than just the phrase de jour at AFCEE; he makes it a reality.

From contract fraud and debarment matters, to conflicts of interest and post-government employment, Henry's "take no prisoners" approach to contract ethics keeps AFCEE and the Air Force on the right side of the law. "Nothing escapes Henry," said his SJA, Lieutenant Colonel Kathleen O'Rourke. "When you are dealing with millions of dollars in contracts every day, you need a pit bull in the ethics ring; Henry is ours." Known for

his candid and precise ethics advice, AFCEE personnel frequently seek him out to ensure their actions are consistent with ethical standards.

But Henry doesn't just wait for issues to come to him. In complex, high dollar procurements, Henry knows what rocks to turn over and is not afraid to ask the tough questions. He finds the challenges, provides advice, and then follows up until they are resolved. His dedication to ensuring AFCEE contracts are awarded and managed according to the highest ethical standards directly supports the Air Force's goal of recapturing acquisition excellence.



AFIA

AIR FORCE INSPECTION AGENCY

KIRTLAND AFB, NM

The Air Force Inspection Agency (AFIA) is a Field Operating Agency (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 AFB, New Mexico, AFIA has six primary missions.

The Training and Inspections Directorate (TI) is tasked with three critical responsibilities, two of which directly support the nuclear enterprise. First, TI recently established a Nuclear Surety Inspection (NSI) Core Team to augment all scheduled MAJCOM NSIs. With approximately 20 NSI inspectors assigned, the NSI Core Team can provide a variable team composition and size that can be tailored to meet unique mission and MAJCOM inspection requirements. Second, TI provides standardized training for all nuclear-capable MAJCOM IG teams through use of “roadshow” courses to the field, development of CBT modules, and by providing the recurring NSI Inspector Course held at Kirtland AFB. Finally, TI

conducts compliance inspections of three Direct Reporting Units (DRUs), 29 FOAs and other units as directed.

The Oversight and Evaluations Directorate provides oversight for all 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.

The Process Improvement Directorate (PI) serves as the focal point for Air Force-wide implementation of Air Force Smart Operations for the 21st Century (AFSO21). PI’s certified trainers assist HQ 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 (SJA) 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. The AFIA SJA also participates in HSIs of military treatment facilities that have Medical Law Consultants and compliance inspections of DRUs and certain FOAs.



AF ISR

AF INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AGENCY

LACKLAND AFB, TX

The legal office at Headquarters, Air Force Intelligence, Surveillance, and Reconnaissance Agency (AF ISR Agency) advises a two-star commander on a full range of legal issues from contracts to intelligence operations. Located at Lackland Air Force Base, San Antonio, Texas, AF ISR Agency continues a storied tradition of conducting the Air Force's intelligence mission. The AF ISR Agency's lineage can be traced to the United States Air Force Security Services (USAFSS) created in 1948. While the organization changed throughout the years and was formerly known as the Air Intelligence Agency, the new AF ISR Agency is currently aligned under the Air Force Deputy Chief of Staff for Intelligence, Surveillance and Reconnaissance (AF/A2) as a Field Operating Agency (FOA).

The AF ISR Agency is the Air Force's largest FOA, with over 17,000 military and civilian members at 72 locations worldwide. The agency's mission is to organize, train, equip and present assigned forces and capabilities to conduct intelligence, surveillance and reconnaissance for combatant commanders and the nation. Additionally, the agency helps implement and oversee execution of Air Force policy and guidance to expand Air Force ISR capabilities to meet current and future challenges.

The AF ISR Agency and subordinate commands, centers and organizations maintain a worldwide reach. The 70th ISR Wing, National Air and Space Intelligence Center (NASIC), 480th ISR Wing, 361st ISR Group, Air Force Technical Applications Center (AFTAC), the Air Force Geospatial-Intelligence Office (AFGO), and the Air Force Cryptologic Office (AFCO) are aligned under the AF ISR Agency. In addition, the AF ISR Agency legal office is actively involved in integrating numerous Air National Guard and Air Force Reserve units with ISR responsibilities. The AF ISR Agency provides mission management and support for specific intelligence operations within all these organizations.

In 2010, the AF ISR Agency continued to directly support the warfighter and the Air Force. AF ISR Agency legal professionals, including those assigned to the 70th ISR Wing at Fort Meade, Maryland and NASIC at Wright-Patterson AFB, Ohio, were intimately involved in Agency efforts to further develop an emerging Human Intelligence (HUMINT) mission, support and expand the globally networked Distributed Common Ground System (DCGS), and enable National-Tactical Integration, which provided national-level intelligence directly to the warfighter. Moreover, the AF ISR Agency legal office regularly advised the Agency contracting office and reviewed over \$345 million in

contracts, including specialized, classified ISR contracts. Additionally, with USCYBERCOM reaching initial operational capacity in 2010, AF ISR Agency legal office continued working the complicated, assorted, and interwoven legal issues dealing with cyber and intelligence lines of authority, command and mission authority, and the delicate relationship between cyber computer network operations and Signals Intelligence (SIGINT).

The AF ISR Agency legal office also provided specialized legal counsel regarding the Agency's role as the Air Force Service Cryptologic Component to the National Security Agency (NSA). As the Service Cryptologic Component, the Agency is the service lead for all USAF cryptologic activities, provides cryptologic forces to NSA, manages cryptologic resources, and executes cryptologic missions. The AF ISR Agency legal office was also significantly involved in the review of numerous NSA, joint, DoD and AF plans, agreements, and doctrine publications.

Finally, 2010 presented a very unique situation within the AF JAG Corps. In September 2010, the AF ISR Agency's one-star Vice Commander was deployed on a no-notice mission leaving a critical vacancy in the Agency. To fill this vital role the AF ISR Agency Commander selected his Staff Judge Advocate, Colonel Ron Ratton, to assume the position of Vice Commander. With the consent of TJAG, a sitting Staff Judge Advocate in the AF JAG Corps assumed the position of a Vice Commander for a MAJCOM equivalent organization.



AFOSI

AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS ANDREWS AFB, MD

The Office of the Staff Judge Advocate, HQ Air Force Office of Special Investigations provides full spectrum legal advice to 2,600 military and civilian agents and support personnel at 200 units worldwide. The office provides 24/7 one-stop advice to agents in the field and their commanders on any subject you'd see in a MAJCOM as well as most issues you might deal with at a base legal office. This includes advice on criminal investigations, Privacy Act and Freedom of Information Act issues regarding AFOSI records, counterterrorism, counterintelligence, cyber law and all the attendant legal issues associated with a large worldwide Field Operating Agency. Besides the 840 plus formal legal reviews rendered per year, the office gets many calls and e-mails for quick advice on a myriad of issues. More than 250 of these questions are fielded in an average month. In addition, AFOSI/JA members advise and encourage field agents to build those all-important relationships with their servicing legal offices.

In the support of overseas contingency operations, attorneys advise on finding,

capturing and eliminating insurgents and terrorists in Iraq and Afghanistan. They ensure operations protecting critical infrastructure and communications networks are conducted properly and within the evolving realm of cyber and counter intelligence law. AFOSI is the sole agency in the Air Force authorized to conduct counterintelligence operations. Therefore, they review each CI operation for approval and execution. In 2010, the office reviewed 120 CI operations, which led to the capture of 475 insurgents and the destruction of 20 tons of weapons.

The office also advises on military justice and criminal law issues particularly related to search and seizure, investigative techniques and discovery. The need for law enforcement agencies to stay one step ahead of criminals requires that trade craft be kept from public knowledge. These protections may conflict with the needs of due process in ensuring that an accused is provided all relevant discovery. AFOSI/JA specializes in analyzing this conflict and fostering the needs of justice for both for the accused and law enforcement. Additionally, the office responds

to hundreds of requests from agents and base level judge advocates on discovery issues relating to confidential sources, derogatory data on agents who will testify and access to contraband evidence such as child pornography.

In the FOIA and Privacy Act arena, AFOSI has one of the largest information release workloads in the Air Force. AFOSI/JA reviews every request from the public for information contained in our investigative files or for our operating instructions. The case load in this area includes 500 plus legal reviews each year. The office also provide full-service ethics advice to our HQ and field commanders as well as assisting Headquarters with the myriad questions related to contracting, civilian personnel and fiscal issues you might see at either a base or MAJCOM legal office.

With over twenty percent of the command's personnel deployed to Iraq and Afghanistan, AFOSI/JA faces a host of operational and personnel law questions, such as LOAC, including the status of civilian agents in the war zone. AFOSI/JA also advises on the cutting edge cyber operations. Foreign intelligence agents, terrorists and plain old criminal bad guys increasingly use the Internet and modern communication devices. AFOSI/JA advises on over 150 requests per year to conduct wiretaps, computer trace and traps, telephone use logs, and other similar requests for both garden variety criminal investigations and counterintelligence operations. Many of them classified at the highest levels. AFOSI/JA's expertise in cyber law is recognized throughout DoD, having provided instructors on cyber law for the Army's advanced Intelligence Law course, as well as testifying before Congressional committees on the subject. Serving with AFOSI/JA is definitely one of the best JAG Corps experiences in the Air Force!

AFOSI Paralegals

AFOSI's unique mission set produces unparalleled attorney/paralegal teaming opportunities. Certainly, the office has come a long way from the days of having a lone secretary to a world-class pair of professional paralegals made up of civilian GS-13 and a SNCO superintendent.

Providing full spectrum legal assistance to AFOSI attorneys only begins to describe the job of Mr. Todd Fuss, Senior Paralegal and Chief Administrative Officer, Headquarters, Air Force Office of Special Investigations (AFOSI). After retiring as an active duty paralegal in 2007, Mr. Fuss joined the AFOSI team. He performs independent and substantive analysis of Information Law issues and provides administrative oversight of the office's fiscal operations.

AFOSI/JA reviews over 500 FOIA, Privacy Act, inter-agency and litigation related requests for investigative records each year. Mr. Fuss is on the frontline of one of the Air Force's largest information release programs. As the Senior Information Law Paralegal, he conducts an in-depth legal analysis on both the request and the agency's proposed release to determine whether the release is legally sufficient. He then prepares and signs a formal memorandum which documents his research and evaluation and makes a recommendation to the Chief of Information Law. If the attorney concurs with Mr. Fuss' evaluation, she adopts Mr. Fuss' memorandum by means of an endorsement which itself includes a final opinion on the legal sufficiency of the release.

"The best part of my job is being a 'real' paralegal and not just an administrative assistant. I am doing work here at AFOSI that equates to what a senior paralegal in the corporate world is doing," said Mr. Fuss. "My position was created, in part, because AFOSI had one of the largest FOIA backlogs in the Air Force. My attorney and I have been able to streamline JA's role in the agency's information release process. Our efforts, in concert with other agency improvements, have reduced the backlog by more than half. Being a part of this agency and helping to facilitate AFOSI's information release renaissance has been very satisfying." Mr. Fuss concluded by saying, "the release specialists do the lion's share of the work, but AFOSI/JA makes sure that the responses are timely and legally sufficient."

Master Sergeant (sel) Laura Puza is not your ordinary Law Office Superintendent. Not only is she responsible for performing the full range of managerial and administrative duties necessary to operate a headquarters legal office, but has taken on AFOSI/JA's expungement and derogatory data programs, programs historically managed by attorneys. Sergeant Puza responds independently to over 290 requests for derogatory data each year, the majority of which are for more than one agent's data. For each agent on each request, Sergeant Puza must coordinate with three other headquarters directorates, review any available data and then respond to the requesting JA. Each response can take up to ten duty days to gather the relevant data, review the records and compile a response. The number of derogatory data requests for agents expected to testify at courts-martial doubled last year compared to previous years.

Sergeant Puza is also responsible for the expungement program. Anyone whom AFOSI has submitted inputs to NCIC on may challenge the validity or accuracy of the information. When AFOSI/JA receives an expungement package for legal review, Sergeant Puza conducts all of the necessary research to determine what the individual may have been investigated for and what, if any, action was taken. Then she carefully studies the regulatory guidance and determines if the offense(s) and action taken were appropriately reported. She then drafts a legal review for the SJA's signature recommending an appropriate response to the request for expungement as well as any edits that may be required to the NCIC records.

Never satisfied with standing still, Sergeant Puza has begun studying and learning the immensely complex legal aspects of counter-intelligence in order to partner with the attorneys responsible for that portfolio. When asked what the best part of her job is, she replied "I really enjoy the challenge of learning and managing these two programs [derogatory data and expungements] that exist nowhere else in the JAG Corps."

Paralegal teaming are the life-blood of the AFOSI/JA Office, and at least according to their SJA, Colonel James Bitzes, "Nobody does it better than Mr. Fuss and Master Sergeant (sel) Puza!"



AFPC

AIR FORCE PERSONNEL CENTER

RANDOLPH AFB, TX

The Air Force Personnel Center (AFPC) mission is to develop and deliver Air Force capabilities by providing premier personnel services to the Total Force and their families. Its Legal Office (AFPC/JA) advises the AFPC Commander and staff, Secretariat, Air Staff, and JAG Corps personnel worldwide on legal issues involving assignment, promotion, disability, discharge, retirement, records correction, duty status determinations, central selection board procedures, and federal employment and labor law issues. 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 servicemembers 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 2010. It completed its

work on an extensive review of the AFPC disability case processing system. AFPC/CC had tasked AFPC/JA with this project for the purpose of developing a solution to address a long-standing backlog of cases in the Physical Evaluation Board process. All AFPC/JA recommendations for improvement were accepted for full implementation and the resulting outcome has led to a significant improvement in case resolution time for disability evaluatees and administrative cost savings of approximately \$7 million per year.

Along with HQ AF/JA and AFPC/DP, AFPC/JA participated in making significant revisions to the procedures for processing homosexual conduct discharges. This included creation of an Air Force Guidance Memorandum. AFPC/JA continued its work on revisions to the Air Force tattoo policy. AFPC/JA also assisted HQ AF/JAJM and AFPC/DP in revising the process for retirement applications in lieu of punitive discharge for retirement eligible members on appellate leave.

AFPC/JA was involved in several civilian personnel issues that reflect the evolving nature of civilian personnel law. The office represented the Air Force in an age discrimination lawsuit filed in federal district court, served as lead attorney in MSPB appeals claiming denial of veterans' rights and as lead attorney in several EEOC cases. Finally, AFPC/JA continued to carry out its mission of providing advice to attorneys Air Force-wide on numerous labor matters to include advice on such issues as litigating MSPB appeals claiming reduction in grade due to conversion from NSPS to GS, and veterans' preference claims.

AFPC/JA worked closely with the AFPC enlistments branch on a complete revision of the reenlistment AFI and with the AFPC separations branch on several important interim changes to the enlisted discharge AFI. AFPC/JA also assisted AFPC/DP in the creation of an AFPC Instruction regarding the process for handling the reclassification of initial training eliminees, to include the authority to separate those deemed improper for reclassification. In consultation with AF/JAA and SAF/GCM, AFPC/JA also developed new procedures for review of educational assistance recoupment recommendations made in conjunction with training eliminee discharges.

In 2010, AFPC/JA reviewed more than 600 AFBCMR applications involving personnel issues and wrote numerous legal advisories for the Correction Board. Finally, the JA counsel who practice before the FPEB participated in over 800 formal hearings, met with more than 1,100 clients in-office, and had telephone or electronic contacts with another 3,100 clients. These numbers, at least in part, reflect the Air Force' efforts to improve and standardize its DES as well as an end-of-year surge in disability case processing resulting from doubling the numbers of FEBSs for a four month period.



AFSC

AIR FORCE SAFETY CENTER

KIRTLAND AFB, NM

The Air Force Safety Center legal office (AFSC/JA) advises the Air Force Chief of Safety (AF/SE), stationed at the Pentagon, and the Executive Director and staff of the Safety Center at Kirtland AFB, New Mexico, on legal aspects of Air Force aviation, ground, weapons and space mishap investigations and mishap prevention, and provides general counsel on military law, civil law, and ethics matters.



CV-22 Osprey, Kirtland AFB, NM

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 mission of the AFSC Staff Judge Advocate is to provide well-reasoned, sound legal advice and general counsel to Air Force Safety officials so they can establish and execute mishap prevention programs to enhance Air Force mission capability, consistent with the law. The SJA also coordinates legal and safety issues between other U.S. armed services, federal agencies and international safety

programs, and responds to requests for safety information from Congress and under the Freedom of Information Act.

During 2010, AFSC attorneys taught 43 classes on the DoD Safety Privilege, to Safety and Accident Investigation Board Presidents, wing Chiefs of Safety, Safety Program Managers, and judge advocates all over the world. AFSC/JA crafted instructions and agreements addressing investigations and studies of mishaps involving Remotely Piloted Aircraft (RPA), and successfully negotiated a DoD position on proposed legislation that would adversely impact safety investigations. AFSC/JA also 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. 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.

Spotlight on

Captain Hanna Yang, USAFA Professor



For Captain Hanna Yang, a new professor at the United States Air Force Academy (USAFA), there could not be a

better way to serve her country than teaching, motivating, and inspiring future officers through the study of law. “Every time I prepare a lesson plan, I discover an entirely new facet or nuance of our legal system,” she says. “It is quite exciting to facilitate the same self-discovery in my students, plus impart a deeper appreciation of the unique rights and privileges that we are sworn to defend.”

Captain Yang teaches the core course, “Law for Air Force Officers,” which covers criminal law, unique military crimes, command discretion, law of armed conflict, and constitutional law. When she first arrived at USAFA she

felt “a bit overwhelmed by the privilege and challenge of teaching college-level courses” but quickly rose to the challenge, thanks to her hard work and background. Having deployed to Guantanamo Bay, Cuba as the Habeas Officer-in-Charge during the height of habeas corpus litigation, Captain Yang had a front-seat role in GTMO’s unique operations—an experience which helped prepare her to lead in the classroom.

Captain Yang is quick to emphasize that leading in the classroom does not come without serious preparation outside of the classroom, especially as a new instructor. “The biggest misconception that people have about this assignment is that one can quickly put together a lesson plan and sail through one’s teaching duties,” she said. “In fact, teaching requires careful engineering of a step-by-step plan to

unfold concepts in a manner that fuels critical thinking and generates discussion, all while fulfilling specific learning objectives.”

Captain Yang’s “typical” day consists of teaching; auditing classes; providing extra instruction (EI) to cadets; creating summer research opportunities for legal studies majors; and serving as an academic advisor to first-year cadets. In her spare time, often during weeknights and weekends, Captain Yang often prepares lesson plans, grades, or evaluates how she can better impart concepts to a struggling student.

Despite the hard work involved, Captain Yang states that “I’ve never felt more fulfilled in my career. This is the best gig in the Air Force.”



USAFA

UNITED STATES AIR FORCE ACADEMY

U.S. Air Force Academy mission: *to educate, train and inspire men and women to become officers of character, motivated to lead the United States Air Force in service to our nation.*

Go ahead, take a moment and reflect on your life's mentors—who inspired you, molded you, and helped create the terrific officer and person you are today? For many, the answer, besides their parents, is a former teacher. Educators at every level have a unique opportunity to shape their students, and at the United States Air Force Academy (USAFA), Judge Advocates and civilian law professors don their professorial robes and make just such an impact every day on the Air Force's future leaders.

The faculty members of the Department of Law (DFL) taught over 1,800 cadets this past year, receiving cadet praise for course relevance and instructor effectiveness. With an academic major encompassing more than fifteen law courses, including USAFA's core course in the study of law, Law for Air Force Officers, the faculty focused its efforts to develop leaders of character through expansive student writing, oral advocacy, and critical thinking. In support of these efforts, DFL hosted a number of renowned speakers this past year, including the Honorable Jeh

Johnson, DoD General Counsel; Mr. Jack Adler, Holocaust survivor; Mr. Paul Kong, International Red Cross Program Officer; and Colonel (Ret.) P.K. Robinson and CAPTAIN (Ret.) Mike McGrath, two former Vietnam prisoners of war.

Outside the classroom, DFL continued to play a critical role in the cadet-run Honor System, serving as legal advisors in honor investigations and board legal advisors in cadet-run honor boards. Law faculty members also held positions as Squadron Professional Ethics Advisors, Associate Air Officer Commanders for Academics, and Officers-in-Charge for several cadet clubs and intercollegiate athletic teams.

This year, as in previous years, law professors in DFL used their litigation skills as coaches of the nationally-ranked USAFA mock trial team, and also hosted a mock trial tournament at USAFA involving twelve universities. Cadets, with the help of DFL faculty, also excelled in several international competitions. Cadets competed against law and graduate students from around the world in the Jean-Pictet International Humanitarian Law

Competition, Canada. Several cadets also traveled to San Remo, Italy, to compete in the 9th Annual Law of Armed Conflict Competition for Military Academies. While there, USAFA took home the first and third place award for best individual cadet and the award for best mixed team (out of 70 teams). DFL members co-directed the LOAC competition, authored the competition problem, supervised the competition leaders, and served on the judges' panel.

Other faculty international travel included trips to Russia, Panama, and Japan on cultural immersion trips with cadets. Additionally, DFL faculty accompanied cadets to The Hague as part of an internship program at the International Criminal Tribunal for Former Yugoslavia. DFL members also deployed to the Combined Air Operations Center in Qatar and to Kyrgyzstan.

In these and many other ways, DFL continues to facilitate the development of cadets into officers of character, motivated to lead in service to our nation.



AFDW

AIR FORCE DISTRICT OF WASHINGTON

JOINT BASE ANDREWS NAVAL AIR FACILITY, MD

The Air Force District of Washington (AFDW), located at Joint Base Andrews Naval Air Facility Washington, Maryland (Joint Base Andrews), is a direct reporting unit with MAJCOM and numbered Air Force responsibilities. Activated in July 2005, AFDW provides headquarters support to the 11th Wing, 79th Medical Wing, and 844th Communications Group at Joint Base Andrews.

The AFDW Commander serves as the general court-martial convening authority for all Air Force military members assigned to Joint Base Andrews; Joint Base Anacostia-Bolling, District of Columbia; 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 general or special court-martial convening authority. AFDW/JA also fills a unique role

in providing legal support to the Air Force Security Forces Center concerning the Air Force Corrections Program. Approximately 500 Air Force members who are in confinement, on parole, or on appellate leave at any given time fall under the program and AFDW.

The AFDW Operations Law Division supported the Nuclear Security Summit, a National Special Security Event, which took place in the National Capital Region (NCR) in April 2010. Attendees included the President of the United States, members of Congress, and delegations from over 45 countries and 3 international organizations. AFDW/JA served as legal advisor to the Commander, 320th Air Expeditionary Wing (the Air Force component to Joint Task Force–NCR) and AFDW. The summit presented formidable logistical and security issues which were readily resolved, resulting in a success for this major international event.

AFDW/JA's Contract Law Division provides all legal support for procurement actions by the AFDW Contracting Directorate, which supports HQ AFDW,

the Air Staff, and AFDW's subordinate wing contracting squadron. They also support all Headquarters Air Force procurement in the NCR, including purchases by Headquarters Air Force Office of Special Investigations to support their U.S. Central Command warfighters. This year, AFDW/JA facilitated the re-competition of the Very Important Persons Special Air Missions (VIPSAM) aircraft maintenance contract and the transition of contracting activities for the Air Force Surgeon General from AFDW to Air Force Materiel Command (AFMC).

As a result of the 2005 Base Realignment and Closure initiative, the 316th Wing was deactivated at Joint Base Andrews on 30 September 2010 and transferred its duties to the 11th Wing. On 1 October 2010, the 11th Wing relocated from Joint Base Anacostia-Bolling to Joint Base Andrews. The former 316th and 11th Wing legal offices consolidated into the new 11 WG/JA at Joint Base Andrews growing from an office of 18 to 31 active duty and civilian personnel.

ACCelerate Program

Higher headquarters loom over the NAF's and bases. Policy edicts and taskers appear from on-high, and the MAJCOM scurries back to its lair. At least, that's a perception. In an attempt to demystify life at a Major Command by lifting back the curtain, ACC/JA started the "ACCelerate" awards program in 2010 to reward high performing JAG's and paralegals. Biannually, a JAG and a paralegal are chosen to travel to ACC Headquarters to experience life at ACC. When they arrive, they receive a full mission brief by JA staff members, meet ACC leadership, and immerse themselves in the interworkings of each section of the office.

ACCelerate is not limited to the same criteria as the annual awards submissions—SJAs are encouraged to submit performers with high potential, in addition to recognized superior duty performance. For Technical Sergeant Angela Mercer, formerly the NCOIC of the Legal Office at Seymour Johnson Air Force Base, the sneak peak was a preview of things to come—she PCS'ed to ACC in September.

"You get to see another side of life. The base office knows base office business. You get to come up here and see another end. At the base office, you look up. At ACC

I saw that they were focused down, on the bases," said Sergeant Mercer.

One ACCelerate winner wasn't quite as close to a MAJCOM assignment, even if he was close in proximity to the office. Airman First Class Nicholas Ortiz, a Military Justice Paralegal at 633 ABW, Langley Air Force Base, had a short drive to the ACC campus on Langley, but a big experience when he got there.

"It gave me a better insight into what the MAJCOM is looking for us to accomplish at the base office. It definitely gave me a greater knowledge base and made me want to learn more. The meeting with Chief Klukas was great. It fired me up about being in the Air Force and was definitely a memorable experience."

Apparently the feeling was mutual. Chief Master Sergeant Klukas, the ACC Command Chief, could not contain his excitement at the ACC Staff meeting after meeting Airman Ortiz, proclaiming Ortiz a "rockstar" to the assembled brass.

The ACCelerate program has its roots in similar a Strategic Air Command program from the 1980's. For 2010 the idea was dusted off, re-imagined, and instituted.

MAJOR COMMAND LEGAL OFFICES

Encompassing anywhere from 12 to 30 legal professionals representing active duty, civilian, and Reserve members, the 10 major command (MAJCOM) legal offices provide full-spectrum legal services to the MAJCOM commanders and headquarters staff, on a myriad of cutting edge issues, to ensure operational success. In addition, MAJCOM legal teams provide professional oversight to the field on military justice, civil law, ethics, operational law, intelligence law, environmental law, labor law, commercial law, aviation law, and space law.

ACC AIR COMBAT COMMAND



*Brig Gen Christopher F. Burne
Staff Judge Advocate*



*CMSgt Lee A. Upright
Command Paralegal Manager*

Air Combat Command, headquartered at Langley Air Force Base, Virginia, organizes, trains and equips combat ready air forces for rapid, worldwide deployment and employment. ACC forces readily meet both the challenges of peacetime air sovereignty and the demands of wartime air defense. ACC/JA serves as general counsel to the ACC four-star commander and his staff on all legal matters associated with accomplishing the ACC mission. Three numbered air forces—1st Air Force, 9th Air Force, and 12th Air Force—as well

as the U.S. Air Force Warfare Center and USAFCENT, comprise ACC. In total, ACC/JA provides professional supervision to some 580 Active Duty and Reserve Component judge advocates, paralegals, and civilian personnel serving in 60 legal offices located at ACC and other non-ACC installations.

Our Military Justice Division (JAM) continued to set the standard for MAJCOM-level oversight of court-martial processing. In addition to bi-monthly VTCs and daily communication with the NAF Justice

teams, we continue to review all cases prior to referral. JAM hosted a three-day conference with GCM Justice Teams dedicated to identifying court-martial processing issues that hamper the firm and fair administration of cases. As for the Command's dedicated IG team members, ACC JAGs and paralegals conducted numerous ORIs and UCIs and are instrumental in the Command's enhanced Article 6 Inspections.

The Operations Law Division (JAO) focused on winning today's fight. JAO

ensured that the ACC JAG Corps community met every deployment tasking in 2010, including the deployment of JA personnel to Haiti in support of the relief efforts in Operation UNIFIED RESPONSE. The Aviation Law Branch handled five accident investigation boards—one-third of the Air Force total—ensuring commanders, next of kin, and the public received accurate information regarding accident causes. Those boards included investigating an Airman's death during physical training, and determining the cause of damage to a vital National Security Asset, the E-4B. Aviation Law was a key driver behind substantial changes to AFIs 51-503 and 507, the aviation and ground mishap instructions, and guided publication of AFI 10-1004, ending long-standing confusion surrounding air shows.

The Command Legal Training Branch guaranteed all ACC JAGs and paralegals received essential training to advance their careers and meet the needs of the JAG Corps, through the use of its Top Ten Fundamental Courses. In addition to successful local and formal training at all base legal offices, key training was established to develop legal Airmen to support NORTHCOM missions involv-

ing CBRNE Contingency Response Force and AOC operations at 1 AF.

The Civil Law Division (ACC/JAC) led the way on the ethics home front. Commanders at the Squadron, Wing and NAF levels all benefitted from JAC's comprehensive training. JAC also trained commander's spouses to be issue spotters for potential legal hurdles and ethical pitfalls—receiving rave reviews. ACC/JA continued to address CSAF's vision to capitalize on each component's respective strengths through Total Force Initiative, ensuring that both future and existing initiatives maintain or increase air power capabilities for combatant commanders. Initiatives to integrate remotely-piloted aircraft units are on the horizon.

The ACC environmental liaison officer continued to shepherd a few of ACC's largest issues—from the bed down of RPAs at Grand Forks, the proposed expansion of the Powder River Complex into the largest military operations area in the United States, and the bed down of Joint Strike Fighter operational squadrons.

The Commercial Law Division (ACC/JAB) provided top-notch legal support to HQ ACC/A7K and our own Acquisition

Management and Integration Center (AMIC) during fiscal year 2010. The combined ACC and AMIC portfolio exceeded \$5 billion dollars—one of the busiest the Command had ever seen in terms of dollars and numbers of actions. The division provided critical advice that proved to be pivotal in successfully defending two high profile lawsuits in the Court of Federal Claims and the Federal District Court for the Southern District of Florida. JAB's ace advocacy convinced a losing bidder to withdraw their protest, and kept Republic of Singapore Air Force (RSAF) F-15 basing at Mountain Home on track. JAB emphasized training as a means of carrying out the Chief of Staff's mandate for "Excellence in Acquisition." Bi-monthly VTCs with base attorneys and contracting personnel opened the lines for routine working relations between the bases and the MAJCOM.

ACC recognized six outstanding wing-level paralegals and attorneys in 2010 through the ACCelerate program—providing a one-day sneak peek into life at a MAJCOM. Participants were given a full ACC mission brief, and the opportunity to immerse themselves in each section of the office. Clearly, they had a busy day!



AETC

AIR EDUCATION AND TRAINING COMMAND



*Col Lisa L. Turner
Staff Judge Advocate*



*CMSgt Jose A. Mercado, Jr.
Command Paralegal Manager*

Headquartered on Randolph Air Force Base, Texas, Air Education and Training Command's (AETC) mission is to develop America's Airmen today...for tomorrow. AETC serves in a distinct role as the first command to touch the life of almost every Air Force member as we recruit, train, educate, and innovate.

The AETC Office of the Staff Judge Advocate (AETC/JA) delivers professional, candid, independent counsel and full-spectrum legal capabilities to commanders and staff of AETC, Air University, USAF Recruiting Service, Joint Base San Antonio and two numbered air forces on legal matters affecting over 85,000 permanent party military and civilian personnel at 13 base installations, as well as 250,000 students per year. AETC/JA provides professional supervision to judge advocates, civilian attorneys, paralegals and administrative per-

sonnel serving in 25 subordinate AETC legal activities.

In 2010, AETC/JA implemented a dynamic series of initiatives, primarily focused on protecting legal professionals in the workplace, improving the administration of military justice, increasing JAG-paralegal teaming, adding structure and depth to the training and development of AETC legal professionals, and improving legal assistance as we care for Airmen and their families.

In the wake of the Fort Hood shooting, every AETC legal office developed, trained on and exercised a workplace violence plan. Some of our offices even served as Wing-level exercise sites and were "attacked" until the local Security Forces responded and secured the location.

Across the Command paralegal-lawyer teaming was emphasized and included AETC representation on the TJAGC

Teaming Horizons. AETC/JA was also represented on the JAG Corps Training Horizons. An AETC/JA Chief of Training position was created and worked hard with the bases to develop training processes, thereby improving the development of our legal professionals. AETC legal professionals also serve on the Air Force Civilian Lawyer Development Team and the brand-new Air Force Para-professional Development Team.

The Administrative Law Division implemented several initiatives specifically aimed at improving the performance of our base offices in their mission of providing premier military justice services. A key initiative was the Military Justice Training team composed of senior staff judge advocates teamed with a senior paralegal manager. The team visits installation offices and conducts tailored hands-on justice process training. The Division also implemented recurring monthly

military justice video-teleconferences and a monthly justice crossfeed.

Our Civil Law Division proudly noted the continued improvement in base offices using the Legal Assistance website and increased customer survey forms. The Division addressed a myriad of FOIA, ethics, travel regulation, and legal assistance matters, frequently providing support to the field. They continued to address issues related to the activation of Joint Base San Antonio, to include creation and stand-up of two new legal offices. The Division also provided critical support to the planning and preparation of the 2011 AETC Symposium.

The AETC Contracts Division continued to enable successful execution of the Command's \$2.7 billion acquisition programs including mission critical aircraft/helicopter maintenance, base operating support, Initial Flight Screening, FMS Training, Air Advisor Training and the Air Force National Advertising and Marketing Contract. The Command is also responsible for the Air Force Security Guard Contract, the USAFA Powered Flight Program, and an AETC-wide Integrated Solid Waste Management Program. In addition, our acquisition team works closely with AFLOA/JAQ in defending a number of court and GAO protest challenges to the In-Sourcing Program.

The Operations Law Division provided mission-critical support to AETC and the field. Their reviews included Flying Evaluation Boards (FEB), waivers to FEBs and voluntary disqualification from aviation service. Additionally, they coordinated several AETC aircraft accident responses and Accident Investigation Boards. Ops Law coordinated increased legal training in AF curriculum, to include the new Cyber Courses, and they represented Command on all international training issues, from proper funding training to media request for information on students. The Division also worked Total Force Integration issues for association at Altus AFB and Kirtland AFB with the Air Force Reserve and Air National Guard and supported the installment of a Guardsman as the first Guard Commandant at the Holm Center.



AU/JA (AETC) MAXWELL AFB, AL



As the intellectual and leadership center of the Air Force, Air University (AU) provides dynamic comprehensive education to prepare graduates to develop, employ, command, research and champion air, space, and cyberspace power at all levels. AU provides the full spectrum of Air Force education, from pre-commissioning to all levels of professional military education, including degree granting and professional continuing education for officers, enlisted and civilian personnel throughout their careers. AU's professional military education programs educate Airmen on the capabilities of air, space and cyberspace power and their role in national security. These programs focus on the knowledge and abilities needed to develop, employ, command, and support air and space power at the highest levels. Specialized professional continuing educational programs provide scientific, technological, managerial and other professional expertise to meet the needs of the Air Force. AU conducts research in air and space power, education, leadership and management. The university also provides citizenship programs and contributes to the development and testing of Air Force doctrine, concepts and strategy.

While our office performs functions similar to a civilian district attorney, city attorney, and the general counsel to a major university, military justice is the principal focus of our mission as we perform our duties as staff judge advocate and legal advisor to not only the AU Commander in his role as general court-martial convening authority, but also to the HQ AU staff, and 15 school commandants and subordi-

nate commanders. HQ AU/JA evaluated and processed multiple general courts-martial, including two major larceny cases and two cases involving multiple sexual assault charges; provided oversight and legal review of nonjudicial punishment proceedings processed by AU/JA and its subordinate legal offices; and evaluated and processed the disenrollment of 12 officers for misconduct from Air Force Institute of Technology or from other developmental education programs.

In the area of civil law, AU/JA provided legal review and opinions for more than 375 requests on various topics to include multiple commander-directed investigations; 64 copyright reviews; 87 faculty appointment recommendations; and 23 NSPS pay-setting tools. In addition to researching and advising on multiple JER issues for command and staff, we also created a new AU Instruction to provide oversight to the financial disclosure review process and extensively coordinated with the Holm Center, AETC, and AF/JA on requirements for the transition of the OTS commandant and the succession of command authority within OTS.

Working with its four subordinate legal offices, AU/JA provided all AU associated units the legal advice and counsel to ensure full compliance with all laws, regulations and policies by Air Force education activities impacting over 350,000 students per year. Our staff also supplemented the education and training mission of AU by participating in numerous training events, including briefing senior officer perspectives at Squadron Officer School and Air College Staff College seminars, as well as leadership perspectives to Air Force Judge Advocate General School audiences; facilitating legal issues seminars at the SNCOA, and briefing 100+ Government Purchase Card holders on Procurement Integrity and the Anti-Deficiency Act. Our staff also participated in numerous base and community relations activities including serving as JA representative

at International Officer School Judicial Breakfast panel discussions on legal topics and the LOS serving as Secretary of the AU Booster Club.

AFRS/JA RANDOLPH AFB, TX



Air Force Recruiting Service (AFRS) accesses all of the Air Force's enlisted members, 90 percent of medical officers, 100 percent of chaplains, and 16 percent of line officers. AFRS consists of the HQ staff, 3 groups, and 24 squadrons with 2,400 personnel geographically dispersed throughout all 50 states, Puerto Rico, Europe and the Pacific Rim. On 12 January 2010, Air Force Recruiting Service (AFRS) hosted a tattoo conference at Randolph AFB. The purpose of the conference was to discuss proposed improvements to the Air Force tattoo policy in AFI 36-2903, Dress and Personal Appearance of Air Force Personnel. Leaders at the conference included AETC/CC, AF/A1P, AFRS/CC, 737 TRG/CC, and representatives from the Air Force Reserve and Air Guard. The AFRS legal office presented the legal discussion points to the conference, and coordinated legal taskers with AF/JAA, AETC/JA, AFPC/JA, and 37 TRW/JA. Highlights discussed included updated definitions of tattoos/brands, and practical clarifications to the criteria for measuring and implementing tattoo standards. Clarifications to the tattoo policy will assist commanders to make fair and consistent decisions in the enforcement of Air Force tattoo standards. AFRS JA also provided time-critical advise to Air Force recruiters in light of the Log Cabin injunction to "Don't Ask Don't Tell" law and policy.

A JAG Student

Given to the student with the highest grade point average (GPA), Major Jeff Palomino received the Air Command and Staff College (ACSC) Commandant's Academic Award for ACSC Academic Year (AY) 2010. With the only 4.0 GPA out of 510 students, Major Palomino finished #2 in overall class, and was an ACSC distinguished graduate. He provides the following advice to JAGs who are considering attending ACSC: "Do it! Do it and don't delay. Get it done by correspondence and apply as soon and as often as you can. Among some, I've sensed ambivalence about ACSC in residence," Major Palomino notes. "But I don't know how you could ever seriously aspire to be a senior JAG Corps officer without this type of resident PME. There is no comparison between the correspondence and in resident course. The breadth of learning and experiences you get make this experience one I will treasure forever. The non-JAG line covets these in-residence seats for a reason."

The ACSC AY10 curriculum consisted of nine core academic courses on diverse topics as international security, Air Force history, the use of airpower in conventional and small wars, along with joint forces, joint planning, and joint air operations. Major Palomino also chose to study Arabic culture and military/media

relations. "I enjoyed the opportunity to get to know other Air Force officers from virtually every USAF career field as well as Army, Navy, and Marine O-4s, and international officers from the 60+ countries who come to ACSC each year. The insight these international officers gave me both personally and professional is a once in a lifetime experience."

"I've had immediate benefits from attending ACSC," Major Palomino adds. "First, I now have a deeper understanding of not only Air Force and DoD issues, but also of global issues that affect all aspects national security. This helps me as I mentor and lead eight junior captains and paralegals in my office. In addition, because I've had this background, I find myself at a new level of confidence as I interact with senior leaders both in our wing and elsewhere...I know beyond a shadow of a doubt that I'm a better writer and thinker now than I was before ACSC."

"I just enjoyed the time to step out of my regular job—to study, think deeply, learn, and grow both intellectually and as an officer." Major Palomino states. "ACSC primes the skills JAGs need at senior levels. The experience was second to none. I'm a better officer and JAG in every dimension because of it!"



Maj Jeff Palomino
82 TRW/JA (AETC), Sheppard AFB TX

AFGSC

AIR FORCE GLOBAL STRIKE COMMAND



*Col Paul M. Barzler
Staff Judge Advocate*



*CMSgt Gerard Truglio
Command Paralegal Manager*

Headquartered at Barksdale Air Force Base, Louisiana, Air Force Global Strike Command (AFGSC) provides combat-ready forces to conduct nuclear deterrence and global strike operations in support of the President of the United States and combatant commanders. AFGSC is the lead MAJCOM for all nuclear and global strike related organize, train and equip functions for assigned forces, and is a component MAJCOM to United States Strategic Command (USSTRATCOM).

It has been a year of incredible growth and change within the Air Force's newest major command. Activated on 7 August 2009 with only 49 permanent party personnel assigned, AFGSC now stands at approximately 800-strong. The Office of the Staff Judge Advocate has grown correspondingly, from the initial cadre of three active duty JAGs and one paralegal from the Oklahoma ANG, to its current

staff of seven JAGs, five paralegals and a civilian administrative assistant.

There were a number of major milestones during this time period, all of which occurred with significant input and support from the Air Force legal community. The command assumed responsibility for the ICBM forces from Air Force Space Command on 1 December 2009, including 20th Air Force and its subordinate installations, Malmstrom Air Force Base, Montana and FE Warren Air Force Base, Wyoming, as well as the 91st Missile Wing at Minot Air Force Base, North Dakota. Although AFGSC/JA took on oversight responsibility for legal issues at the missile wings on this date, Air Force Space Command continued to provide critical legal support throughout the year.

The winter months saw the arrival of the first contingent of HQ AFGSC paralegals, including the first-ever Command Paralegal Manager, Chief Master Sergeant

Gerard Truglio. The office also filled its four remaining paralegal positions and hired an administrative assistant.

Another major milestone occurred on 1 February 2010 with the transfer to AFGSC of the long-range B-52 and B-2 bombers from Air Combat Command. On that date, 8th Air Force joined the AFGSC team, including Barksdale AFB, Louisiana, Whiteman AFB, Missouri, and Minot AFB. Again, reachback legal support was critical to a seamless transition, this time provided by the legal professionals at Air Combat Command.

With the summer rotation, we enthusiastically welcomed four more JAGs, bringing the first full staff to 13 personnel—7 JAGs, 5 paralegals and 1 civilian employee. Their arrival was none too soon, as the headquarters—numbering 658 personnel by July 2010—was actively pursuing numerous initiatives in the continued march towards Full

Operational Capability. That major milestone was achieved on 30 September 2010, and represented the culmination of 14 months of often frenetic activity since AFGSC's activation on 7 August 2009. In the interim, the headquarters successfully published 195 supplements to Air Force publications; completed all 696 Action Items in PPlan 09-01; published a Strategic Master Plan aligned with the Air Force Strategic Plan; and established and exercised a Crisis Action Team and a Response Task Force to react to emergency situations and nuclear incidents.

AFGSC/JA was intimately involved in all these tasks and a host of others over the past year. Our Administrative Law and Civil Law Divisions guided the fledgling command through myriad ethics, fiscal and contract law issues surrounding several large conferences and symposia and a command-wide bomber and missile competition. Our Operations and International Law Division actively supported several test launches of ICBMs, including resolution of international treaty obligations, and significant legal issues concerning the use of Air Force Office of Special Investigations agents as escorts for nuclear weapons convoys.

Our Military Justice Division established monthly VTCs with the NAFs and wings and have forged strong working relationships with each as we revitalize the practice of military justice within the command. All of these efforts were accomplished while we underwent a complete renovation of our office spaces. Our facilities are now considered the model for the rest of the headquarters, commensurate with the professionalism of our fine staff. We look forward to another exciting year ahead as we continue to pursue SecAF's and the Chief's top priority of continuing to strengthen the Air Force nuclear enterprise.



Back Row (L-R): TSgt Deborah Frazier, MSgt Jesse Bascombe, MSgt Scott Brusco, Col Mike O'Connor, Lt Col Don Twyman, Lt Col Graham Todd, Maj Jennifer Clay. **Front Row** (L-R): TSgt Edith Eddington, Capt Michelle Suberly, Col Paul Barzler, CMSgt Gerard Truglio, Maj Laura Barchick, Ms Felicia Bartee

AFMC

AIR FORCE MATERIEL COMMAND



*Brig Gen Dwight D. Creasy
Staff Judge Advocate*



*CMSgt Ronnell A. Horner
Command Paralegal Manager*

Located at Wright-Patterson Air Force Base, Ohio, “the Birthplace of Aviation,” Headquarters Air Force Materiel Command delivers war-winning expeditionary capabilities to the warfighter through development and transition of technology, professional acquisition management, exacting test and evaluation, and world-class sustainment of all Air Force weapon systems. From cradle-to-grave, AFMC provides the work force and infrastructure necessary to ensure the United States remains the world's most respected Air and Space Force. With a staff of twenty-three, HQ AFMC/JA has oversight responsibilities for over 400 attorneys, paralegals, support staff, and reservists at 16 legal offices. They support three Air Force Program Executive Officers at Product Centers for Aircraft, Weapons, and Electronic Systems, three Air Logistics Centers, three Test Centers, the AF Nuclear Weapons Center, and the AF Research Lab, among others.

During the past year, we saw the retirement of Colonel Rob Frederico, our Deputy Staff Judge Advocate, and the arrival of Colonel Gary Jackson, our new Deputy Staff Judge Advocate, from the Air Force Court of Criminal Appeals. We also saw the departure of Major Patricia Wiegman-Lenz, the executive officer to the Staff Judge Advocate, and the arrival of Major Michael Carson, the new executive officer, from AFMCLO. Lastly, we saw the departure of Colonel Mark Alexander, our senior individual mobilization augmentee for depots and test centers, and the arrival of Colonel Jean Love, our new senior individual mobilization augmentee for depots and test centers, from the AFLOA's Commercial Law and Litigation Division (AFLOA/JAQ).

The Administrative and General Law Division (AFMC/JAA) provided advice to the AFMC commander, vice-commander, executive director and HQ directors on a myriad of civil law and military justice issues. From a military justice perspective,

AFMC/JA continued its emphasis on military justice efficiency by embracing the AF JAG Corps's "Military Justice Revival" theme, focusing on increasing the speed with which courts-martial and Article 15 actions are processed without compromising justice or fairness. Our military justice experts communicated daily with legal professionals throughout the command to provide procedural and substantive support on issues covering the full spectrum of military criminal law.

AFMC/JA's civil law portfolio is broad and, in 2010, included a number of accident and ground accident investigation board matters. Our staff provided valuable assistance to commanders with legal reviews of publicly-released reports that investigated the tragic loss of Airmen. Headquarters' staff expertly oversaw accident investigation boards involving the destruction of an MQ-9 Reaper assigned to the Aeronautical Systems Center at Wright-Patterson Air Force Base, an Airman fatality during maintenance

training at Minot Air Force Base, and an Airman fatality at Balad, Iraq, during a controlled detonation.

The Air Force's only major command with a full-time labor law attorney on staff, AFMC/JA advised on numerous contentious labor law actions, including complicated legal concerns elicited by the transition of civilian employees from the National Security Personnel System back to the General Schedule System, and firefighter employee age restriction issues that resulted from command efforts to in-source positions formerly contracted out. Our staff also provided outstanding ethics counsel to the commander, directors, and center personnel on public events including, the Air Force Marathon, off-base Air Shows, support to non-federal entities, restrictions applicable to retirements of senior officers, and government-contractor interactions. AFMC/JA also launched a SharePoint ethics site, which provides the AFMC field legal offices with convenient access to a wealth of government ethics information and documents. During the past year, the division saw the PCS of Colonel Steve Meador and Lieutenant Colonel Dave Dusseau. Lastly we saw the arrival of Colonel Tom Couture, our new division chief, from the Office of the Staff Judge Advocate, Headquarters Third Air Force; Lieutenant Colonel Debra Luker, the chief of our Administrative Law Branch, from the 316th Wing Office of the Staff Judge Advocate; and Lieutenant Colonel (sel) Bruce Page, the chief of our Military Justice Branch, from the Office of the General Counsel, Defense Logistics Agency.

The Acquisition Law Division (AFMC/JAQ) provided advice to the AFMC commander, vice-commander, executive director and HQ directors on an array of acquisition and fiscal law matters, involving a total of eighty-eight thousand contract actions and total of \$46.1 billion in obligations. Headquarters staff com-

municated daily with legal professionals throughout the command on a wide range of contract policy issues such as Freedom of Information Act reviews/appeals and In-sourcing actions. AFMC/JAQ continued to advise the Business Integration Office on all public-private partnering issues, most notably the Joint Strike Fighter partnering agreement which will bring substantial depot maintenance workload to all three Air Logistics Centers. AFMC/JAQ also aided the command in its control/oversight of nuclear weapons material disposal activities, including a legal opinion on the legality of selling excess Peacekeeper missile rocket motors. AFMC/JAQ advised on twenty-four Anti-Deficiency Act (ADA) investigations involving ten informal, seven preliminary and seven formal legal reviews, eliminating its two-year backlog of ADA cases.

AFMC/JAQ also advised the Commander's Staff and Protocol Office on numerous fiscal issues involving Official Representation Funds and Special Morale and Welfare expenditures. Of particular note, was AFMC/JAQ's critical role in providing multiple advance opinions on the ICBM Prime Integration Contract and Enhanced Use Lease involving the relocation of a contractor's facility in close proximity to their program office. AFMC/JAQ advised on the standing-up of the new Enterprise Sourcing Group (ESG) which is to implement the Air Force's Installation Acquisition Transformation initiative, impacting all services contracting. The ESG will stand up at Wright-Patterson AFB on or about 1 November 2010 and when fully transitioned and staffed, will be a 400-person, multi-location organization led by an SES. AFMC/JAQ will continue to provide the command oversight and review function to the ESG while AFLOA KLFSC will provide the program counsel support.

AFMC/JAQ continued its support of the Expectation Management Agreement for

AFMC's services contracts by reviewing/advising on forty-four source selections. AFMC/JAQ also continues to support A1 and A8 in their joint role of implementing the command guidance on all contract in-sourcing efforts. AFMC/JAQ also participated in DoD/AF policy initiatives involving rights in technical data, scientific and technical information, the acquisition of product data, cost and pricing improvements and agency protest procedures. During the past year, the division saw the arrival of Mr. Tedd Shimp, program counsel for ESG, from AFLOA/JAQ.

DATA RIGHTS TRAINING

The Air Force and the Department of Defense recently emphasized the importance of identifying and determining the long term technical data and computer software needs during major weapon systems procurements during the acquisition planning and award process. In addition, as set forth in the 2009 Weapon Systems Acquisition Reform Act, defining and acquiring complete technical data packages should be considered to ensure later competition. In short, determining future programmatic technical data and computer software needs at a procurement's earliest stages and drafting Requests for Proposals (RFP) sufficient to identify and acquire them is now of fundamental importance. HQ AFMC/JA thus faced the question of how to most effectively and efficiently incorporate this emphasis in AFMC procurements.

Brigadier General Dwight Creasy, Staff Judge Advocate, Air Force Materiel Command, and Mr. John Thrasher, Director, Air Force Materiel Command Law Office (AFMCLO), convened a Command Integrated Process Team (IPT), chaired by the Law Office, to develop and implement command-wide policy to assist acquisition personnel to obtain necessary technical data and data rights. In addition, the IPT was asked

to develop training materials. Within two months of convening the IPT, the team had developed two draft training presentations (one for basic instruction, the other, more advanced) and a draft data rights handbook.

The handbook was a revised and edited treatment of this subject that had been presented in an SMC/JA handbook primarily authored by Mr. James H. Haag of Space Command. Over time, the handbook saw further revision, including mock RFP sections L and M. Both the training modules and the handbook outlined a methodology for identifying, determining and obtaining the data and data rights necessary to support and sustain an acquisition program from acquisition planning to award to contract administration. In March 2010, the training was presented on a test basis to an audience composed of Law Office and HQ AFMC/JA employees. The positive reaction convinced General Creasy and Mr. Thrasher that the training was ready for Command-wide implementation.

On 27 May 2010, General Creasy issued a policy letter to Command SJAs, in which he called upon AFMC program counsel to “take an active role in assisting program managers in defining and obtaining the necessary technical data in the earliest stages of ACAT and major weapons system procurements.” Further, he asked

the Command SJAs to “appoint a person from your office to become a lead POC for resolving data rights issues within your office.” Finally, the letter stated that the AFMCLO would present a two-day data rights training course on 22-23 June 2010 in Dayton, Ohio. This training, to be presented to the Command data rights POCs, was to be a train-the-trainer session. After completing the training, each Command data rights POC was to present the same training locally to program counsel in their respective offices, at some point in 2010.

The inaugural data rights training was held in Dayton, Ohio on 22-23 June 2010. Major Chad Carter and Mr. Rick Phillips of the AFMCLO provided detailed instruction, along with Mr. Chuck Harris and Mr. Mark Borowski of the Air Force General Counsel’s Office. The training was well-received by the Command POCs and the other attendees. More importantly, the training’s purpose was realized, as the POCs have since trained the counsel in their respective offices, and some have even gone beyond the initial mandate to train local acquisition personnel. The Dayton, Ohio train-the-trainer session both effectively and efficiently converted the Air Force’s current policy emphasis on long term technical data needs as an important facet of legal advice and counsel in AFMC procurements into a reality.

PARALEGAL CONTRACTS TRAINING

General Creasy and the Command Paralegal Manager, Chief Master Sergeant Ronnell Horner identified the need for paralegal training in the area of government contracts law and directed the establishment of a Paralegal Contracts Course. AFMCLO, under the guidance of Colonel Tom Doyon and Major Chad Carter, AFMCLO developed and conducted the first ever course teaching fourteen military and civilian paralegals. Enthusiasm for the course was high and it strong positive feedback. These paralegals will integrate into their offices acquisition law mission. A second course will be held in November 2010 and will include paralegals throughout the JAG Corps.

KC-X AERIAL REFUELING TANKER ACQUISITION

Mr. Russell “Ken” Pippin, an AFMC/JA acquisition attorney, under the supervision of Mr. John Thrasher of AFMCLO, leads a team of attorneys from the Air Force General Counsel’s Office, AFLOA/JAQ, AFMC/JA, and attorneys and a paralegal from AFMCLO to provide quality legal advice on the Air Force’s number one acquisition priority—the KC-X aerial refueling tanker.



Spotlight on

Mr. John Thrasher III



On 19 October 2010, Secretary of the Air Force Michael Donley announced Mr. John J. Thrasher III was one of six Air Force civilians selected to receive the prestigious Presidential Rank Award for 2010. Mr. Thrasher is a member of the Senior Executive Service, and is the Director of the Air Force Materiel Command Law Office, Wright-Patterson

Air Force Base, Ohio. In that capacity, he directs the operation and administration of a multifaceted field operating agency of Headquarters Air Force Materiel Command, composed of four divisions staffed by 57 attorneys and 17 paralegal and administrative personnel. Mr. Thrasher further provides advice on in support of major aeronautical systems acquisition programs, technology programs, foreign military sales cases, housing and real estate privatization, and high-value intellectual property law services.

The Presidential Rank Awards Program was established to recognize a select group of career Senior Executive Service (SES) and Senior Professional members who exemplify the highest level of integrity, leadership, and personal conduct and who have demonstrated exceptional performance over an extended period of time. The Meritorious Rank award is given for sustained accomplishment. It is limited to five percent of the career SES/Senior Professional Government-wide population.

Recipients are outstanding leaders that consistently demonstrate strength, integrity, industry, and a relentless commitment to public service. Through their personal conduct and their results-oriented program management, they establish and maintain a high degree of public confidence and trust. Brigadier General Dwight Creasy, HQ AFMC/JA, nominated Mr. Thrasher for this coveted award. It is an impressive testament to Mr. Thrasher's exceptional Air Force leadership.

AFRC

AIR FORCE RESERVE COMMAND



Col Jeffrey P. Wilcox
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 MAJCOM with responsibility for 34 unit-equipped wings, three numbered air forces, four air reserve stations, 52 tenant units, the Readiness Management Group, and the Air Reserve Personnel Center.

AFRC is a primary force provider across the full spectrum of active duty missions. While responding well to warfighting, to integration initiatives and to changing operations force policy, many of the “Cold War Era” Reserve management structures need updating. To address these issues, Lieutenant General Charles E. Stenner, Jr., AFRC/CC, initiated an effort in 2008 to achieve full operational capability (FOC) as a MAJCOM by 2012. The goals of this effort are to maintain the strategic reserve while leveraging it to provide an operational force, to consolidate the

mobilization processes, to streamline the presentation of AFRC forces to combatant commanders, and to redefine AFRC’s relationships with sister MAJCOMS.

In the future, AFRC will manage and control the process of providing forces to ensure that a balance exists between a sustainable steady state and a surge capability. The AFRC functional staffs will become the full-capability portfolio managers for all reserve forces to include individual mobilization augmentees (IMAs) and individual ready reserves (IRRs). Currently, much of the analysis of reserve utilization is done on an *ad hoc* basis. Efficient AFRC control of utilization of AFRC assets will make better data available for analysis, increase the visibility of the force levels to commanders, and enhance reserve surge capability in a crisis.

AFRC understands the demands reservists face in balancing civilian work pres-

ures and family responsibilities. This Command is uniquely situated to balance force sustainability with demands for greater operational capability. Accordingly, AFRC/CC has directed his three AFR management staffs (RE, AFRC, and ARPC) to optimize enterprise processes for new realities confronting AFRC. There are more than 30 distinct, staff-specific tasks associated with the Air Force Reserve 2012 initiative, over and above the major efforts that are cross-functional in scope.

Each of the three AFR management staffs will have its own respective areas of expertise. AF/RE will be the lead Air Staff organization focused on supporting and advising Headquarters Air Force staff on Air Force Reserve matters. As part of this effort, AF/RE will serve as a key advisor on total force integration to the Air Force corporate structure process to ensure that enduring partnerships with the regular component are forged. ARPC optimized to integrate ANG and AFR personnel

service capabilities. AFRC will become a fully-capable operational MAJCOM with the mission to preserve the strategic reserve while maximizing the contribution of operational reserve forces for the Combatant Commands.

One of the most visible changes is that AFRC's three numbered Air Forces (22d, 10th and 4th), which were formerly gained to other MAJCOMs in times of full mobilization, are now directly gained to AFRC/CC. As a result, AFRC assumed the responsibilities for AFR forces currently performed by gaining major commands to include: mobilization and volunteer support planning; scheduling AFR forces; activation and de-activation of AFR forces; and presentation of AFR forces to joint force providers. HQ AFRC is in the process of transitioning to a single point manager for the selected reserve (SELRES) and the individual ready reserve (IRR). This will replace the current fragmented approach of having

these issues addressed across multiple gaining MAJCOM staffs. Senior leaders and functional managers at AFRC are focused on AFR force management and presentation and will strive to be the single point AF Reserve force presenter through reengineered, streamlined processes for Reserve force activation, mobilization, monitoring and deactivation. AFRC's three numbered Air Forces all had notable accomplishments this year, as further specified in the Numbered Air Force Legal Office section of *The Year In Review*.

AFRC leadership has set a very aggressive timeline for achieving full operational capability in connection with the AFR 2012 plan. All AFRC staff Directorates, including JA, are scheduled to achieve FOC status no later than February 2012. Moreover, General Stenner has identified JA as a central part of the Command's FOC goal. General Stenner's vision includes the development of the capability to conduct General and Special Courts-

Martial of reserve component members. In addition to the new court-martial initiative, changes are needed in the accident investigation board instruction, since responsibilities are currently assigned to "gaining" MAJCOMs and it is envisioned that terminology will leave the Air Force Reserve lexicon. Finally, the scope of the changes being undertaken overall in connection with AFR2012 will require many changes to Air Force instructions, and potentially may require the development of new Air Force doctrine, particularly in the area of new RegAF/Reserve "Total Force Initiative" units.

Big changes are underway at AFRC. The AFR 2012 timeline is aggressive, the challenges are substantial, and the post-change redefinition of procedures is massive. However, a nimbler, more responsive, and more efficient Air Force Reserve is the result we are working to achieve.



AFSOC

AIR FORCE SPECIAL OPERATIONS COMMAND



Col Larry D. Youngner
Staff Judge Advocate



CMSgt Darrell Hixon
Command Paralegal Manager

Air Force Special Operations Command (AFSOC), headquartered at Hurlburt Field, Florida, provides special operations forces for worldwide deployment and assignment to regional combatant commands. AFSOC's core missions include battlefield air operations, agile combat support, aviation foreign internal defense, information operations, precision aerospace fires, psychological operations, specialized air mobility, specialized refueling, and intelligence, surveillance, and reconnaissance. Throughout the past year, JAG Corps legal professionals played crucial roles in the accomplishment of those missions by providing world class legal support, both at home station and in deployed locations across the globe.

The Air Force Special Operations Command Legal Office (AFSOC/JA) delivers professional, candid, independent counsel to SOF Commanders worldwide. In 2010, AFSOC's main focus continued

to be on operations to deter, disrupt and defeat terrorist threats. In FY10, AFSOC conducted an estimated 29,612 combat flying hours, 10,762 combat sorties, destroyed 445 targets, and transported approximately 34,752 passengers and 24.7 million pounds of cargo. AFSOC JAGs and paralegals, both at home station and deployed downrange, provided essential support to these missions and other joint SOF operations.

2010 brought many challenges to AFSOC legal personnel. On 19 November 2009, a Bombardier DHC-8/Q200 supporting AFRICOM missions, crashed in Mali, West Africa. Within 24 hours after the crash, Major Mike Safko, AFSOC/JA, was informed that he would be serving as the AIB Legal Advisor. By Monday, 23 November 2009, the appointment letter was signed and the team left for West Africa. This would be Major Safko's first time serving as a legal advisor to an AIB. He detailed his adventures in an

article published in *The Reporter* titled "Hello Mali."

AFSOC's legal professionals would next be challenged by Mother Nature. On 12 January 2010, a 7.0 magnitude earthquake rocked the Caribbean country of Haiti. In response, a team of Air Commandos from AFSOC deployed on a Humanitarian Assistance/Disaster Relief mission to Haiti (Joint Special Operations Air Component-Haiti). Lieutenant Colonel Mike Tomatz, then 1 SOW/SJA, deployed with the team of 220 Air Commandos, leaving from Hurlburt Field within a few hours of notification. The commander assigned Colonel Tomatz to lead a team in support of consular efforts to evacuate of American citizens (AMCITS). While not "traditional" legal work, there were so few forces on the ground that the commander used each military member to simply make things work. All told, over 13,000 AMCITS were successfully evacuated due to the efforts of Colonel

Tomatz and the rest of the special operations team. In the end, the AFSOC team enabled 2,222 aircraft landings, bringing 400 thousand pounds of relief and 4 million pounds of aid to Haiti.

Unfortunately, the next challenge would involve the loss of AFSOC's own Air Commandos. On 9 April 2010, a CV-22 mishap occurred near Qalat, Afghanistan. On 13 August 2010, the AIB was convened. Lieutenant Colonel Lewis was picked to serve as the senior legal advisor for the accident investigation board for the Air Force's first CV-22 mishap with fatalities. This multi-month investigation included site visits in Afghanistan where the AIB team located new pieces of the wreckage and preserved it for analysis. The AIB Board President praised his entire legal team during his Board

President Perspective presentation at the Air Force JAG School at the Accident Investigations Course.

AFSOC JAGs also continued to fill, on a rotational basis, the Staff Judge Advocate position at the Combined Joint Special Operations Air Component (CJSOAC), which provides command and control of all special operations missions flown in both the Iraq and Afghanistan AORs. AFSOC JAGs and paralegals deployed to several other joint special operations duty assignments, including Joint Special Operations Task Force-Arabian Peninsula (JSOTF-AP), Special Operations Command-Europe (SOCEUR), Joint Psychological Operations Task Force (JPOTF), and Special Operations Task Force-West (SOTF-W).

Finally, the past year continued to see growth for the AFSOC Community at the 27th Special Operations Wing at Cannon AFB, New Mexico. The support of the 27th SOW legal staff continued to be the key to identifying and resolving a myriad of environmental, contracting, fiscal, and other issues involved in the proposed gift of land to the Air Force and the potential expansion of the Melrose Range near Cannon.

Through all the deployments, major events and daily legal support of operational missions, AFSOC's JAG Corps remained "Quiet Professionals Helping Quiet Professionals."



AFSPC

AIR FORCE SPACE COMMAND



*Col Craig A. Smith
Staff Judge Advocate*



*CMSgt Robert J. Hudson
Command Paralegal Manager*

The Air Force Space Command legal office (AFSPC/JA), advises the AFSPC Commander and headquarters staff regarding the legal and policy issues in organizing, training and equipping the Air Force's space and cyberspace capabilities. The Command oversees an \$11 billion command acquisition program for space/missile and cyber systems procurement and sustainment. AFSPC has undergone profound change as it transferred its responsibility for the 20th Air Force mission to Global Strike Command in December 2009, and simultaneously assumed entirely new responsibilities as the Air Force's lead command for cyberspace.

24th Air Force (24AF), the Air Force Component to U.S. Cyber Command, achieved full operational capability on 1 October 2010. 24AF includes the 67th Network Warfare Wing and the 688th Information Operations Wing, both at Port San Antonio (adjacent to

Lackland AFB), and the 689th Combat Communications Wing at Robins AFB. 24AF and its Wings gain nearly 60 ANG squadrons and groups supporting the cyber mission. AFSPC integrated the former Air Force Communications Agency at Scott AFB, now designated the Air Force Network Integration Center (AFNIC), and the Air Force Spectrum Management Office (AFSMO), formerly the Air Force Frequency Management Agency. The addition of AFNIC and AFSMO has presented a range of new and novel issues to AFSPC/JA.

The Military Justice Division worked with the command's Sexual Assault Response Coordinator (SARC) and regional AFOSI leadership to provide training and improve AFOSI-SARC-JA teamwork in efforts to combat and respond to sexual assaults. This year's third annual Sexual Assault Response Conference included 22 AFOSI Special Agents, 14 JAGs (including four Defense Counsel), 8 SARCs, 2 paralegals,

and 2 VWAP Coordinators from AFSPC and other bases. The conference was recognized by the Air Force Sexual Assault Prevention and Response Program Office as a "best practice" recommended for AF-wide implementation. Post-conference follow-up work included SARC/PA/JA team development of several AFSPC/CV leadership emphasis messages, and a CV-led video dramatization of a bystander intervention success story that was posted on Facebook and presented at the AF Leader Summit on Sexual Assault Prevention and Response.

The Operations Law Division worked with AF/JAA, NGB/JA, and SAF/GCM, in support of the continuing efforts to modify the existing arrangement at Clear AFS with the Alaska ANG. Those efforts concluded in a new agreement that ensures federal mission performance by personnel in a Title 10 active duty status, and commitments to resolve further concerns about the constitution and missions of the

ANG unit and its assigned personnel. The division also worked closely with Reserve and Guard advisors to the Command to develop proposed total force integration models for new ARC units to augment space and cyber missions, and to develop analyses of the operational integration of cyber Guard units recently gained to AFSPC.

The Administrative Law Division, provided counsel to the Command on acquisition, civil, commercial, environmental, ethics, fiscal, cyber and real property law. The Commercial/Space Launch branch coordinated a legislative proposal for new authority to accommodate commercial space launch requirements at DoD launch ranges (e.g., Cape Canaveral AFS and Vandenberg AFB)

with responsible staff organizations for the Secretary of the Air Force, Department of Defense, Department of Commerce and Department of Transportation. The proposed legislation has been forwarded to the Office of Management and Budget for submission to Congress. The division also enabled HQ AFSPC to effectively navigate evolving OSD guidance regarding Senior Mentor use on the eve of AFSPC's most critical exercise, Schriever 10. The timing of DoD's Senior Mentor policy implementation required significant and immediate interaction with Headquarters Air Force to ensure the exercise was not delayed but that critical expertise of senior ranking DoD retirees previously scheduled were in full compliance with the new OSD policy on Senior Mentor use.

Last but not least, the Space, Cyberspace, and International Law Division completed legal reviews on several cyber capabilities which present cutting edge LOAC issues. The division responded to a CORONA South tasker regarding the use of civilians to conduct offensive cyberspace operations. AFSPC/JA has also provided advice in several international frequency interference cases to the Air Force Spectrum Management Office. The division drafted space and cyberspace specific ROE for use in AFSPC's Schriever 10 Wargame. Then, the AFSPC SJA led a team of 20 attorneys in the wargame, including Australian, Canadian, and United Kingdom JAGS as well as attorneys from the National Security Agency (NSA) and Federal Bureau of Investigation (FBI).



AMC

AIR MOBILITY COMMAND



*Brig Gen David C. Wesley
Staff Judge Advocate*



*CMSgt Steven J. Fitzgerald
Command Paralegal Manager
Obtained position Feb 2011

Air Mobility Command's (AMC) mission is to provide rapid, global air mobility...right effects, right place, right time. The Command also plays a crucial role in providing humanitarian support at home and around the world. AMC Airmen—active duty, Air National Guard, Air Force Reserve, as well as AMC civilians—provide airlift, aerial refueling and aeromedical evacuation for all of America's armed forces. AMC is the Air Force component to the U.S. Transportation Command and the single manager for its air mobility. To accomplish the global air mobility mission during this past year, AMC lawyers and paralegals helped their commanders overcome a host of complex legal issues, many of which are described in the contributions provided by individual AMC offices. In addition to providing supervisory guidance to 18 AF/JA and subordinate wing legal offices, the headquarters office is actively implementing the Corps' Four Pillars: Military Justice, Attorney and Paralegal Teaming, Legal Assistance, and Training.

HQ AMC/JA reviewed the Command's justice processes seeking areas to increase responsiveness while maintaining appropriate safeguards for the rights of the accused. One area where HQ AMC/JA found it could have a decisive impact on both timeliness and cost is to encourage the use of expert witnesses already employed by the Air Force. Over the past fiscal year, AMC commanders spent in excess of one million dollars hiring expert witnesses for trials in the Command. Closer review of the witnesses' background revealed many were medical experts whose credentials closely paralleled those of active duty officers and civilians employed by the Air Force. The AMC medical community agreed to make their experts available to participate in trials where needed throughout the Command. In addition to providing excellent service to both prosecution and defense, using AMC/SG personnel will reduce scheduling conflicts and avoid significant travel costs. The anticipated savings in both time and expense is expected to be substantial.

AMC/JA continues to work on attorney/paralegal teaming in the preparation of wills and powers of attorney. Leveraging the centralized wills and estate training provided to AMC's senior paralegals at Maxwell AFB, AMC/JA directed offices ensure all assigned paralegals are comparably trained. After attaining a basic proficiency, AMC's paralegals will team with their legal assistance attorneys in the will drafting process. Paralegals prepare the initial document, sometimes discussing the details with clients, and will discuss the document with the attorney. The attorney will review and approve the will before it is presented to the client. This HQ-directed change is a substantial shift toward greater paralegal utilization that will serve as an attorney/paralegal teaming model in the future.

Joint basing continued to be a focus for the AMC/JA community in 2010. At Joint Base McGuire-Dix-Lakehurst, the Air Force is now the supporting component responsible for providing all installation

support functions for the joint base. The Air Base Wing under the dual-hatted command of an Air Force Joint Base Commander, is responsible for the more than 15,662 acres that make up the installation. Charleston AFB and McChord AFB spent 2010 getting ready for similar changes. The Air Force, as the supporting component at Charleston AFB, took on the installation support functions at the Charleston Naval Weapons Station. Conversely, the Army at Fort Lewis is the supporting component and absorbed the installation support functions for McChord AFB. AMC legal offices have helped navigate the resulting challenges regarding organizational structure, funding, manning, and span of control. For lawyers and paralegals at the installations where the Air Force is the supporting component, many new challenges have been met and more undoubtedly await. More legal assistance, additional labor law responsibilities, magnified environmental challenges, and enhanced real property management obligations are just a few those challenges. At joint bases where the Air Force is the supported component, legal offices will continue to have a redefined role with increased emphasis on the responsibilities of the Air Force mission wings.

High among the new challenges encountered in 2010, was the effort to establish

a charter school at Little Rock AFB (LRAFB). Enhancing scholastic opportunities for dependent children in the area immediately surrounding Air Force installations has been a long-term goal of Air Force commanders. Availability of superior schools enhances the attractiveness of privatized housing to Air Force members. Concerned community members organized an effort in 2010 to establish a charter school on LRAFB consistent with the laws of the State of Arkansas. Organizers propose to lease a facility on LRAFB and to make hundreds of thousands of dollars of improvements to that facility in order to accommodate needed classroom space. The Air Force is spearheading the leasing effort and will benefit in a multitude of ways once the leasing effort is complete: privatized housing will be more attractive to potential tenants, an unusable facility on the base will be renovated and ultimately returned to the Air Force for its use, and dependent children will receive a higher quality education under the auspices of the charter school faculty. In a win-win effort that may become a model for similar Air Force opportunities, AMC/JA played a major role in ensuring the charter school became a reality.

AMC attorneys provided expert counsel and proactive advice to AMC's contracting and finance experts as AMC took

the lead in effectuating fuel efficiency cost-saving initiatives at the headquarters level. Proactive legal advice led to numerous successful, error-free, acquisitions designed to cut AMC's fuel consumption. These acquisitions included procuring a multi-index flying system to make AMC's aircraft more fuel efficient, consulting services aimed at optimizing mobility air refueling requirements, and tanker fuel optimization analyses to name a few. These changes are expected to result in substantial fuel savings for AMC over the foreseeable future. Our attorneys were particularly instrumental in the multi-index flying system acquisition. Their specialized expertise and guidance ensured that the source selection fully complied with competition and competitive-range requirements and the contract was awarded on schedule and without protest. Finally, our lawyers continued to participate in the planning, Public Affairs responses, and staff preparation for the KC-X recompetition. As the requiring command, AMC has a huge stake in the efficacy and success of this vital enterprise.

AMC's legal community is a team of dedicated professionals who work to ensure the successful accomplishment of their Command's global mission. We are proud to be a part of the world's premier mobility command!



Attorney-Paralegal Teaming in Action!

The legal assistance program in place at 434th Air Refueling Wing Legal Office (434 ARW/JA) located at Grissom ARB, Indiana, is a stellar example of TJAG's attorney-paralegal teaming concept. This program is the combined effort of two co-located legal offices consisting of one active duty JAG, two reserve JAGs, 2 reserve paralegals, and a civilian paralegal. In May 2009, Grissom ARB volunteered to field test the proposed Legal Assistance Website.

Both legal offices at Grissom ARB have established walk-in legal assistance hours. Individuals who are deploying are given priority. Powers of Attorney and notary assistance are routinely done throughout the day, without appointments. A paralegal has the client complete the worksheet and drafts the will and other requested documents, consulting the attorney as needed. Next, the paralegal provides the worksheet and draft documents to the attorney for review and approval. At the scheduled appointment, the attorney and client discuss the documents and make any necessary changes, after which the documents are executed.

One of the key performers of Grissom's reserve legal office (and, until recently, the Paralegal Specialist for the active duty

office in his civilian capacity) is Master Sergeant Wesley Marion. Sergeant Marion is now in the Civilian Personnel office, but is working in both the active duty legal office and the Civilian Personnel office until a new Paralegal Specialist is hired. Assigned as the 434 ARW/JA Law Office Superintendent, Sergeant Marion was placed on Military Personnel Appropriation orders from 21 December 2008 through 8 May 2009 to help with 434 ARW deployments and to backfill for a retiring Civil Service employee.

When the Civil Service paralegal position was advertised, Sergeant Marion applied and was selected to fill it. During this time, Sergeant Marion worked with and learned from both Mrs. Marsh (before her retirement) and Major Matt Coakley, the active duty JAG at Grissom. Additionally, Lieutenant Colonel Stephen McManus, 434 AW/SJA and Lieutenant Colonel Anthony Green 434 ARW, Deputy Staff Judge Advocate, helped Sergeant Marion become proficient in DL Wills, assume the LOS position, and progress in his upgrade training. Through the combined efforts of both legal offices, Sergeant Marion learned to prepare wills and other estate planning documents for both offices and has drafted approximately 65 wills, 465 powers of attorney (both General and Special), and

61 each of living wills, medical powers of attorney, and appointments of agents to control disposition of remains. He has researched numerous legal issues and has drafted numerous legal reviews.

Both legal offices exemplify paralegal utilization and attorneys and paralegals teaming together to accomplish the Air Force mission. Colonel McManus, Colonel Green and Major Coakley all work well together and take a keen interest in the paralegals' career development and professional growth. Technical Sergeant Adam Evans, from the reserve legal office, has worked closely with Colonel Green on adverse actions and with Major Coakley on MSPB cases while he was on active duty orders at Grissom. Staff Sergeant Martin Valadez, a relatively new paralegal, is following in Sergeant Marion's footsteps, working closely with Colonel McManus, Sergeant Marion and Sergeant Evans to learn how to use DL Wills and will execution process.

AFRC is proud of the teaming effort in place at Grissom ARB! This robust, creative, and effective program realizes TJAG's attorney/paralegal teaming vision, embodies the concept of full paralegal utilization and makes excellent use of the new legal assistance tools available!



*Lt Col Anthony Green,
434 AW/JA Deputy
Staff Judge Advocate*



*Maj Matt Coakley,
assigned to HQ AFRC
with duty at 434 AW/JA*



*MSgt Wesley Marion,
434 AW/JA, Law Office
Superintendent*



*TSgt Adam Evans,
434 AW/JA
Paralegal Specialist*

A Legal Office's Involvement in the Local Bar Association—MacDill AFB



Capt Tim Goines along with members of the 2010-2011 Hillsborough County Bar Association Leadership Institute

During the 2009 presentation of the ABA Lamp Award, the AMC SJA challenged 6 AMW/JA, MacDill AFB Florida, to find creative ways to build upon its award winning legal assistance program. As a result, MacDill became more engaged in the local bar. Captain Eric Singley and Major Cynthia Kearley were selected to participate in the 2009-2010 Hillsborough County Bar Association (HCBA) year-long Leadership Institute. Captain Timothy Goines was selected for the 2010-2011 Leadership Institute. “Through regular and committed involvement with the local bar association we have been exposed to numerous programs that benefit our clients, and our civilian colleagues gain insight into the military practice of law,” noted Kearley, who has served as the President of the HCBA’s Leadership Institute, and later, as the Chair of the HCBA Military Liaison Committee. As a result of developing community relationships, 6 AMW/JA received legal assistance training from local attorneys and even had

the Regional Vice President of a large national bank, provide information on pre-foreclosure options.

The 6 AMW SJA, Lieutenant Colonel BJ Cottrell, spoke at a widely attended HCBA Young Lawyers Division luncheon about the AF JAG career field and shared experiences from his assignments. The legal office hosted members of the local bar for a base tour, lunch, and a discussion on applying military leadership principles to their civilian practices. “Being involved in the local bar association is a great way to expose our civilian counterparts to our practices—they are very interested in what we do and I am often reminded how highly regarded servicemembers are by the local community,” said Captain Goines who, despite being licensed in another state has volunteered in the bar association as a moot court judge.

For years MacDill has provided “outreach legal assistance” in an office in a large commuter community about 15 miles from the base, and they are continuing to explore opportunities to improve the quality of the legal assistance they provide through involvement in the Bay Area Legal Services Family Forms Clinic and are working on initiatives to provide “outreach legal assistance” at the James A. Haley Veteran’s Center. This community involvement on the part of our JAG Family has been appreciated by local community. In March 2010, Major Cynthia Kearley was recognized by the Mayor of Tampa, and the 6 AMW/CC, as the MacDill AFB “Military Woman of the Year” in a

Women’s History Appreciation Event in downtown Tampa. What makes this more remarkable is that the former Law Office Superintendent, Senior Master Sergeant Sherry Bowes was named MacDill’s “Military Woman of the Year” in 2009.

“The Hillsborough County Bar Association has been so supportive and welcoming to us—I encourage each legal office or division to have a designated liaison to their local bar,” concluded Major Kearley.



Honorable Pam Iorio, Mayor, City of Tampa, and Col Lawrence M. Martin, Jr. USAF, then, Commander of the 6th Air Mobility Wing at MacDill AFB, present Maj Kearley with the MacDill Women’s Appreciation Military Woman of the Year Award for 2010



PACAF PACIFIC AIR FORCES



*Col Tonya Hagmaier
Staff Judge Advocate*



*CMSgt Bernadette L. Hamilton
Command Paralegal Manager*

Housed in the historic barracks damaged by enemy fire on 7 December 1941, the Office of the Staff Judge Advocate, Headquarters, Pacific Air Forces (PACAF/JA), Hickam Air Force Base, Hawaii, remains engaged in the United States' mission to provide peace and stability in the Asia-Pacific region. The Pacific area of operations (AOR) is unmatched in size and diversity, spanning from the U.S. west coast to the African east coast and from the Arctic to the Antarctic, covering 105 million square miles, 43 countries, and sixteen time zones. The AOR contains approximately 60 percent of the world's population, which represents over 1,000 languages and dialects and accounts for over one-third of the global economic output. Moreover, the unique location of the Strategic Triangle (Hawaii-Guam-Alaska) gives the U.S. persistent presence and options to project U.S. airpower from sovereign territory. The PACAF mission is to provide U.S. Pacific

Command (USPACOM) integrated expeditionary Air Force capabilities to defend the Homeland, promote stability, dissuade or deter aggression, and swiftly defeat enemies.

PACAF/JA's primary clients include the Commander, Pacific Forces (COMPACAF), 18 headquarters staff directors, and 14 subordinate numbered air force (NAF) and wing legal offices. The four PACAF NAFs all have unique, yet critical, missions that require close coordination with and support from local and national leaders in U.S. territories and from host country officials at local and national levels in allied countries in which we operate or have a presence.

2010 was a significant year for transitions within PACAF/JA. We saw the concurrent retirement of Colonel Dawn E.B. Scholz and Chief Master Sergeant Maureen Lowe. The vast majority of the remainder of office personnel PCSd to

other assignments that same summer. PACAF/JA now welcomes Colonel Tonya Hagmaier, Colonel Douglas Stevenson and Chief Master Sergeant Bernadette Hamilton at the controls.

This past year brought the return of the bi-annual PACAF SJA/LOS Conference. This year's conference was held jointly with OSI, to enhance the learning and collaborative opportunities for all attendees. PACAF/JA hosted approximately 40 JAGs and paralegals and co-hosted 20 OSI agents from throughout the AOR for this ground-breaking effort. A majority of this year's information flow came from the attendees as they disseminated their experiences and lessons learned on difficult military justice cases and the collaboration that occurred between OSI and JA, resulting in successful prosecutions and hard-fought convictions.

The military justice focus that was evident throughout the SJA/LOS Conference can

also be seen in the changes brought about by new leadership. Under the guidance of Colonel Hagmaier, military justice has been re-emphasized as a core competency. The monthly MAJCOM VTC has been redesigned to now have a focus on training, presented not by the MAJCOM but by the incredibly talented personnel who are learning from the issues they face on a daily basis.

Hickam AFB and the Pacific AOR remain a popular location to host visitors and showcase the talents and abilities of PACAF JA personnel. Among our many distinguished visitors this year, PACAF/JA had the honor of hosting the Honorable Charles Blanchard, General Counsel, as he toured Kadena, Yokota and Osan. We had the privilege of showcasing the outstanding work our JAG team accomplishes all day, every day, to ensure the mission of the Air Force endures.

Our premier event for the International and Operations Law (ILaw/Ops) Division continues to be the Pacific Joint Operations Law Exercise (PACJOLE) at the Army's Pohakuloa Training Area (PTA) on the island of Hawaii. PACJOLE provides Pacific-based JAGs and paralegals realistic deployment training and experience in an austere environment and prepares them for real-world deployments. PACJOLE has expanded from its Pacific-centric focus to include issues facing deployed personnel in other AORs. Since its inauguration in 2001, PACJOLE has trained over 200 Air Force active duty and Reserve Component JAGs and paralegals. Additionally, PACJOLE has hosted students from the Army, Navy, and Marine Corps, as well as from other countries, including Australia, Bangladesh, Brunei, Canada, Japan, India, Indonesia, Mongolia, Nepal, the Philippines, and Thailand.

Our office personnel continue to support operations around the world. Colonel (sel) Jerry Villarreal deployed to support the CAOC in Al Udiad; Master Sergeant (sel) Donna Larkins is headed to Liberia to assist with the development of military law, Captain Tracy Park will deploy as the SJA to Ali a Salem, and Master Sergeant Sean Castillo can be found in Bagram, Afghanistan, supporting the efforts of the 455 AEW.

In 2010, all three joint basing efforts within PACAF reached full operational capability. Completion of joint basing at Andersen Air Force Base, installed the Air Force as the supported component of Joint Region Marianas. Additionally, joint basing established the Air Force as the supporting component at Joint Base Elmendorf-Richardson and the Navy as the supporting component of Joint Base Pearl Harbor-Hickam. PACAF/JA worked closely with AF/JAZ and 3 WG and 15 AW legal offices to ensure preservation of Air Force interests during the sometimes contentious MOA negotiations.



The Distinguished Career of a Host Nation Legal Advisor



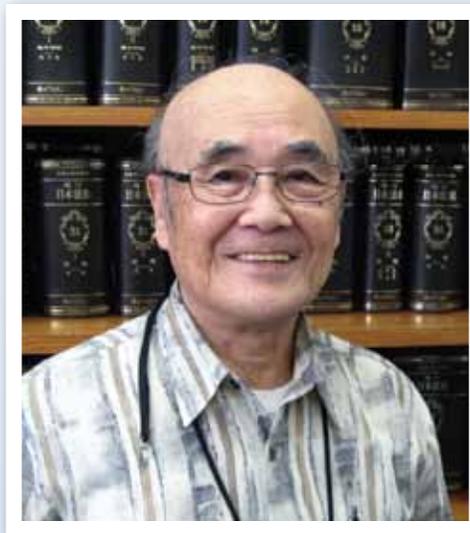
2010 marks the unprecedented 59th year of service to the USAF by Mr. Hamaki Tanaka, Attorney-Advisor, Fifth Air Force, Yokota AB, Japan. In 1951, “Tanaka-san” began his Air Force career, working at the 56th Weather Reconnaissance Squadron and the Civilian Base Personnel Office. In

1958, he began his tenure in the JAG Corps, serving as legal advisor to the base legal office for 16 years, then as attorney-advisor to 5 AF for 36 years.

In his position, Mr. Tanaka has aided in the interpretation of Japanese laws, assisted in crafting international agreements, ensured the protection of SOFA-sponsored personnel in Japanese criminal courts, helped avoid Japanese regulation/taxation of USG activities, and enhanced the relationship between the United States and Japan. Mr. Tanaka was often the face of United States Forces, Japan (USFJ) on some of the most challenging issues. In several aircraft mishaps, Mr. Tanaka aided the accident investigation and orchestrated the processing of claims of local residents. His intervention with local prosecutors and the Joint Committee was frequently the decisive factor in attaining “official duty certificates”, thereby ensuring USG jurisdiction in several high-visibility criminal cases. In incidents where residents were injured or killed, Mr. Tanaka was dispatched to convey the condolences of the USFJ. His superior sensitivity, professionalism, dedication were crucial in furthering the mission of USFJ.

The span of Mr. Tanaka’s career is simply extraordinary. Mr. Tanaka served under the first Judge Advocate General (Major General Reginald Harmon) and has been the mentor to many future leaders of the JAG Corps. He worked alongside Major General William Moorman, former TJAG; Major General Steven Lepper, Deputy Judge Advocate General; Brigadier General Dwight Creasy, Staff Judge Advocate, HQ AFMC SJA; and many others.

Mr. Tanaka retired in December after a long, distinguished career. When asked to identify the highlight of his career, Mr. Tanaka remains modest, stating “The highlight of my career... simply that I have been so very honored to work with so many wonderful people.” Mr. Tanaka’s notable achievements and lasting legacy of excellence will continue to benefit 5 AF and USFJ for years to come.



A Host Nation Attorney

If you are stationed in the United Kingdom, you quickly learn one name: Lyndon B. James. In his 24 years of service, Mr. James has been invaluable to judge advocates in resolving international law issues, since he joined the 3 AF-UK legal staff on 1 July 1986 as the Host Nation Attorney—the first incumbent of that position. Increasingly, he became involved in the international law work of that office, rising to Chief of European Law and more recently, Director of International Law.

Over the years, Mr. James has been involved in many significant issues affecting the U.S. Forces in the UK. In his early days, he was involved in forwarding cases before the UK courts that confirmed the continued availability of sovereign immunity for the acts of the military. He was also one of the first experts to note the potential conflicts arising between EU law, the municipal law of receiving States and the NATO SOFA, and he has been an ardent protagonist in resolving those conflicts. Mr. James has been the architect of several “people programs” such as the VAT Free Purchase Program and the Off Base Fuel Program, both of which have saved members of the

U.S. Forces hundreds of thousands of dollars each year. In 1992, Mr. James was the recipient of the James O. Wrightson Award and in 2007 received the Stuart R. Reichart award, making him one of only three individuals to have received two Air Force level awards and the only civilian to do so.

While Mr. James continues to work full time, he has begun making plans to retire. Upon the appointment of a new Host Nation Attorney he intends to be available on a part time basis to mentor the new appointee; however, he will be using his time to undertake more work in the UK Employment Tribunals where he sits as an Employment Judge. Additionally, he plans to spend more time promoting sports for deaf and hard of hearing people. He is Secretary to the England Deaf Rugby Union and an ad hoc legal advisor to UK Deaf Sports. He plans to use his additional leisure time to join his wife in looking after their horses and enjoying being grandparents. One thing is certain: even after Mr. James retires, his name will continue to be spoken with the greatest respect and admiration for years to come.



USAFE

UNITED STATES AIR FORCES IN EUROPE



*Col Jeffrey A. Rockwell
Staff Judge Advocate*



*CMSgt Steven L. Wallace
Command Paralegal Manager*

For 68 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 2010, USAFE delivered full-spectrum options to U.S. European Command (EUCOM) and U.S. Africa Command (AFRICOM) throughout a 92-country area of operations, including 28 North Atlantic Treaty Organization (NATO) countries and 27 Partnership for Peace (PfP) countries. USAFE continues to lead and support Joint and Coalition operations and promote regional stability through focused theater engagement. From the strategic involvement of HQ 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. Nearly all the non-U.S. allies fighting alongside us in Afghanistan are from Europe, proving these partnerships are truly essential.

The Operations and International Law Division (JAO) leads a premier, multinational team of attorneys, host nation legal advisors, and paralegals at Headquarters and throughout the command. With over 225 years of combined legal expertise at the Headquarters alone, JAO advises USAFE commanders on execution of the USAFE and EUCOM missions, providing forward-based air power and building robust, substantive partnerships across Europe.

USAFE/JAO was key to the successful negotiation, drafting, and conclusion of Training Range Agreements with our Slovenian, Bulgarian, and Romanian partners. These agreements pave the way for additional training opportunities for our Airmen, and solidify coalition training capabilities across Eastern Europe critical to honing interoperability.

Over a decade in the making, the United States and Italy recently signed the Aviano

Technical Agreement. With USAFE/JAO embedded, the U.S. negotiating team methodically addressed and reached agreement on all matters enabling a lasting U.S. presence in Italy that is beneficial to both countries and, ultimately, essential to the success of the NATO alliance as a whole.

USAFE/JAO worked tirelessly with their Turkish, German, and Italian counterparts to shape the Final Governing Standards for environmental compliance in each of these countries. They scoured protocols and eliminated non-essential provisions which had, through neglect and ineffective oversight, crept into practice. As a result, unnecessary exposure to liabilities was lifted.

The Administrative Law Division (JAA) played a critical role advising USAFE commanders on the possible negative host-nation relations impact of a new Air Force policy requiring sex offender status

notification for residents of on-base and leased housing and successfully advocated for a moratorium on implementation until a politically viable alternative could be crafted. Additionally, USAFE/JAA worked closely with the personnel community to standardize the waiver process for the H1N1 vaccination requirement for children in Child Development Centers and Youth Sports Activities. Finally, JAA built a model training program for USAFE SJAs and LOSs that maximizes Europe's unique training opportunities to properly organize, train, and equip our legal personnel to execute USAFE's mission.

In the spirit of the CSAF's call to "Recapture Acquisition Excellence", the Ethics Division (JAE) leaned forward, creating an ethics briefing tailored to

USAFE contracting personnel—over 40 percent of whom are host nation employees—to ensure compliance with ethical standards. Additionally, USAFE/JAE provided critical support to USAFE's general officers and other personnel to ensure compliance with ethics rules, most of which double in complexity due to the need to be sensitive to U.S. gains from foreign engagements.

In the spirit of teaming—both JAG/paralegal and cross-functional—USAFE legal offices cut date of offense to prefferal in courts-martial in half. JAG/paralegal teams blazed new trails in their approach to provide wills, conduct interviews, and provide legal advice across the spectrum of USAFE operations, to enhance the combat effectiveness of our commanders and Airmen.

The USAFE Reserve Component continued to provide the best backfill support by performing over 3000 man-days providing the full-spectrum of legal services. In addition to home station support, USAFE JAG reservists deployed in support of Air Force/DoD missions in Bosnia-Herzegovina, Iraq, and Afghanistan.

For nearly seven decades, USAFE legal professionals have provided full-spectrum legal support to USAFE commanders, working with America's closest allies to build trust and teamwork through respect and clear communications, from MAJCOM to wing level. We 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 FORCES LEGAL OFFICES

With a staff of experienced and specialized personnel, numbered air force (NAF) legal offices advise and assist NAF commanders and their staffs located across the globe on a wide variety of legal issues. Much of this advice is necessarily concerned with the administration of the military justice system since the majority of NAF commanders also serve as general court-martial convening authorities. In addition to military justice, however, NAF staff judge advocates and their staffs provide critical advice on matters such as environmental law, labor law, international law, civil law, and contract law—not only to the NAF personnel, but also to the base legal offices aligned beneath them. What follows is a summary of important accomplishments from representative NAF legal offices in 2010.

1 AF (AFNORTH)/JA (ACC) TYNDALL AFB, FL



Every day as America's C-NAF, CONR-1AF (AFNORTH) lives the total force concept as REGAF, Reserve, Statutory Title 10 Guardsmen, Active Guard Reserve, Drill Status Guardsmen, Canadian Forces, Army, Navy, Air Force, Marines, civilians, and contractors work side by side. As the CONUS region command, and NORAD CFACC, these men and women share the sole responsibility for ensuring the air sovereignty and air defense of the continental United States, Virgin Islands, and Puerto Rico. Additionally, AFNORTH is the COMAFFOR and designated JFACC to USNORTHCOM, providing for the land and maritime defense of the homeland, and supporting local, state, regional, and federal emergency service agencies.

After preparing for potential legal issues surrounding U.S. support to the Vancouver Winter Olympics in November of 2009, 2010 brought new and exciting challenges. First, in the wake of the devastating earthquake in Haiti in January, the 601st Air & Space Operations Center (AOC) was tasked to assist with airspace de-confliction and air traffic flow in and out of the Port-au-Prince Airport. The 601st took what some pilots called “a big giant hairball” of air traffic and streamlined air operations to get aid to the Haitian people; creating the Haiti Flight Operations Coordination Center (HFOCC). This support to the Government of Haiti allowed for efficient arrival, off-load and departure of military and civilian relief efforts and facilitated international efforts to provide much needed aid to the people of Haiti.

On 20 April 2010, the Deepwater Horizon oil rig exploded in the Gulf of Mexico. The CNAF response was almost immediate, everything from C-130 Modular Aerial Spray System (MASS) to Civil Air Patrol aerial imagery and communications relays were involved in the initial response. In week 13 of the disaster response, senior

Department of Defense and Homeland Security officials centralized airspace management operations in the 601st creating the “Aviation Coordination Command” (ACC). Officials said they made the decision because of the organization’s “inherent and unique skill set” when dealing with airspace deconfliction and ability to respond to natural and man-made disasters. Even before the well was capped, the lawsuits began as did the FOIAs and Congressional hearings.

The CNAF staff is also very involved with the CBRNE Consequence Management Response Force (CCMRF). Since the Air Force JAG Corps in tasked with legal support for one of the teams, the legal staff has worked with the force providers to provide training and exercise opportunities to the JAGs who will be advising the JTF Commanders during CBRNE responses.

CONR-1AF (AFNORTH) has also been involved in efforts to normalize Unmanned Aerial Systems and Remotely Piloted Aircraft utilization in the national airspace. As we endeavor to support responses to natural disasters, man-made disasters,

and terrorist attacks, the capabilities that provide critical situational awareness to our forces in overseas combat can fulfill similar requirements in CONUS. However, we are still working to achieve the ability to routinely operate in UAS/RPA the very busy, and FAA controlled, national airspace.

USNORTHCOM has always been actively engaged with Canada, our neighbor to the North and partners in the NORAD Treaty. Our relationship with our Southern neighbor has been slowly gaining ground and has, particularly this year, resulted in enhanced cooperation and interaction with the Government of Mexico. Our missions rely heavily on participation by volunteer Guardsmen through our agreements with the various state Governors. As we've relocated some of the Air Sovereignty Alert (ASA) sites and increased augmentation opportunities, we've entered into new agreements with several State Governors.

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 oversees training of approximately 149,000 Airmen annually via 2,500 courses in 250 officer and enlisted AF specialties. 2 AF also provides oversight of Airmen completing Army training in preparation for Joint Expeditionary Taskings (JET). The Office of the Staff Judge Advocate (2 AF/JA) supports these missions by

advising the commander on a myriad of legal issues while insuring fair, efficient, and flawless processing of administrative and judicial actions.

HQ 2 AF is organized to reflect an operational emphasis, and has a command structure organized around a Technical Training Operations Center (TTOC) containing four divisions: strategy, plans, operations, and analysis. 2 AF/JA continues to provide legal support to JET Airmen and their leadership through the 602 Training Group (Provisional). In FY10, approximately 5,585 Airmen were trained in accordance with Combatant Commander Requirements at numerous power projection platforms around the country for deployments taking them “outside the wire.” 2 AF/JA also provides legal support to our JET Airmen (while in training) and their on-site leadership through the TTOC.

Supporting a general court-martial convening authority and special court-martial convening authorities at three dynamic training bases—Keesler AFB, Goodfellow AFB, and Sheppard AFB 2 AF consistently remains one of the busiest NAFs in the Air Force for military justice actions. During FY10, 2 AF bases completed 45 courts-martial, accounting for 6 percent of the AF total, and 617 Article 15s, accounting for 9 percent of the AF total. 2 AF/JA personnel visited each of the four base legal offices on staff assistance visits and provided in-house military justice training at each installation.

2 AF/JA personnel were also deployed abroad supporting the war effort. Then, Captain Wilder concluded his six-month deployment to the Law & Order Task Force, Baghdad, Iraq, and Colonel Alisa James, 2 AF/JA's Senior IMA, concluded her second consecutive 365-day deployment as a Legal Advisor at the U.S. Embassy, Islamabad, Pakistan.

3 AF/JA (USAFE) RAMSTEIN AB, GERMANY



Third Air Force (3 AF) serves as the numbered air force and general court-martial convening authority for United States Air Forces in Europe (USAFE). 3 AF/JA is responsible for all military justice, civil, administrative, and operational law support.

In 2010, the Military Justice Division (JAJ) had another busy year, processing 552 Article 15s, 90 percent of which were within the 20-day goal. JAJ also had an impressive court-martial workload, successfully handling 60 courts-martial, including a high profile negligent homicide, a child sexual assault, numerous child pornography, and other Article 120 cases. JAJ continued to place special emphasis on ensuring legal offices, AFOSI, and SFOI were actively partnering and “getting back to basics” in military justice.

The Administrative and Civil Law Division (JAA) provided timely, legal advice to the Numbered Air Force Commander and directors on hundreds of issues ranging from gifts to and from foreign dignitaries to fiscal law. JAA attorneys also served as key advisers to the Kaiserslautern Military Community Center Task Force headed by SAF/IG, who relied on their expertise during an investigation into the German Construction Office's administration of this procurement of over \$150 million. After a thorough investigation and a complete analysis of the process, JAA attorneys co-authored an 18-chapter report detailing major findings and lessons learned.

The Operations Law Division (JAO) was fully engaged planning and executing operations and exercises in support of both Third Air Force and the 603d Air Operations Center, including NATO Icelandic Air Policing; Space Shuttle Support Missions; POTUS AOR visits; and theater cooperation missions. JAO attorneys completed a multitude of reviews ranging from Theater Ballistic Missile Defense to issues involving NATO ROE training and crisis response. JAO also planned and coordinated MAJCOM support for Austere Challenge 10, EUCOM's largest joint forces exercise, and the first time ever this exercise was executed as a coalition mission. Recognizing the need for advanced joint training, a JAO attorney provided much needed NATO training to non-U.S. search and rescue pilots on legal issues surrounding both combat and peace time rescues at the Tactical Leadership Program in Albacete, Spain. In addition, 3 AF/JA deployed two attorneys and three paralegals in support of CENTCOM missions including Operation ENDURING FREEDOM and Operation IRAQI FREEDOM/Operation NEW DAWN.

3 AF-UK/JA (USAFE) RAF MILDENHALL, UNITED KINGDOM

For the past four years, Third Air Force-United Kingdom (3 AF-UK/JA) has served in a unique role as the Detachment of 3 AF responsible for international law within the United Kingdom at Royal Air Force (RAF) Mildenhall. 3 AF-UK/JA exercises headquarters level responsibility for international law for RAFs Alconbury, Croughton, Mildenhall, Menwith Hill, Upwood, Feltwell, Molesworth, Fairford, Welford, Lakenheath, and Stavanger Air Base, Norway, totaling over 15,500 active duty, civilian and dependent personnel.

The 3 AF-UK Commander serves simultaneously as the Vice Commander for 3 AF and as the U.S. Country Representative to the United Kingdom

providing primary military liaison to Her Majesty's Government. Additionally, the commander serves as the liaison for EUCOM and NATO planning and training activities related to the United Kingdom, in addition to facilitating reachback planning efforts in support of USAFE and 3 AF operations theater-wide.

The 3 AF-UK Director of Legal Services serves as the primary legal liaison for U.S./UK bi-lateral issues relating to the NATO SOFA. As the number two uniformed officer in 3 AF-UK, the Director of Legal Services often appears on behalf of the 3 AF-UK Commander. In this capacity, the Director of Legal Services attends state level affairs and functions with Her Majesty's Government. In addition to the Director, the office is staffed with three civilian attorneys, one of which is a direct-hire British solicitor, and one Master Sergeant paralegal. Supporting and upholding the provisions of the 1951 NATO SOFA, primary international law concentrations include: labor, taxation, immigration, real property litigation, foreign criminal jurisdiction, security, health and safety, environmental, claims, fiscal law, foreign civil litigation, and ethics. Fostering key relationships with the host nation, the international law division works closely with the UK Ministry of Defence, HM Revenue and Customs, the UK Border Agency, Crown Prosecution Service, County Constabularies, UK Defence Estates, the U.S. Embassy, and the U.S. Department of Justice. Recent success stories include settling a tax dispute with HM Revenue and Customs over the U.S. Navy Exchange fuel coupon program, the creation of an AAFES-run off-base fuel program, and the exemption from the collection of biometric data of dependents of active duty members. Furthermore, the office was instrumental in implementing a protocol regarding the off-base bearing and transporting of firearms and munitions, in addition to a

criminal investigation protocol with the UK Association of Chief Police Officers.

4 AF/JA (AFRC) MARCH ARB, CA



Responsible for command supervision of 14 Wings in 13 States with 24 Flying Units and 2 Rescue Units, Headquarters, 4th Air Force, is situated at March Air Reserve Base, California. Currently, there are 34 JAGs and 36 paralegals. Lieutenant Colonel Bradley Holmgren, 446 AW/JA, McChord AFB, Washington, will be deploying to EUCOM in January 2011 for 179 days. Most recently, Lieutenant Colonel Holmgren's wing has been at the center of events surrounding the high profile *Witt v. Department of the Air Force* verdict. He and his staff have done an outstanding job coordinating with the Department of Justice, SAF/PA and AFLOA, to handle events as they unfold as a result of that verdict amidst the political controversy surrounding the future of DADT prior to its repeal.

5 AF/JA (PACAF) YOKOTA AB, JAPAN



Fifth Air Force (5 AF) serves as the HQ PACAF forward element in Japan and as the peacetime air component to U.S. Forces Japan (USFJ). The Staff Judge Advocate is dual-hatted under 5 AF (JA) and USFJ (J06). 5 AF/JA also serves as the

Single Service Claims Responsibility for all of Japan and advises the commander on a wide array of issues including foreign criminal jurisdiction, international law, general law, and military justice. In the role as NAF and sub-unified legal office, 5 AF/JA provides functional oversight to Air Force, Army, Navy, and Marine Corps legal offices on Japan.

In the past year, 5 AF/JA personnel displayed remarkable proficiency and innovation in providing first-rate legal support to the command. In one of the more significant victories, Ms. Nikki Tsujimura in the General Law Division provided a superb legal analysis of Japanese cases and law thereby convincing the Japanese Ministry of Defense to agree to a “shared liability” construct on certain claims. This agreement will result in multi-million dollar savings to the U.S. Government for years to come.

5 AF/JA personnel also garnered special recognition within the command. Ms. Holly Miller was recognized as the 5 AF Staff Civilian of the Quarter. Additionally, Technical Sergeant Renee Cenov and Senior Master Sergeant Sandra Pfeffer were recognized as 5 AF’s top Airman and SNCO respectively for the year.

The alliance between the United States and Japan is a cornerstone of our regional defense strategy. The respective missions of 5 AF and USFJ emphasize maximizing partnership capabilities and fostering bilateral cooperation. In that regard, 5 AF/JA sponsored legal liaison and training activities with personnel from the Japanese Self-Defense Force, including hosting the 2010 Law Day event at Yokota AB. Quarterly training was also provided by 5 AF/JA and the Japanese Air Staff Office (ASO) Legal Affairs Department. These events garnered wide praise from all participants and fostered understanding with our host counterparts.

5 AF/JA has also provided key support on significant initiatives to promote interoperability and cooperation, including assisting in the groundbreaking relocation of Japanese Air Self-Defense Force, Air Defense Command, to Yokota AB. 5 AF/JA also serves as the chairman on U.S.-Japan subcommittees on criminal jurisdiction, prison affairs, and civil jurisdiction, thereby ensuring due process protection to servicemembers, dependents, and civilian personnel.

7 AF/JA OSAN AB, ROK



The normally high operations tempo on the Korean peninsula continued unabated in 2010 and saw the Office of the Staff Judge Advocate, Seventh Air Forces/United States Air Forces Korea providing precision counsel to the triple-hatted 7 AF/AFKOR/Deputy Combined Forces Command commander and his staffs on all legal issues to include military justice, command relationships, ethics, international, operations, civil, labor, environmental, and fiscal law despite nearly 100 percent turnover in personnel and an authorized staff of three active duty military attorneys, one civilian attorney, and two military paralegals.

7 AF/JA continued to provide outstanding leadership, oversight, and training to its two wing legal offices—Osan and Kunsan. As PACAF’s #1 Military Justice program, 7 AF posted near perfect metrics in every military justice category and produced 7

AF’s best metrics in the 17 years that metrics have been kept! On track to complete 21 courts-martial in 2010 (4 more courts than in 2009), 7 AF offices completed 100 percent their courts-martial within the AF goals for the 2nd year in a row. 7 AF also continued to post superb Article 15s numbers completing an amazing 98 percent within the metric for the second year running despite another record year of Article 15s. These numbers are even more amazing considering that 100 percent turnover of Kunsan and Osan’s JAGs and paralegals during the year!

Like military justice, the operations and international law issues were also particularly robust in 2010 with 7 AF/JA providing support and advice on key negotiations with our Republic of Korea (ROK) counterparts. On the operations law side, 7 AF/JA participated in numerous Korean Theater of Operations OPLAN conferences, led in the development of the new Wartime Rules of Engagement, and aided in the building of a pre-Air Tasking Order (ATO). For the pre-ATO, 7 AF/JA conducted legal reviews for over a thousand pre-planned deliberate targets and built sensitive target packages for dozens more. Finally, 7 AF/JA supported



and planned operations in response to the North Korean sinking of the ROK naval ship, the Cheonan in March.

In addition to real world operations, daily legal functions and preparing for a Unit

Compliance Inspection in April, 7 AF/JA personnel spent over 10 weeks operating out of the Korean Air Operations Center in support of a six joint and bi-lateral exercises including CJCS exercises KEY RESOLVE and ULCHI FREEDOM GUARDIAN. In support of these exercises, 7 AF/JA bedded down and provided intensive week long training to 13 JA augmentees from across the AF (12 attorneys and 1 paralegal) on all aspects of Air Operations Center operations and the Korean Theater of Operations, seamlessly integrating them into the five major KAOC divisions. Without a doubt, we are ready to “Fight Tonight... and Win!” Pilsung!



Training at Whiteman AFB

on Barksdale AFB. As legal advisors in the AOC, 8 AF judge advocates advise senior leaders supporting a combatant command (COCOM), task forces, air components, and Air Force forces conducting worldwide operations. 8 AF/JA provides legal advice on planning and support to exercises such as GLOBAL THUNDER and GLOBAL LIGHTNING. In the past year, 8 AF/JA deployed a JAG to the AFCENT CAOC and a paralegal to assist with supervising third country nationals at a base in Southwest Asia as well as sending judge advocates to support both the BRIGHT STAR and TERMINAL FURY exercises.

8 AF/JA provided substantial assistance in planning and executing the 7.5 million dollar lease of space at the new Cyber Innovation Center in Bossier City, Louisiana for use as the 8 AF headquarters while a building is being renovated on Barksdale AFB for the permanent headquarters. Various legal issues were identified and resolved in the course of drafting the contract, moving in, and actually utilizing the rented space in the recently constructed building. Dealing with these issues required close coordination with various subject matter experts at all levels of command.

The 8 AF Article 32 Investigating Officer Course was transferred to the JAG school after 25 years of successfully preparing

hundreds of active duty and reserve JAGs to serve as Investigating Officers and training paralegals to assist them. The course evolved over time to reflect the growing importance of reservists and paralegals to the military justice process as the needs of the Air Force changed. The administration of the course was provided by the 8 AF reservists and they provided training at various locations when the need arose. The course became the gold standard of preparation to perform duties as an Investigating Officer and there is no doubt that the JAG school will continue the tradition of excellence.

In Fiscal Year 2010, 8 AF completed 18 general courts-martial and completed 413 nonjudicial punishment actions (6 percent of all Air Force nonjudicial punishment actions).

**8 AF/JA (AFGSC)
BARKSDALE AFB, LA**



Eighth Air Force (8 AF) underwent tremendous changes in 2010. After shedding bases in 2009, 8 AF emerged as the specialized nuclear-capable bomber NAF, transitioned from ACC to AFGSC, and moved its headquarters off-base into a specialized, secure, civilian owned building. Our reservists also transferred responsibility for the Article 32 course to the JAG school. Reflecting the renewed emphasis on the nuclear mission, 8 AF is now comprised of the 5 BW at Minot AFB, the 509 BW at Whiteman AFB, and the 2 BW at Barksdale.

8 AF judge advocates serve in United States Strategic Command (USSTRATCOM) global strike air operations center located

**9 AF/JA (ACC)
SHAW AFB, SC**



The year 2010 was a “growing year” for Headquarters 9th Air Force (9 AF), its first full year as a stand-alone headquarters separate from USAFCENT. Located at Shaw AFB in South Carolina, 9 AF is now responsible for more than 350 aircraft and 24,000 active duty and civilian personnel across seven CONUS wings at Langley, Moody, Shaw, Seymour Johnson, and Robins Air Force bases. 9 AF is also responsible for training and equipping a number of detachments and direct reporting units – the largest being two Red Horse Squadrons at Hurlburt and Malmstrom Air Force bases.

9 AF/JA provides primary oversight of four 9 AF installation-level legal offices

at Langley, Moody, Shaw, and Seymour Johnson Air Force bases. 9 AF/JA also oversees the military justice programs at all seven 9 AF wings, coordinating military justice actions at those units which are tenants on installations belonging to other commands. The 9 AF legal office also provides legal counsel and administrative support to 9 AF bases in areas of ethics, contracts, fiscal, international and operational law.

While 9 AF was growing as a headquarters, its wings were growing, changing, and increasing in complexity, too. Langley Air Force Base became one of six Air Force-led joint bases in the country, when it became Joint Base Langley-Eustis with the Army. In gaining the 116th Air Control Wing, 9 AF faced total force issues associated with basing National Guard and active duty components in a single wing. In addition to these basing issues, the administrative law division provided numerous ethics opinions, congressional inquiry legal reviews, Inspector General and command-directed investigations, administrative discharges, FOIA and Privacy Act reviews.

The year 2010 proved again to be a busy military justice year with 452 Article 15 actions administered by the 9 AF legal offices, as well as 64 courts-martial. 9 AF wings completed 18 general courts-martial, 31 special courts, and 15 summary courts. All four of the 9 AF installation legal offices did an outstanding job addressing a wide array of complex issues, while keeping a keen eye on the efficient and effective administration of military justice during a busy year.

To keep pace with this growing and changing NAF, the 9 AF legal office received a much-needed manning increase and now has eight assigned personnel including its own colonel SJA. Although 9AF/JA had its challenges prior to and during the 2009 split from USAFCENT, with a full

staff and a clear way ahead, the future definitely looks bright.

10 AF/JA (AFRC) JOINT RESERVE BASE NAS, FORT WORTH, TX



Tenth Air Force (10 AF), a tenant unit uniquely situated on Joint Reserve Base (JRB) Naval Air Station (NAS), Fort Worth, Texas, and is responsible for command supervision of Reserve element fighter, bomber, space and special operations units. 10th AF consists of approximately 16,000 Reservists located at over 35 military installations throughout the United States including Alaska and Hawaii. As the 10th AF mission continues to grow, the demand for legal services has grown exponentially. This year two new legal offices were created: the 926th Fighter Group at Nellis AFB, and the 44th Fighter Group at Holloman AFB. Kudos to Lieutenant Colonel Vlad Shifrin and Major Tony Spratley for all their hard work in standing up these new legal offices.

One of the hallmark events for 10th AF this past year was Homestead ARB's participation in the Haiti earthquake relief efforts. Homestead ARB, home of the 482d Fighter Wing, is the hub of action for aircraft and personnel supporting Operation Unified Response. The initiative is one element of the United State's partnership with the international community to provide humanitarian assistance and disaster relief to the Haitian people.

From a deployment perspective, the responsibilities and training associated

with being a 10 AF JAG/paralegal provides a cadre of deployment ready legal personnel who are always in demand. At the present time, Lieutenant Colonel Michael Jonasson, 310th Space Wing SJA, is deployed to Iraq working in contingency contracting. Colonel Jim Caine, 10th AF/SJA, is currently deployed to Afghanistan serving a 179-day tour as the Chief, Rule of Law, with NATO.

Acknowledging excellence and recognizing those who have excelled is an essential part of 10 AF/JA's mission. Major Maren Calvert, 701st COS, was selected as the Robert L. Lowry Award winner at the Judge Advocate Staff Officer Course (JASOC) 10-C and earned the title of Distinguished Graduate of Air Operations Center Initial Qualification Training. During a recent Operational Readiness Inspection (ORI), Technical Sergeant Tamika Jacobs, 442 FW/JA, was awarded the AF Commendation Medal as a result of the office achieving an Excellent rating. Additionally, Staff Sergeant Richard Talley, 917 WG, achieved Distinguished Graduate status at the Paralegal Apprenticeship Course.

12 AF (AFSOUTH)/JA (ACC) DAVIS-MONTHAN AFB, AZ



Twelfth Air Force (12 AF) serves as the air component (Air Forces Southern—AFSOUTH) to U.S. Southern Command (USSOUTHCOM), in addition to performing traditional Numbered Air Force (NAF) functions for ten active duty wings and three direct reporting units. The Commander USSOUTHCOM, whose area of responsibility includes Central

and South America, the Caribbean, and Cuba, has designated the 12th Air Force Commander as the USSOUTHCOM Combined Forces Air Component Commander (CFACC). Lieutenant General Glenn F. Spears exercises that authority through the AFSOUTH Combined Air and Space Operations Center (CAOC) and his Air Force Forces (AFFOR) staff. The fusing of traditional NAF responsibilities with those of an air component to a combatant commander provides unique challenges and opportunities to 12 AF/JA.

The 12 AF/JA international and operations law team serves in dedicated positions in the AFSOUTH CAOC and AFFOR staff. They provide legal and operational advice on rules of engagement (ROE), the law of armed conflict (LOAC), rule of law operations, international agreements, human rights, command relationships, status protections for U.S. personnel, fiscal law, international contracting, and other operational matters. The team plays key role in the planning and execution of U.S. foreign disaster relief/humanitarian assistance (FDR/HA) operations, DoD support for U.S. presidential foreign travel, counter-drug operations, intelligence and surveillance missions, and military building partnership activities in the USSOUTHCOM AOR.

Civilian and military attorneys and paralegals from 12 AF/JA regularly participate in operations, deployments, and exercises. Beginning in January 2010, 12 AF/JA personnel supported Operation Unified Response (OUR), the U.S. Government response to the January 2010 earthquake in Haiti. In addition to manning AFFOR and CAOC positions, 12 AF/JA deployed one judge advocate (JAG) to serve as Deputy SJA, Joint Task Force—Haiti, and a JAG and paralegal to serve as SJA and LOS for the 24th Air Expeditionary Group, Port-au-Prince, Haiti. While engaged

in Haiti operations, 12 AF/JA staff also supported FDR/HA operations in Chile following the February 2010 earthquake in that country. In May 2010, 12 AF deployed a JAG and paralegal to New Horizons-Panama 2010, a three-month civil engineering exercise funded by the Joint Chiefs of Staff.

In 2010, 12 AF/JA led subject matter expert exchanges (SMEEs) on human rights and operations law in Honduras and Colombia. In addition to enhancing partner nations' compliance with international human rights and the law of armed conflict, these SMEEs served to establish an AFSOUTH "network" of military legal advisors willing to assist in resolving common legal issues in the AOR. 12 AF/JA also collaborated with USSOUTHCOM to put on the COJUMA (Comite Juridico Militar de las Americas or the Military Legal Committee of the Americas) Conference. Legal representatives from 20 countries in the Americas met to discuss and develop a model educational curriculum for the training of military attorneys.

In FY10, 12 AF/CC's general court-martial convening authority responsibility expanded with the addition of Offutt AFB and Beale AFB. Meanwhile, 12 AF/JA continued to provide military justice support to Air Force commanders in deployed and forward operating locations, including Colombia, Cuba, Curacao, Haiti, Honduras, Panama, and Puerto Rico. In March 2010, 12 AF/JA hosted the third annual Major Crimes Investigation Workshop. This workshop provided 16 JAGs, 3 paralegals and 21 AFOSI special agents in-depth information on investigating serious offenses, fostering teamwork among investigators and legal personnel.

13 AF/JA (PACAF) HICKAM AFB, HI



Thirteenth Air Force provides the 13 AF and PACAF Commanders command and control (C2) capability over U.S. air and space activity within the USPACOM AOR excluding the Korean Theater of Operations (KTO), to include Air Operations Center (AOC) support to 5AF (Japan AOR). It is a diverse organization comprised of an Air Force Forces (AFFOR) Staff, the 613 AOC with two underlying operational support squadrons, the 94th Army Air Missile Defense Command, the 1st Air Support Operations Group at Joint Base Lewis-McChord, the 647th Air Base Group at Joint Base Pearl-Harbor Hickam, and others. 13 AF plans and executes C2 of air, space, and information operations from steady-state peacetime, to humanitarian assistance/disaster response (HA/DR), to kinetic. 13 AF also serves a mostly traditional NAF role in support of the 36th Wing in Guam and 15th Wing at Joint Base Pearl Harbor-Hickam.

In 2010, 13 AF's efforts included planning and C2 of ISR missions, Operation NOBLE EAGLE and other homeland defense operations, C2 and support for deployed Continuous Bomber Presence and Theater Security Package forces in Guam, Okinawa, and other areas, and execution of Operation DEEP FREEZE—The Department of Defense's only Air Force led standing joint task force (JTF-Support Forces Antarctica), which conducts the resupply mission in support of the National Science Foundation in Antarctica. 13 AF supported HA/DR missions in Hawaii and Haiti and conducted operations in support of President of the

United States visits to Hawaii and the Far East. 13 AF also served as the Joint Forces Air Component Commander (JFACC) and staff, or otherwise supported more than 30 PACOM sponsored exercises, to include being the CJTF for the 2010 UNIFIED ENGAGEMENT wargame (UE10), one of only two Title 10 Air Force events looking at joint/combined operations ten or more years into the future.

13 AF/JA is unique in that its supported bases are both joint with installation management support provided by the Navy, and both having Air Force single-base General Courts-Martial Convening Authority held by the operational wing commanders. In 2010,

13 AF/JA advised the 13 AF/CC and wing JA offices on a wide variety of typical JA matters on civil law, justice, and ethics, in addition to joint basing. 13 AF/JA also provided extensive operations and international law support to include advising the JTF-SFA commander on air evacuation and other issues in the Antarctic theater of operations, assisting in the update of the Theater Air and Space Operations Plan (TASOP), which outlines the taskings to execute CDRUSPACOM's theater campaign plan (TCP), and reviewing/ updating major theater operations plans. JA also created or updated country law studies and drafted/tailored standards of conduct commander's guidance for personnel deploying throughout the PACAF AOR. For exercise support, 13 AF/JA augmented the 613 AOC during major theater exercises, supporting planning efforts, assisting with drafting and staffing of ROE, and advising on targeting and information operations matters. JA also provided critical legal support to the Area Air Defense Commander (AADC) for operation NOBLE EAGLE training missions involving the potential shoot-down of aircraft threats to the Hawaii and Guam, as well as legal support to

the 13 AF/CC (CJTF/CC) for four UE10 wargame events.

17 AF/JA (USAFE) RAMSTEIN AB, GERMANY



Headquarters 17th Air Force is located at Ramstein Air Base, Germany, and serves as the air and space component to U.S. Africa Command (AFRICOM) located at Stuttgart, Germany. In this capacity, 17th Air Force is referred to as U.S. Air Forces Africa (AFAFRICA).

HQ 17th Air Force develops strategy and plans to execute air and space operations in support of AFRICOM objectives. In addition, 17th AF operates the "tailored" 617th Air and Space Operations Center (AOC) which provides command and control capabilities for the planning and execution of aerial missions on the continent.

AFAFRICA conducts sustained security engagement and operations as directed to promote air safety, security, and development on the African continent. AFAFRICA works with other U.S. Government agencies and regional organizations to assist our African partners in developing national and regional security. AFAFRICA is responsible for conducting Air Force, joint, and combined air and space operations in the 53 country AFRICOM AOR.

The 17th Air Force Office of the Staff Judge Advocate (17 AF/JA) consists of two attorneys and one paralegal. 17 AF/JA advises on international and operational law, adverse personnel actions, administrative law, fiscal law, military personnel law,

ethics, foreign and tort law, and command appointments and assumptions. In 2010, 17 AF/JA opinions freed \$24 million in embargoed operations funds and advised the U.S. Ambassador to the Seychelles on airspace negotiations, enabling the first Unmanned Aerial System operations against Somali pirates.

The highlight of the year was the first Africa Military Legal Conference in Accra, Ghana. The three-day conference brought together lawyers and other legal experts from 15 African countries and was the first of its kind to bring legal professionals together to discuss common challenges. Major Joy Primoli, the Deputy Staff Judge Advocate, led a discussion with the African legal professionals about the U.S. military justice system. The facilitators and attendees also discussed challenges that common law countries face in applying military disciplinary rules to maintain good order and discipline while ensuring that unlawful command influence does not corrupt the system. Countries using civilian justice systems for military offenses discussed challenges in case processing, including the lack of resources to dispense timely justice.

18 AF/JA SCOTT AFB, IL



Eighteenth Air Force (18 AF) is the Air Force's largest NAF with an area of responsibility that spans the entire globe. Mobility Airmen conducted more than 800 sorties per day, and provided airlift, air refueling and aeromedical evacuation missions as the air component of United States Transportation Command. 18 AF/JA, led by Colonel David "Dave"

Dales, SJA, provided oversight to the staffs of 14 wing legal offices scattered throughout the continental United States and engaged worldwide on legal issues affecting the en route mobility mission and contingency operations.

Legal services were devoted primarily to military justice and adverse administrative actions for a population of 52,000. 18 AF/JA worked closely with wing legal offices to ensure case dispositions were consistent, legally sufficient, and fair. Nearly 2000 investigations were opened, leading to nearly 140 courts-martial, 800 Article 15 actions, and 350 discharge cases. Attorneys and paralegals worked 20 to 30 officer cases at any given time and provided legal advice on five commander-directed investigations involving senior officers. Also of note, 18 AF/JA processed numerous expert witness requests for nearly \$1 million.

The command was also busy with training events. The seventh annual NAF Chiefs of Military Justice Conference included attorneys from NAFs across the Air Force. This two-day event led to valuable cross-feed of best practices. Upon conclusion of the PCS season, 18 AF/JA also conducted the seventh annual Chiefs/NCOIC's of Military Justice Workshop, providing hands-on, practical instruction on critical justice issues/processes. The agenda included lectures from personnel from the Air Force Legal Operations Agency, JAJM division.

In addition to staff assistance visits, 18 AF/JA participated in several SAVs and Article 6, UCMJ, visits to mobility wings. Unit compliance inspections and IG exercises ensured wings were mission ready. 18 AF/JA also managed a robust ethics program, to include a highly-acclaimed VTC training event conducted by the Office of Government Ethics that provided training to 14 wings.

On 13 January 2010, 18 AF deployed Lieutenant Colonel Randon Draper, 18 AF/DSJA, in his role as an "enabler" to the 621st Contingency Response Wing to provide Legal-Political support as the JTF-Port Opening/SJA for operation UNITED RESPONSE (OUR) in Haiti after a 7.0 earthquake devastated the Caribbean country and caused over 200,000 deaths. Lieutenant Colonel Draper served as the advisor to the commander on ROE, the spending of federal funds (to include Overseas Humanitarian, Disaster, and Civic Aid (OHDACA)), contracts, legal assistance and all other legal-political matters. He also served as liaison with the State Department, U.S. Customs and Immigration, and other federal agencies on human trafficking and immigration matters. The majority of efforts during OUR for 18 AF/JA focused on addressing the legal, political and logistical needs of airlifting adoptees/orphans leaving under humanitarian parole papers, while reducing the risk of human trafficking. Over 900 orphan/adoptees with stateside destinations were cleared through the airport, 600 of which traveled on military aircraft to be reunited with their adoptive families in the U.S. The summer brought the first two permanent legal advisors, Major George Konoval and Major Gregory "Krusier" Kruse, to be assigned to the 615th and 621st Contingency Response Wings respectively. In these new roles, they provide in-garrison and field legal support to contingency operations throughout 18 AF.

Lieutenant Colonel Christopher "Chris" Petras was also assigned as the first legal advisor to the 618th Tanker Airlift Control Center (TACC), the Air Force's largest Air Operations Center. In this capacity, he provides air law guidance for all air mobility operations conducted by 18AF throughout the globe. His position further serves as reachback support for contingency operations.

19 AF/JA (AETC) RANDOLPH AFB TX



Nineteenth Air Force (19 AF) trains nearly 30,000 U.S. and allied students annually. The training ranges from entry-level undergraduate flying training through advanced combat crew training, and ultimately provides fully qualified aircrew personnel to the warfighting commands. 19 AF is composed of more than 38,000 Total Force personnel and 1,400 plus aircraft assigned to 6 installations, 11 wings and 2 independent training groups located across the United States.

In 2010 military justice continued to be the busiest section in 19 AF/JA, with 188 Article 15 actions administered by the 19 AF legal offices, as well as 28 courts-martial. 19 AF wings completed 12 general courts-martial, and 16 special courts. All 6 wing legal offices did an outstanding job addressing a wide array of complex issues, while keeping a keen eye on the efficient and effective administration of military justice during a busy year.

Training is an essential part of our mission and we continue to leverage technology to maximize coverage and minimize costs. 19 AF/JA conducted 4 video teleconference training sessions with 7 base legal offices, training 31 judge advocates and 43 paralegals, based on recurring military justice and adverse actions issues which arose during case processing. We continue to host quarterly training; the presentations are a collaborative effort utilizing the knowledge and experiences of members throughout the command and the JAG Corps.

19 AF/JA and the legal offices aligned with 19AF work with commanders to ensure the appropriate regulations are accurately applied in a variety of training situations. These reviews include 8 Flying Evaluation Boards (FEB), 11 waivers to FEBs and voluntary disqualification from aviation service. Additionally, 19 AF/JA and the base legal offices aligned with 19 AF worked with AETC/JA and AFLOA/JACC, to provide significant support to aircraft accident investigations involving 19 AF assets. 19 AF/JA also provided numerous ethics opinions, congressional inquiry legal reviews, Inspector General and command-directed investigations, administrative discharges, FOIA and Privacy Act reviews.

As part of our ever-expanding role 19 AF paralegals augmented the AETC Inspector General team during unit compliance inspections. We also had two paralegals selected as senior trainers for the AETC military justice training teams which provided hands-on justice training tailored to each base within the command.

20 AF/JA (AFGSC) FE WARREN AFB WY



Twentieth Air Force (20 AF) headquarters is unique in that it has dual responsibilities to Air Force Global Strike Command (AFGSC) and United States Strategic Command (STRATCOM). As the missile Numbered Air Force for AFGSC, 20 AF is responsible for maintaining and operating the Air Force's ICBM force. Designated as STRATCOM's Task Force 214, 20 AF provides on-alert, combat ready ICBMs to the President. Combined with the other two legs of the nuclear triad—bombers

and submarines—STRATCOM forces protect the United States with an umbrella of deterrence.

20 AF/JA advises 20 AF/CC, the general court-martial convening authority responsible for approximately 9,500 personnel at three wings covering nearly 46,000 square miles in five states.

During this past year, 20 AF remained one of the busiest NAFs in military justice actions rates per thousand. It became a focal point for activities concerning the transfer of nuclear assets to the newly formed Air Force Global Strike Command. Its wings, too, contributed greatly to the transformation of the nuclear enterprise as the 90th Missile Wing at F. E. Warren AFB, Wyoming, was the first to be inspected under the Air Force's return to wing-scale no-notice nuclear surety and operational readiness inspections. The 341st Missile Wing at Malmstrom AFB, Montana, was also the first to implement a new Remote Visual Assessment project as an added security measure for nuclear assets, using pier-to-pier signal transmission.

Further, both wings have begun staging for housing privatization, each handling significant historical and cultural issues. The military installation that is now F. E. Warren AFB has been in existence from the mid-1800's. The 90th Missile Wing legal office has thus been at the forefront for ensuring continued protection and restoration of its historical buildings. At Malmstrom Air Force Base, the 341st legal office led the way in drafting language in the Request for Proposal that gave Native American tribes the right of first refusal on existing homes under Operation Walking Shield legislation. All efforts have been critical to the continued functioning of the nuclear missile mission, good order and discipline, and vital support from the local citizenry.

22 AF/JA (AFRC) DOBBINS AIR RESERVE BASE, GA



Headquarters, 22nd Air Force, Dobbins Air Reserve Base, Georgia is responsible for command supervision of 27,000 reservists located in 14 Wings in 19 States with 24 Flying Units and 191 Support Units in 28 locations including 10 Air Reserve bases. They span from New York to Mississippi, and from Massachusetts to Minnesota, with our western-most Wing in Colorado Springs, Colorado. There are 130 assigned aircraft and 172 associate aircraft. Reserve crews fly C-130s; C-17s; C5A/Bs and KC-10As and have the only military aerial weather reconnaissance unit. Currently, there are 34 JAGs and 36 paralegals.

Colonel Theresa A. Negron, formerly 22 AF/JA, received a new assignment as the Mobilization Augmentee to HQ ACC/JA, Langley AFB, Virginia. On 24 June 2010, Chief Master Sergeant Howard Lee, 22 AF/JA LOS, gave a live webcast seminar to 45-50 paralegals and attorneys entitled "Countdown to Trial: A Crash Course in Trial Preparation." The seminar was sponsored by the Institute for Paralegal Education [a division of the National Business Institute, Inc.] Senior Master Sergeant Donna Bridges, formerly the only AFRC Air Reserve Technician, accepted an AGR tour to the AF JAG School in their Professional Outreach Division as the ARC Paralegal Training Manager was thereafter promoted to senior master sergeant. Sergeant Bridge's office is responsible for creation, administration and update of the distance education and curriculum for the ARC. Senior Master Sergeant Vicki Robertson was selected as the 302nd Senior NCO of the Year.

During inspections, Sergeant Robertson is often commended for her expertise in administrative discharges, legal assistance and military justice. Her office programs are known for being highly substantive effective and expansive. Sergeant Robertson was recognized due to her accomplishments by the 2010 Paralegal Enlisted Development Board and selected to the next higher rank of Senior Master Sergeant. Currently, Sergeant Robertson is a Cat B reservist and assigned in Hawaii. Major Lawrence K. Josiah, 439 AW/JA, was AFRC's nominee for the Reginald C. Harmon Award. He was recently promoted to Lieutenant Colonel.

Further, Lieutenant Colonel Patricia Beyer deployed to Baghdad, (Joint FOB) as Team Chief, Law & Order Joint Investigative Committee, Task Force Multi-National Force-Iraq FOB Shield for 221 days. Due to her unique accomplishments while deployed, Colonel Beyer was awarded a Bronze Star Medal and the Iraqi Campaign Medal. Additionally, Colonel Beyer was selected for promotion to Colonel. In May 2010, Master Sergeant Dorothy "Dot" McAdams completed a 365 day deployment with U.S. Forces Afghanistan, Legal Staff. Sergeant McAdams functioned as the senior paralegal for this multi-service legal office. Sergeant McAdam's deployment award is pending.

23 AF/JA (AFSOC) HURLBURT FIELD, FL



The only numbered air force in Air Force Special Operations Command (AFSOC), 23rd Air Force (23 AF), Air Force Special Operations Forces, is designated as

AFSOC's unit of execution to United States Special Operations Command (USSOCOM). 23 AF was established on 1 January 2008, at Hurlburt Field, Florida. The mission of the 23 AF is to provide highly trained special operations command and control (C2), intelligence, and reachback support to deployed air commanders for execution of assigned missions. Mission tasks include: monitor, implement, guide, and report global air operations activity; provide trained special operations C2, intelligence, and reachback support elements to theater special operations commanders; and execute C2 for air, space and cyberspace operations supporting USSOCOM and regional combatant commanders.

23 AF provides command and control for all special operations forces (SOF) air missions in Iraq, Afghanistan, and numerous other locations across the globe. 23 AF provides oversight and reachback support to the Combined Joint Special Operations Air Component (CJSOAC), which is responsible for planning and executing SOF air activities in the CENTCOM AOR. 23 AF includes the 623 Air Operations Center (623 AOC), which conducts training; develops tactics, techniques, and procedures; and provides the capability to deploy two Special Operations Liaison Elements (SOLE) and one AOC for command and control of SOF air operations.

23 AF/JA consists of a Judge Advocate and Paralegal who serve as the primary legal support team and advisors to 23 AF/CC in the areas of international and operational law, adverse personnel actions, administrative law, fiscal law, military personnel law, ethics, command appointments and assumptions, foreign and tort law, and investigative support. 23 AF/JA also manages all overseas deployment of JAG Corps members to SOF-related operational taskings and provides reachback support to deployed SOF JAGs

and paralegals. 23 AF/JA is dual-hatted as the AFSOC/JAO. 23 AF/CC does not exercise GCM convening authority, concentrating instead on the worldwide warfighting mission. Courts-martial duties are typically processed through AFSOC/JA by the Commander of Air Force Special Operations Command.

In 2010, 23 AF/JA oversaw the deployment of 16 JAGs and paralegals to SOF-related duty locations in the CENTCOM, PACOM, and EUCOM AORs. 23 AF/JA also managed the constantly changing command and control structure for deployed AFSOC expeditionary units, ensuring G series orders and appointments to command were current and accurately reflected the myriad changes brought about by the increase in missions and the movement of command and control of SOF aircraft from Iraq to the Afghanistan theater of operations.

23 AF/JA also handled the oversight and processing of eight AIB's and a GAIB, several of which occurred in the AOR and involved complex legal issues. One of the mishaps, involving a CV-22 in Afghanistan, resulted in four fatalities and several seriously injured personnel. Another, involving a leased aircraft in Mali, resulted in several serious injuries and raised issues involving international and contract law. Finally 23 AF/JA served as the higher headquarters to AFSOC's two operational wings for all matters related to combat operations. This includes serving as the primary inspector/observer team during operational readiness inspections and coordinating participation in all joint SOF exercises and deployments.

24 AF/JA (AFSPC) LACKLAND AFB, TX



The 24th Air Force (24 AF) Office of the Staff Judge Advocate and the 624th Operations Center (624 OC) direct the worldwide activities of the 67th Network Warfare Wing, the 688th Information Operations Wing, the 689th Combat Communications Wing and five Air Reserve Component Wings to extend, operate and defend the Air Force portion of the DoD network and provide full spectrum capabilities for the Joint warfighter in, through and from cyberspace. The 24 AF Commander is also Commander of Air Force Network Operations with the authority to issue orders for the operation, defense, maintenance and control of Air Force networks. He also serves as Commander of Air Force cyber forces assigned to United States Strategic Command with operational control exercised by United States Cyber Command. Established on 18 August 2009, 24 AF and 624 OC were declared fully operationally capable by the Commander of Air Force Space Command on 1 October 2010.

Judge advocates and paralegals were among the first personnel on station to effectuate the transfer of mission responsibilities from Eighth Air Force. Concurrent with numerous exercises and assessments designed to gauge the readiness of command's operational capability, 24 AF judge advocates and paralegals provided full spectrum legal support for the ongoing planning, execution as well as command and control of cyberspace operations. Judge advocates also provided legal advice in more traditional areas such as acquisitions, ethics and fiscal law

related to 24 AF and 624 OC sustainment. In May, 2010, attorneys from Air Force Space Command, 14 AF, 24 AF, U.S. Strategic Command, the National Security Agency, the Federal Bureau of Investigation, Australia, Canada and the United Kingdom advised senior commanders and policy-makers regarding law of armed conflict issues during the Schriever X war game.

In October 2010, 24 AF/JA co-hosted a second classified Cyber Law Workshop in San Antonio, which brings together senior practitioners to discuss emerging legal issues related to military and intelligence operations in the cyberspace domain. In April 2010, 24 AF/JA also presented the first Cyber Law Course at the Air Force Judge Advocate General's School. Additionally, 24 AF/JA has assisted various Air Education and Training Command elements with the initial development of legal instruction for a new AFSC-awarding cyberspace operations course as well as participated in the development of new Cyber 200 and 300 courses developed by the Air Force Institute of Technology.

502 ABW/JA (AETC) FORT SAM HOUSTON ARMY POST TX



Joint Base San Antonio (JBSA) supports a population of more than 250,000 personnel including 425 retired general officers (the second largest concentration in the U.S.). The joint base population is more than 80,000 people, has more than 152,000 students annually, a work force of over 8,000 personnel, manages an annual budget of \$700 million, and is the largest single DoD installation/enterprise with

55,153 acres. There are 211 supported units, 27 general officers and 16 senior executive service employees.

Joint Base San Antonio (JBSA), through the 502 Air Base Wing (502 ABW), consolidates the management of installation support functions of three major military installations: Lackland Air AFB, Randolph AFB, and Fort Sam Houston including Camp Bullis. On 1 October 2010, the 502 ABW assumed Full Operational Capability for JBSA. In order to support this consolidation, Mission Support Groups (MSGs) have been designated to maintain installation responsibilities at their respective installations: 802 MSG at Lackland AFB, 902 MSG at Randolph AFB, and 502 MSG at Fort Sam Houston.

The MSG commanders are special court-martial convening authorities. They function like a wing commander, but report to and are rated by the 502 ABW/CC. The 802 MSG/CC and 902 MSG/CC are Air Force colonels and the 502 MSG/CC is an Army colonel. Each MSG Commander has a separate legal office with separate Air Force SJAs. The MSG Commanders rate and receive legal advice from their respective SJAs.

The 502 ABW/CC, an Air Force brigadier general, is equivalent to a Number Air Force commander in addition to being the installation commander. He commands JBSA and maintains signature authority for all installation functions. The 502 ABW/CC is also a general court-martial convening authority for Air Force personnel assigned to JBSA and serves as special court-martial convening authority (SPCMCA) over Air Force personnel stationed at Fort Sam Houston.

Military justice is performed by the service component to which the member belongs. For Air Force personnel assigned to Fort Sam Houston, the 502 MSG SJA

advises and supports the 502 ABW/CC as SPCMCA. For Army military justice issues at Fort Sam Houston, the 502 MSG/CC receives advice and support from an Army component at Fort Sam Houston attached to one of the Fort Sam Houston tenant units. However, all JBSA tenant units are invited to attend the JBSA status of discipline meetings and cops and robbers meetings to discuss justice issues within JBSA.

Mission specific legal functions are supported by attorneys located within the specific mission. Coordination between legal offices is critical to mission success. For example, JBSA has established a common ethics opinion network for the entire city of San Antonio, including Air Education and Training Command, Air Force Personnel Command, U.S. Army Installation Command, U.S. Army Medical Department Center and School,

and others. Each legal office can raise common ethics issues to be discussed among the ethics network. Once a consensus is reached on a given issue, each legal office will use the common legal review and provide their commanders with the best and consistent legal advice.



20 AF FE Warren AFB



3 AF-UK/JA RAF Mildenhall AFB



20 AF Malmstrom AFB



17 AF/JA



7 AF visiting the Korean DMZ



502d ABW/JA Headquarter's Ground-breaking

Bronze Star Judge Advocate



Lieutenant Colonel Patricia Beyer, 403 WG/JA, Keesler AFB, Mississippi, deployed to Baghdad, (Joint FOB) as Team Chief, Law and Order Joint Investigative

Committee, Task Force Multi-National Force-Iraq FOB Shield for 221 says. Due to her unique accomplishments while deployed, Colonel Beyer was awarded a Bronze Star Medal and the Iraqi Campaign Medal. Additionally, Colonel Beyer was recently selected for promotion to Colonel. Her efforts and accomplishments while deployed were recognized by the Army in a letter of appreciation to Colonel Beyer's civilian employer, the Department of Justice, excerpts from which appear below.

"I write to send my deepest thanks and appreciation for the singular service of Lieutenant Colonel Patty Beyer who deployed to Iraq as part of my legal office for the last 7 months.

I want to first thank you for contributing to the important fight here in Iraq, and for offering one of your best to the cause. I know the kind of impact lawyer Patty is here in Iraq—I know therefore, the kind of vacuum she left behind in your civil division. I also know you tolerated train up time, and an extended deployment as well. Please know it was worth every minute of the pain you endured. Her service here has been truly extraordinary and General

Odierno and I are forever grateful to Patty, and to you and your office.

Patty served as the Deputy for our Law and Order Task Force. LAOTF, as we call it, has been at the forefront of full immersion in the Iraqi judicial system supporting the prosecution of al Qaeda and other terrorists captured during U.S. and Iraqi joint combat operations. Patty has been at the tip of spear, working with our special forces, spending long days, and even longer nights working with the Iraqi judges, prosecutors, defense counsel, investigators and witnesses to develop cases and keep terrorists off the streets. She has done it with perfect ease and grace, with grit and determination, and absolute courage and undaunted persistence. This environment is grueling frankly—especially at LAOTF—and especially trying to integrate our special forces with the Iraqi judiciary. Patty led the charge every day, by helicopter or "red zone" ground convoys, and led an entire team of attorneys and paralegals who would follow her to the edge of the earth. She performed magnificently.

I want to thank you for your willingness to continue to support Operation Iraqi Freedom, and the critically important work Patty performed in building Iraqi judicial capacity. Because of Patty's work, and your sacrifices, we are that much closer to bringing this operation to a successful closure."

Photo: Lt Col Beyer, right, is presented with the Bronze Star and Iraqi Campaign Medal by COL Chuck Pede, U.S. Army.

BASE LEGAL OFFICES

The base legal office is the key leadership element of the Corps, directed by the staff judge advocate (SJA), a seasoned judge advocate who acts as the primary legal advisor to the base commander. The SJA is aided by a deputy staff judge advocate (DSJA), and the law office superintendent (LOS), most often the senior enlisted paralegal, who maintains significant leadership responsibility for enlisted personnel in the office. Additional personnel include assistant staff judge advocates (ASJA), holding positions such as the chief of military justice, adverse actions, labor law, civil law, international law, environmental law, and legal assistance. ASJAs in turn rely heavily on skilled noncommissioned officers in charge (NCOIC) in leading each section. Furthermore, civilian attorneys, paralegals, court reporters and talented administrative staff provide specialized expertise and technical assistance. While documenting all the accomplishments, significant events, and varied legal issues addressed by base offices in 2010 would be nearly impossible, the following provides a representative sample from across the Air Force.

On 1 October 2010, the **633d Air Base Wing Legal Office** (633 ABW/JA), Langley Air Force Base, assumed responsibility for base legal support at Fort Eustis as Joint Base Langley-Eustis achieved full operational capability. The addition of Eustis more than tripled the size of the installation, doubled the military population, and added over 900 additional Air Force civilian employees. Despite four unfilled civilian attorney positions, the dedicated men and women of 633 ABW/JA ensured seamless continuity of legal assistance and administrative law functions at the Eustis office while sustaining the high operations tempo at Langley. In November, a nor'easter

brought strong winds, 8-10 inches of rain, and widespread flooding that caused over \$40 million damage at Langley Air Force Base. Undaunted, the legal office ensured uninterrupted support to the Langley community. Sandbagging and other pre-storm preparations preserved the office from flooding and enabled two courts-martial to be conducted as scheduled in the midst of the storm and between the high tides. Within hours of the storm passing, 1 FW/JA made door-to-door contact with every housing unit on base, assessing property damage and providing claims information to affected residents.

The **4th Fighter Wing Legal Office**, Seymour Johnson Air Force Base, North Carolina, had a busy year, coordinating with the Canadian Government on high profile international child porn case in order to secure jurisdiction. The legal office also prepared first-ever commanders, shirts and supervisor newsletter, and advised in high-visibility commander directed investigation (CDI) which was vital in determining the cause of accident resulting in \$650,000 in damage to F-15E. Providing robust legal assistance, JA provided 6,053 legal documents, 8,660 notaries, and executed 677 wills, saving clients \$721,250 in fees, and supporting 1,920 deploying Airmen at 21 mobility lines. The office also implemented a client survey kiosk to increase feedback; received 84 surveys and achieved a 4.9 out of 5 rating

The **20th Fighter Wing Legal Office**, Shaw Air Force Base, South Carolina, deftly managed a monstrous military justice tempo, processing 5 GCMs and 11 SPCMs making it #1 in 9 AF, #2 in ACC and #3 in the Air Force. Additionally, the office processed 115 Article 15s making it #1 in 9 AF, #2 in ACC and #8 in the AF.

Meanwhile, the Tax Center Program filed over 3,287 returns with over \$4 million in refunds and a savings of \$286,520 in tax preparation and filing fees for our customers. Shaw's military tax program is not only the largest such program in South Carolina, with a 6.8 percent increase in returns, but also boasted one of the lowest IRS rejection rates in the United States. The Tax Program has now been recognized three years in a row by the IRS as a premier tax office in the military.

JAGs and paralegals at the **23d Fighter Wing Legal Office** (23 FW/JA), Moody Air Force Base, Georgia, performed in-squadron legal assistance for 4 units deploying simultaneously, providing 150 wills to 800 deploying personnel. The base tax program prepared 1087 federal and state tax returns, saving our clients \$139,000. 23 FW/JA also guided the base through environmental law issues for purchase of 23 acres adjacent to Moody that will enhance force protection, flight safety, and helicopter training opportunities

Paralegal utilization reached new heights at the **355th Fighter Wing Legal Office** (355 FW/JA), Davis-Monthan Air Force Base, Arizona. Paralegals drafted and signed 277 of 383 legal reviews—an astounding 72 percent of all civil law opinions! They also drafted 7-point memos for all claims. One paralegal attended the first-ever DL Wills Course for paralegals; another paralegal received attorney-level family law training; another attended the National Organization for Victim Assistance training; and another was featured in a video briefing legal services available to deploying warriors. Additionally, the 355 FW/JA began a new legal assistance service. U.S. Customs and Immigration Service agents agreed to see Davis-Monthan clients at the Legal Office on the first Thursday of each month. The

new service expedites the application process for citizenship and residency, and helps solve immigration issues at no cost to the clients.

The **7th Bomb Wing Legal Office**, Dyess Air Force Base, Texas, took proactive steps to protect the operational capability of the base's B-1B and C-130 flying units from the impact of commercial and residential development near the installation and its ranges. In two separate cases, base attorneys and paralegals teamed with attorneys from AFLOA's Environmental Law and Litigation Division to intervene in administrative proceedings before the Texas Public Utilities Commission concerning the proposed routing of wind turbine electrical transmission lines that would have interfered with the capability of a critical range. In both instances, the transmission line companies agreed to changes in their projects to avoid impacting the mission effectiveness of the range. In another instance, the Dyess Legal Office teamed with the base Community Planning Office to negotiate with local county authorities new procedures that will give the base notice of permit requests for development projects that could encroach on base operations.

Two members of the **28th Bomb Wing Legal Office**, Captain Chris Newton and Technical Sergeant (sel) Toribio Garcia, demonstrated fitness excellence by finishing first in the Ultimate Challenge during the base picnic on 23 July 2010. The Ultimate Challenge is a 5K run with various obstacles for competing teams of two. The challenge included nearly twenty teams consisting of Airmen, civilians, and spouses. Then, to kick off the new fiscal year, Captain Newton and Sergeant Garcia finished #1 and #2, respectively, in the POW/MIA 5K run on 1 October 2010. Moreover, Air Force officials announced the decision to bring a remotely-piloted MQ-9 Reaper ground control station to Ellsworth Air Force Base. The MQ-9

squadron is scheduled to be activated by January 2012 and will fly its first combat air patrol in May 2012. The 28th Bomb Wing Legal Office is preparing for the new mission's arrival by ensuring adequate legal services for the additional personnel and appropriate bed-down processes.

Contract attorneys at the **366th Fighter Wing Legal Office** (366 FW/JA), Mountain Home Air Force Base, Idaho, reviewed \$30,818,614.61 worth of proposed procurements, averting a \$1.7 million dollar Anti-Deficiency Act violation through keen analysis of a repair versus construction issue in funding an aircraft arresting system. On another contract, reviews discovered the secretary of a corporation lacked authority to bind the company which was to provide alarm services for the wing, saving the wing from entering into a non-binding procurement. Attorney-paralegal teams were established in the General Law section, streamlining the legal review process and shortening customer wait times. Two paralegals also attended a daylong Drug Enforcement Agency (DEA) training course to learn specialized on-line search techniques to find drug related case leads. Additionally, 366 FW/JA showcased their "all in" attitude by selflessly donating 96 hours on the weekend to provide satellite legal assistance for a recent deployment of 496 Idaho Army National Guard Soldiers to Iraq. JAGs and paralegals drafted 165 wills working side by side with their Army JAG Corps counterparts to ensure soldiers' legal needs were met.

The **55th Wing Legal Office** (55 WG/JA), Offutt Air Force Base, NB, coordinated with Maxwell Air Force Base to conduct the general court-martial at Offutt Air Force Base of a 21-year Air Education and Training Command (AETC) Technical Sergeant using local trial counsel, paralegal and logistical support. The offending Airman received a bad conduct discharge, 42 months confinement, and a reduction

to E-1. Separately the office prosecuted a high-visibility "trust game" shooting death through two Article 32 hearings and obtained a sentence of dishonorable discharge, 5 years confinement, and reduction to E-1, all while meeting metric goals. Furthermore, the office provided crucial reviews and advice for the Air Force's busiest contracting squadron, reviewing 4,750 actions valued at \$1.52 billion in FY10. 55 WG/JA also enhanced paralegal teaming in preparing legal reviews for Article 15 appeals and administrative discharge packages, as well as providing LOR guidance and reviews of UIFs.

In the aftermath of the Chilean earthquake in March 2010, members of the **49th Wing Legal Office** (49 WG/JA), Holloman Air Force Base, Minnesota, coordinated with AFSOUTH/JA and the SOUTHCOM/J7 to obtain proper funding and authorization for the purchase and transportation of over 5,000 pounds of tools and supplies needed for earthquake reconstruction efforts, utilizing available pallet space on aircraft deploying to the "Feria Internacional del Aire y del Espacio" (FIDAE) airshow in Santiago, Chile. Additionally, 49 WG/JA provided Summary Court Officers for an airman murdered in Mexico and an airman who committed suicide in base housing. Both cases involved complex family dynamics that required delicate and sensitive handling. The efforts of the JA SCOs enabled the timely and respectful transportation of the airman's remains back to the United States and amicable distribution of property internationally.

With a team of eight paralegals and five attorneys, the **9th Reconnaissance Wing Legal Office**, Beale Air Force Base, California, epitomizes the attorney-paralegal team concept. Each paralegal and JAG in the office, regardless of section of assignment, works on courts-martial processing and preparation. The result has been nine courts-martial with 100

Spotlight on

Senior Airman Michelle Lucero

Our JAG Corps has some of the best and brightest Airmen in the entire Air Force. There is no finer example of this than SrA Michelle Lucero, a Military Justice Paralegal in the 92d Air Refueling Wing Legal Office, Fairchild AFB, WA.

During 2010, SrA Lucero was primarily responsible for managing a busy load of nonjudicial punishment actions for the installation. SrA Lucero processed 95 percent of all Article 15s within the Air Force's 20-day metric. She also contributed to a successful administrative discharge program by ensuring 100 percent of all enlisted notification cases were completed within Air Force timeliness standards. Key to this success was the exceptional rapport SrA Lucero fostered with first sergeants and commanders base-wide.

SrA Lucero briefed over 100 deploying personnel, providing timely LOAC reminders as well as ensuring their legal readiness by offering powers of attorney and notaries and facilitating attorney consults prior to their deployments. She also served as an office Records Custodian, a Unit Deployment Manager augmentee, and the Information Assurance Officer for all wing staff agencies. Her efforts contributed to the base legal office earning an "Excellent" rating in the HQ AMC/IG 2010 Compliance Inspection, and the wing's overall "Excellent."

SrA Lucero volunteered for a four-month, full time tour of duty with the base Honor Guard, taking on NCO pallbearer duty and participating in more than 30 Honor Guard details and other events. SrA Lucero led the Honor Guard's flag-folding ceremony in honor of her retiring Law Office Superintendent.

In September SrA Lucero completed Airman Leadership School. She graduated at the top of her ALS class with the highest academic GPA, and she was awarded the John L. Levitow Award by her instructors and peers. While in ALS she was selected for promotion to Staff Sergeant.

SrA Lucero continues to better herself technically and professionally. She completed her 5-level upgrade and is aggressively pursuing her off-duty educational opportunities, having already completed one CCAF degree.

For her leadership and performance in her primary duties, her self-improvement and community involvement, SrA Lucero twice earned recognition as the Wing Staff's Airman of the Quarter.



SrA Lucero presented the Levitow Award by Col Paul H. Guemmer, 92d ARW Commander

percent on-time processing for FY10; a perfected pretrial confinement process with three hearings and each pretrial confinement limited to 1-1 credit at trial; a reduction in time between discovery and preferral; and extensive preparation for 20-plus pending courts-martial, including complex testimonial immunity issues. To further enhance productivity, the legal office has fine-tuned its relationship with AFOSI, thus easing the transition from investigation to prosecution on four drug rings involving five squadrons for a total of 35 completed investigations within a three-month period.

The **5th Bomb Wing Legal Office**, Minot Air Force Base, North Dakota, provided outstanding military justice and administrative discharge support to commanders. The legal office processed a staggering caseload of 208 Article 15s and 105 administrative discharges, all while maintaining timely processing in over 90 percent of cases. In addition, our legal team successfully completed an Article 62 appeal to the Air Force Court of Criminal Appeals, establishing new case law before the court about defendants' expectation of privacy in data copied from a personal computer by law enforcement. The hard work of the Minot Legal Office was recognized when three of our NCOs were awarded 5th Bomb Wing Staff NCO of the Quarter, and when our administrative discharge assistant, Mrs. Susan Yatzeck, was named the AFGSC/JA Category I Civilian of the Year.

When the Miami Heat held its training camp on Hurlburt Field, the **1st Special Operations Wing Legal Office** (1 SOW/JA) worked closely with the planning teams and public affairs to ensure the event complied with all laws and regulations. ESPN broadcast the live training and highlighted the AFSOC mission. That same week, Transformers III filmed sequences for its upcoming movie, featuring CV-22 and AC 130U Gunships.

1 SOW/JA provided support on all legal issues and worked closely with the SAF/PA representative. Further, 1 SOW/JA successfully prosecuted the first spice case in the Air Force. The case arose out of a spice ring in the Hurlburt fire station. The accused was found guilty of a violation of the base policy and violation of Article 134. 1 SOW/JA fielded many requests for assistance from other bases facing the same issues.

The **27th Special Operations Wing** (27 SOW/JA) worked with the Planning and Sustainment Branch of the Environmental Law Field Support Center and attorneys at HQ AFSOC to establish landing zones and drop zones on Melrose Air Force Range while ensuring compliance with environmental regulations. This support was only possible because of the close working relationships that 27 SOW/JA maintains with Wing Plans, the Range Office, and the Civil Engineer's Asset Management Flight. Legal support to the Melrose Range Working Group was critical the ongoing transformation of the range so it can support both traditional bombing and gunnery training for the Air Force and specialized combined and joint special operations training for U.S. Special Operations Command.

On 1 October 2010, Charleston Air Force Base and Naval Weapons Station, Charleston officially merged to become Joint Base Charleston. This successful merger required a herculean effort on the part of many, both local and non-local. It resulted in a total population of 79,000—active, reserve, civilians and dependents. The **Joint Base Charleston Legal Office** grew immediately with the addition of three fantastic civilian paralegals. Two of these paralegals closed out and decommissioned the Navy Legal Services Office, and the final paralegal came from the Office of General Counsel, where he provided legal support on labor matters. Each brought decades of experi-

ence to the legal team. Other support will be added after AF Manpower classifies several new position descriptions. Before and after final operation capability, this office served at the forefront, navigating the Joint Base Coordinator through and over legal hurdles to not only make this joint concept work, but work well. Though many novel issues have been answered, the most perplexing and unfamiliar have dealt with the rivers and harbors, sea patrol, sea beds, and the nuclear submarine enterprise.

The **436th Airlift Wing Legal Office**, Dover Air Force Base continued its commitment to excellence for the "Eagle Wing." TEAM DOVER fell just short of being the first repeat winner of the Commander in Chief Installation Excellence Award (#2 of 165 installations in USAF in 2010). The legal office's contribution included first class customer service as well as innovation partner trainer with military and civilian law enforcement. Other awards included the AMC Excellence in Discipline Silver medal in first quarter of CY10 and Gold medal for second quarter with hopes of improving upon their Bronze medal finish for CY09. The legal office received SecAF level kudos for its part in the processing and acceptance in record time of the new Fisher House for Families of the Fallen on Dover Air Force Base. This 8,462 square foot facility opened 3 December 2010 and is equipped with nine (9) suites that are designed to provide short-term, on-base lodging to families who travel to Dover to witness the dignified transfer of their loved ones.

The **92d Air Refueling Wing Legal Office**, Barksdale Air Force Base, Washington, embraced legal assistance earning a place on TJAG's Legal Assistance Honor Roll for five consecutive months. The office thrived through a busy year of JAG and paralegal, high operations tempo, intensive preparations for an

11-month runway closure, and numerous base exercises and inspections, culminating in the office earning an “Excellent” rating in the HQ AMC/IG Compliance Inspection (the first using the updated HAF CI checklist), and contributing to the Wing’s overall “Excellent” rating. Two military justice paralegals and the Civil Law section received “Top Performer” and “Team Award” honors from the IG team. In addition, during the year the office’s personnel earned eight Wing Staff quarterly awards, filled critical wing taskings such as two 4-month tours of duty on the base Honor Guard team and a 6-month augmentee assignment in the Wing Protocol Office, and led the Wing by example with 12 of 15 personnel scoring an “Excellent” on the PT test.

Grand Forks Air Force Base, North Dakota sent three personnel out on six-month deployments in 2010. Captain Rehder deployed in September to Guantanamo Bay, Cuba where she serves as a member of the Criminal Investigation Task Force. Technical Sergeant Holmes deployed in October to Baghdad, Iraq where he serves as a member of the Law and Order Task Force. He carries out a wide variety of mission-essential tasks including assisting Iraqi judges in obtaining detention orders. Major Calderon deployed in January to Ali Al Salem Air Base, Kuwait where he served as the only Air Force Staff Judge Advocate in that nation. As Staff Judge Advocate he administered military justice for 386th Air Expeditionary Wing and provided legal assistance for many Airmen, Marines, Sailors and Soldiers stationed in and transiting through Kuwait.

The JAG Perspective, a monthly publication distributed to all commanders and first sergeants, by the **19th Airlift Wing Legal Office**, Little Rock Air Force Base, Arkansas, was awarded the honor of UCI “AMC Best Practice.” The Adverse Action team was also recognized for “Outstanding Performance” during

UCI. It was also a banner year for the VITA Tax Program resulting in 1,654 tax returns, \$233,820.00 in savings for Air Force members, dependents, and retirees and refunds totaling \$1,738,629. The General Law team played a vital role organizing the Little Rock Air Force Base Air Show, which boasted a record-breaking attendance of 225,000 people. The entire team was coined by Little Rock Air Force Base’s Wing Commander, and Chief of General Law was awarded an incentive ride with the Army Golden Knights Parachute Team to open the Air Show. General Law paralegal selected by AMC for first ever Will Preparation for Paralegals Course pilot program, and to participated in the focus group which gives direct feedback to AMC on the program’s JAG/paralegal teaming success.

Through “Operation Make a Difference,” members of the **6th Air Mobility Wing Legal Office** (6 AMW/JA), MacDill Air Force Base, Florida, donated over 700 volunteer hours to Tampa-area programs such as “Lawyers for Literacy” and the biweekly “JA-Writing Clinic.” This outreach resulted in great interaction with local legal community; resulting in several JA members being invited to participate in the Hillsborough County Bar Association’s Leadership Institute and having local attorneys offer training to 6 AMW/JA on legal assistance issues. Partially due to this community involvement, the LOS, Senior Master Sergeant Sherry Bowes was honored as the “MacDill Military Woman of the Year” for 2009 and the Deputy SJA, Major Cynthia Kearley was recognized by the Mayor of Tampa for the same in 2010. To top the year off, Technical Sergeant Robert Misener received the Westbrook Outstanding Reserve Paralegal of the Year award.

2010 was an exciting and challenging year for the **62d Airlift Wing Legal Office** (62 AW/JA) at McChord Field, Washington, as the installation transitioned to Joint

Base Lewis-McChord. Effective 1 October 2010, JBLM became the only one of twelve joint bases with the Army as the lead (supporting) component. The office worked diligently behind the scenes to ensure the smooth transition of personnel and several key programs to the Army, including Legal Assistance, Magistrate’s Court, environmental law. 62 AW/JA attorneys continue to field novel questions of law and policy every day in interpreting out-of-date AFIs and policies and working through the day-to-day challenges of operating on an Army-led installation. In an effort to ensure a professionally challenging work environment, the office reorganized into JAG-paralegal teams assigned to provide full-spectrum legal services to their designated squadrons.

The **22d Air Refueling Wing, Legal Office**, McConnell Air Force Base, Kansas, received AMC’s Excellence in Discipline “Gold Medal” Award for the third quarter. Among their many accomplishments, the military justice section teamed up with AFOSI and began investigating a high profile aggravated assault case involving 11 victims. During this time, they also processed five general court-martials and made 100 percent of the nonjudicial punishment actions within the metric. In addition, the military justice paralegal team conducted an Adverse Actions writing course for over 50 supervisors throughout the base. Finally, the military justice team conducted several hours of comprehensive military justice training for all commanders and first sergeants. McConnell Air Force Base’s legal office received an “Excellent” rating on a Unit Compliance Inspection in February. The legal office was praised by the wing commander for the outstanding performance of Technical Sergeant Amanda Stagers and Technical Sergeant Lashawn Reed. Additionally, the legal office received an AMC best practice for a color-coded nonjudicial punishment guide.

In 2010, the **87th Air Base Wing Legal Office** (87 ABW/JA) completed its first full calendar year since Joint Base McGuire-Dix-Lakehurst reached Full Operational Capability. The 87 ABW provides installation management to the Joint Base, the nation's only tri-service joint base. The Joint Base's 42,000 contiguous acres spanning more than 20 miles east to west are home to more than 80 mission partners and 40 mission commanders providing a wide range of combat capability. The 87 ABW Legal Office worked closely with wing leadership and our sister service legal offices to support the myriad host wing responsibilities at the Joint Base. Additionally, the Legal Office provides services to the 305 AMW, the 621 CRW, the 21 EMTF, and the USAF Expeditionary Center. This year the Legal Office welcomed Major Greg Kruse to the newly created position of Legal Advisor to the 621 CRW. The Legal Office collected over thirteen Wing Staff Agency Awards and four Air Base Wing Awards.

2010 bids a fond farewell to the **43rd Airlift Wing Legal Office** as Pope Air Force Base, North Carolina, transforms to Pope Army Air Field on 1 March 2011 due to BRAC. Although the 43rd Wing will stand down and all Pope Air Force Base property will transfer to the Army, the 43rd Airlift Group will stand up as a major tenant on Fort Bragg. The past year has kept the legal office busy working Memorandums of Agreement with the Army to effect the transfer, a civilian Reduction in Force and accompanying labor law issues, the closing of groups and squadrons, and transferring real property to another service, along with a host of standard legal issues such as military justice, adverse actions, Civil Law, and Commander Directed Investigations. While installation legal issues will disappear in March 2011, the ground work has been laid for an effective 43rd AG Legal Office that will continue the Military Justice mission as well as a host of other legal support activities for the

approximately 2,000 active duty Airmen remaining at Pope Field post-BRAC.

2010 has been a year of transition for **375th Air Mobility Wing Legal Office** (375 AMW/JA), Scott Air Force Base, Illinois. Lieutenant Colonel Darren Huskisson arrived from JTF-NCR in July, and Master Sergeant Jill Robbins stepped in to the LOS role in September after returning full-time to the legal office after a stint as the Wing Staff First Sergeant. The team bid goodbye to outgoing LOS, Senior Master Sergeant Kimberlee Bauer in September. 2010 has brought almost an entirely new team of attorneys—then First Lieutenants Seth Dilworth and Peter

Sergeant Keri Gunn and Staff Sergeant Ashley Tiffin.

The **60th Air Mobility Wing Legal Office**, Travis Air Force Base, California continued its tradition of excellence in 2010. Among three of its more innovative accomplishments was the use of a single paralegal for cradle to grave Article 15 processing, shifting all legal assistance appointments to walk-in service with single day will execution and the creation of a legal assistance Facebook page to advertise the new AF legal assistance webpage. The legal office was also part of the briefing team that garnered AMC Commander in Chief's Installation Excellence Award for



31st Fighter Wing Legal Office (Aviano)

Havern joined us in March. As Captains Robert Palmer, Kenneth Vaught, and Patrick Hartman left, Captains Tania Bryant and Erin Dixon came in to fill their shoes. The JAG team was rounded out by First Lieutenant Scott Welch. On the paralegal side of the house, 2010 brought a new non-prior service paralegal, Airman First Class Nicholas Bell, to Scott Air Force Base. A more significant transition with the active duty paralegals will take place in early 2011, with the loss of four NCOs to PCS, PCA, Special Duty assignment and retirement. 375 AMW/JA also welcomed reservists Major Michael Martin as well as Technical

Team Travis, one of two finalists at the Air Force level. Rounding out the impressive team accomplishments were the individual accomplishments of Captain Jarett Merk who started out his Air Force career as a Distinguished Graduate from Officer Training School and as the Excellent Advocate Award recipient at JASOC and Technical Sergeant Elena Winegar who graduated as an Honor Graduate from the Non-Commissioned Officer's Academy.

The men and women of the **31st Fighter Wing Legal Office** (31 FW/JA), Aviano Air Base, Italy, proudly supported the 31st Fighter Wing mission of deliver-

Travis AFB and Wind Turbine Development



Travis AFB is four miles from the Montezuma Hills Wind Resource Area (WRA), which spans 43,000 acres throughout Solano County, California. Developers installed nearly 800 turbines within the WRA and planned for thousands more. Unfortunately, these structures created a radar interference issue that surfaced as Travis AFB transitioned from analog to digital radar.

At that time, Travis AFB expressed its concerns in environmental analysis documents and at local planning commission hearings. AMC, Travis AFB, and a developer cooperated to assess and mitigate the impacts on Travis AFB. Meanwhile, developers continued to seek and gain Federal Aviation Authority (FAA) determinations that the proposed turbines were not a hazard to aviation. While reviewing the FAA analysis, Travis AFB learned there was no validated predictive model for assessing the cumulative impacts of additional turbine development.

As a result, AMC/JA formed a cross-functional working group that included the Air Staff, AMC, Travis AFB, AFFSA, AFLOA, AFCEE, ACC, the 84th Radar Evaluation Squadron, and the Air Force liaison to the FAA's obstruction evaluation process. The AMC/SJA, then Brigadier General Steven

Lepper, chaired the working group. Major Thomas Collick, the ELFSC ELO for AMC; Mr. Gregory Parrott, 60 AMW/JAV; and Mr. Joseph Miller from the ELFSC organized the meetings and provided mission sustainment expertise as the working group consulted on strategy and drafted communiqués to the FAA, the local planning commission, and members of Congress.

These efforts led Westlope Consulting LLC, AMC, and TAFB officials to enter into a Cooperative Research and Development Agreement (CRADA). USTRANSCOM oversaw the CRADA efforts to further develop a Westlope Consulting LLC predictive simulation process to analyze the impacts of the pending projects. The USAF provided facilities for data collection and technical expertise needed for studying impacts on civil and military air traffic safety near Travis AFB. The CRADA provided sufficient data to justifying withdrawing objections to the projects, enabling the developers to proceed with the renewable energy project in a manner compatible with the Air Force mission. The "Wind Farm CRADA" effort was recently recognized with the Federal Laboratory Consortium's Mid-Atlantic Region 2010 Interagency Partnership Award.

ing combat power and support across the globe to achieve U.S. and NATO objectives. 31 FW/JA personnel successfully handled serious criminal and civil international legal issues, with a specific emphasis on building close professional relationships with host nation governmental officials, bar members, and law enforcement entities. Additionally, the Aviano legal office has revitalized its courtroom advocacy training program, in order to better serve local commanders' military justice priorities.

The 39th Air Base Wing Legal Office (39 ABW/JA), Incirlik Air Base, Turkey, continues to press the fight from the outer fringes of USAFE. This year, the office was instrumental in the successful negotiation of the 2010 Combined Labor Agreement. The Turkish Union re-negotiates their labor contract with all of Turkey every two years. The 39th ABW has the largest union district and stands to lose the most if a strike is called. In reaching an agreement, the Turkish Union gave up the right to strike in exchange for a nominal compensation package that did not exceed the rate of inflation. This was a huge win for the United States. The agreement allowed the unique mission at Incirlik Air Base to continue with no impact or interruption of services.

The 48th Fighter Wing Legal Office (48 FW/JA), RAF Lakenheath, United Kingdom, supports a robust operational mission including the UK's only Air Force hospital, confinement facility, DoDD K-12 schools, and centralized contracting squadron and housing office. The office spearheaded the UK's first-ever reciprocal barment program and first-ever Armed Forces Disciplinary Control Board (AFDCB). The AFDCB successfully halted the sales of intoxicating substances to DoD personnel by three dif-

ferent off-base establishments. Additionally, the office assisted the defense community in procuring expanded office space and a duress alarm, and created the base's first-ever flightline legal assistance program. Major Seth Deam sponsored a visit for the High Sheriff of Suffolk that included a Wing mission brief and a RAPCON, confinement facility, F-15, and legal office tour. The legal office's efforts were recognized with base awards in each category: Airman, NCO, SNCO, CGO, and FGO. Technical Sergeant Karin Burke earned the WSA NCO of the Year Award and received TJAG's Swigonski Award.



48th Fighter Wing Legal Office

With USAFE's most diverse mission (fighters, AMC, and NATO), the **52nd Fighter Wing Legal Office** (52 FW/JA), Spangdahlem Air Base, Germany, filled two last minute deployments, propelling the wing to an "Excellent" operational readiness inspection. The office also contributed to the successful completion of several other inspections including NATO force evaluation, nuclear surety, and health services. In support of the Afghanistan surge, the office finalized a memorandum of understanding for a Canadian cargo hub ensuring the processing of millions of pounds of freight. Despite an increased operations tempo, two major unit deployments, and fifty percent paralegal shortage, the office maintained superior service and saved \$740,000 for more than 3,500 clients.

The 65th Air Base Wing Legal Office (65 ABW/JA), Lajes Air Base, Azores, tackled several issues of international significance, including implementing National Defense Authorization Act § 1037 resolving a labor complaint affecting 770 Portuguese employees. Efforts culminated in the payment of \$188,000 in wages and the elimination of a 50 year-old wage survey requirement. Following the worst natural disaster since 1964, this office quickly identified a legal method to provide over 330,000 gallons of water to our Portuguese hosts. Finally, the office coordinated on the legal justification on the first cost-share agreement between the U.S. and Portuguese, a \$7 million project, and drafted documents to enable the receipt of \$1.26 million in Portuguese funds.

The 86th Airlift Wing Legal Office (86 AW/JA), Ramstein Air Base, Germany, received the American Bar Association Legal Assistance to Military Personnel Distinguished Service Award for its exceptional U.S. and German legal assistance and preventative law service to the Kaiserslautern Military Community, which is comprised of 54,000 U.S. personnel and dependents. This year, judge advocates and paralegals assisted 9,099 military, civilian, and dependents; prepared 967 wills and 12,123 powers of attorney; and performed 21,927 notaries. The German legal assistance staff assisted 5,929 clients and prepared 4,918 documents. Captain Karl J. Vogel was recognized by the USAFE Inspector General as a Superior Performer in the base ORI. The 86 AW/JA office deployed three JAGs and five paralegals to locations in Afghanistan, Bosnia and Herzegovina, Iraq, and the United Arab Emirates. Major J. Alan Goodwin, USAFR (who performed an extended OCO backfill tour as the acting Deputy SJA), was

Spotlight on

A First Term Airman Paralegal



*SrA Amanda Roerick
100 ARW/JA
RAF Mildenhall, UK*

One of the most valued assets in the legal office is the First Term Airman. These Airmen come to the Corps directly from Basic and Technical Training. First Term paralegals energize the rest of the Corps through their youthful vigor, tenacity, and fresh perspective. Senior Airman Amanda K. Roerick is one such Airman. Airman Roerick was raised in Ogema, Minnesota, where she graduated from Waubun High School in June 2006. She

entered the Air Force in April 2008, and upon completion of Basic Training, attended the Paralegal Apprentice Course at Maxwell Air Force Base, Alabama. She arrived at her first duty station, RAF Mildenhall, United Kingdom, in July 2008, and has served as a Military Justice, General Law, and Civil Law Paralegal. Outside of work, she very quickly became involved in organizations such as the Air Force Sergeants Association and Airmen Committed to Excellence. She spent numerous hours performing community service, to include coaching the base youth volleyball and softball teams, volunteering for the annual UK National Special Olympics, mentoring local first graders and high school students, running the 100 ARW booth for the Mildenhall Retirement Appreciation Day, and fostering esprit de corps as the sports representative for Wing Staff Agency. Airman Roerick also finds time for personal and professional development by taking courses towards her Community College of the Air Force degree.

During her short tenure in the Air Force, Airman Roerick has exemplified the standards expected of not only Airmen, but of Paralegals in the JAG Corps. As a Military Justice Paralegal, Airman Roerick managed the Article 15 program with a mature efficiency, creating numerous checklists and trackers, educating First Sergeants and Commanders on the process, as well as training fellow Paralegals and providing continuity for her successors. As a Civil Law Paralegal, Airman Roerick demonstrated initiative by drafting legal reviews, a task formerly completed by attorneys. She embraced the new online Legal Assistance program and created posters to distribute throughout the base to alert customers of the new process. Airman Roerick's efforts increased traffic to the Legal Assistance Website. Satisfied customers have consistently rated Airman Roerick as excellent in their feedback, while lauding her professionalism. Airman Roerick has yet to encounter a task too tough. Though junior in rank, Airman Roerick has been entrusted to run RAF Mildenhall's Tax Center for the 2010 tax season, and will be attending the Army Tax course in Germany.

Airman Roerick's "go-getter" attitude, attention to detail, dependability, and enthusiasm in her primary duties garnered her multiple awards, to include, Wing Staff Agencies' Airman of the Quarter and Team Mildenhall Volunteer of the Quarter for the second quarter 2010. Airman Roerick's embodiment of the Air Force Core Values, specifically, excellence in all she does, resulted in her selection for promotion to senior airman Below-the-Zone. Airman Roerick is a great example of how First Term paralegals make positive contributions not only to the JAG Corps, but to the Air Force as well.

recognized as the USAFE nominee for the Reginald C. Harmon Outstanding Reserve Judge Advocate Award. Senior Airman Shaun Markel was recognized as the USAFE Outstanding Junior Paralegal Airman of the Year.

The **100th Air Refueling Wing Legal Office**, RAF Mildenhall, United Kingdom, was highly successful in building relationships with our host nation partners. Mrs. Tracey Cooper, British Liaison Officer, established a reciprocal training program with local solicitors allowing them to view courts-martial, while JA personnel attended British trials. The program proved exceedingly valuable for community relations, and highly educational for all involved. In addition to the successful training program, office personnel volunteered to participate in British-American ceremonies. Most notably, Staff Sergeant Courtney Carroll, Staff Sergeant Paul Asp, and Staff Sergeant Justin McCrary participated in the Battle of Britain Parade, recognizing the sacrifices of the Royal Air Force, while commemorating the 70th Anniversary of the important event.

The **421st Air Base Group Legal Office**, RAF Menwith Hill, United Kingdom, successfully court-martialed an Airman with possession of over 6,000 images of child pornography. The Airman was sentenced to 42 months and a Dishonorable Discharge. The legal office closely coordinated with the North Yorkshire Police and AFOSI to arrest and subsequently obtain jurisdiction over the individual. The Airman had been identified by the Human Trafficking Team in Poland who monitored operation of peer-to-peer sites for individuals sharing files that included child pornography. The IP address of the Airman stationed in the United Kingdom was identified and subsequently forwarded to local police departments for action.

In August 2009, the RAF Fairford legal office closed its doors for day-to-day

business. In its place, the **422nd Air Base Group Legal Office**, RAF Croughton, United Kingdom, legal office provided services to the 100 Airmen who remained at Fairford. Instead of requiring everyone to commute 100 miles to Croughton, the SJA and NCOIC decided to keep the Fairford office open on a limited basis. Each Thursday, the NCOIC traveled to Fairford to provide such things as POAs and notaries. Likewise, once a month, the SJA provided legal assistance and attended meetings with the Fairford Commander. By the time the last Airman departed Fairford in September 2010, the Croughton legal team had provided over 150 appointments. This caring display of initiative was a huge success and made for a less stressful year for the outstanding men and women serving at Fairford.

The **426th Air Base Squadron Legal Office**, Stavanger, Norway, hosted the first U.S.-Norway-NATO customs summit. It was attended by Norwegian customs lawyers and inspectors and representatives from the NATO Joint Warfare Centre. The event helped to continue building relationships with local and regional officials; increased trust and confidence in how the respective parties conduct business; and enhanced transparency in how NATO (the United States in particular) operates tax-free stores on the installation and ensures entitled members are not abusing tax-free privileges. The event was highlighted by a tour of the installation and AAFES facility, as well as a demonstration of how U.S. newcomers are briefed on privileges.

The **470th Air Base Squadron Legal Office** (470 ABS/JA), Geilenkirchen NATO Air Base, Germany, was recognized with the Dr. Richard S. Schubert Memorial Award for "Outstanding Achievements in the Field of Host-Nation U.S. Relations within United States Air Forces in Europe." One example of these efforts was the establishment of an inter-

national, interdisciplinary committee to resolve alleged child abuse accusations. The committee is chaired by the 470 ABS/JA Host Nation Legal Advisor and includes German Prosecutors, the German Youth Agency, the Army Family Advocacy Program from Schinnen, Netherlands, the Army's Family Care Nurse, the 470 ABS Mental Health Staff, and USAF commanders. As a result of these cooperative efforts, eight U.S. children were safeguarded and avoided foreign custody.

The **501st Combat Support Wing Legal Office**, RAF Alconbury, United Kingdom, continued to provide wide-ranging support for its joint and combined tenant units. The military justice section assisted in processing nonjudicial punishment for Army personnel, and served as trial counsel in Navy courts-martial. Support to NATO partners included protecting the rights of several European military personnel by working with community officials to prevent unnecessary payment of local taxes.

The **82d Training Wing Legal Office** (82 TRW/JA), Sheppard Air Force Base, Texas, supported the largest and most technically diverse wing in the Air Force and the 80th Flying Training Wing, home to the Euro-NATO Joint Jet Pilot Training program. In 2010, the 82 TRW/JA litigated its usual heavy load of courts-martial, handled an Article 15 program that ranked at the top Air Force-wide, also separating over 400 Airmen in its rapid discharge program, and advising over 3,000 legal assistance clients, and administered a tax program that filed over 3,500 returns, making it one of the largest tax programs in CONUS. 82 TRW/JA also preserved the safety of flying operations by challenging an energy company's plan to place power lines near the base.

In partnership with the U.S. Customs and Immigration (USCIS), the **81st Training Wing Legal Office** (81 TRW/

JA), Keesler Air Force Base, Mississippi, created a program providing monthly on-base immigration assistance. The computer and electronics training center of the United States Air Force. Through the program, 81 TRW/JA provided immigration assistance to 27 military members and their families. Additionally, the legal office tried over 11 fully-litigated courts-martial, processed 149 Article 15s and 248 involuntary discharge actions. Legal assistance professionals served over 4,784 clients and performed 7,124 notaries.

The **17th Training Wing** (17 TRW/JA), Goodfellow Air Force Base, Texas, was fully engaged in the fight, deploying a paralegal for 365 days, while simultaneously deploying another paralegal for 6 months. Meanwhile the office deployed the deputy staff judge advocate to a three-week exercise in Korea, and prepared the SJA to deploy. 17 TRW/JA personnel also published several informative legal assistance articles which were featured on Air Force Aim Points. Additionally, the legal office assisted with an adverse clinical action board that resulted in a recommendation to revoke a former Air Force physician's license, a first for Goodfellow Air Force Base.

The **97th Air Mobility Wing Legal Office**, Altus Air Force Base, OK, played a critical role in keeping Altus Airmen combat ready during a catastrophic ice storm that shut-down the local power grid and forced the evacuation of base personnel. The legal team responded during the closure and provided legal support to keep planned deployments on schedule. The Altus Air Force Base legal office also provided superb legal assistance to the base and surrounding community in 2010, saving the base over \$240,000 in legal fees and appearing on TJAG's legal assistance Honor Roll

The **47th Flying Training Wing Legal Office** (47 FTW/JA), Laughlin Air Force Base, Texas enhanced its vibrant legal

assistance program with the inaugural publication of over 30 new "Legal Lines" brochures available in the legal office lobby on a variety of legal topics. Further, the scope and reach of the office was expanded greatly when the wing commander tasked 47 FTW/JA with leading and organizing a Commander and First Sergeant Training program. This consisted of a full day course focused not only on legal matters, but covered the full range of topics across multiple disciplines. Ms. Terra Wade, who runs the front desk and manages the legal assistance program, voluntarily took on additional military justice duties to include service as a discharge clerk. Last but not least, the office was proud to send off Captain Brad Crayne in December as he began his tour as the Staff Judge Advocate at Kandahar, Afghanistan

The **325th Fighter Wing Legal Office**, Tyndall Air Force Base, Florida, continued its tradition of exceptional customer service in support of Team Tyndall to help GUARANTEE AIR DOMINANCE FOR AMERICA! The Tyndall Tax Center saw a 25 percent increase in customers and filed more than 1,200 returns, saving clients over \$164,000 in filing fees and securing nearly \$2.5 million in refunds. Meanwhile, the legal assistance program successfully integrated the new Legal Assistance Website, resulting in recognition on TJAG's Honor Roll for three consecutive months for both feedback and efficiency, while saving nearly 2,700 clients more than \$485,000 in civilian legal fees. Clients had legal documents, including wills, prepared by a paralegal as Team Tyndall made teaming a priority.

The **14th Flying Training Wing Legal Office** (14 FTW/JA), Columbus Air Force Base, Mississippi, embraced the "Servant Leadership" concept. First, the office recognized the demand for increased legal aid, expanding legal assistance appointment options for clients by 400 percent resulting in a savings of over \$222,000 in legal fees and a regular

place on the TJAG Honor Roll for three consecutive months. 14 FTW/JA also teamed with the Environmental Field Support Center to ensure a former skeet range was properly safeguarded for Airmen and their families. This year, their robust tax program saved Team Columbus over \$147,000 in preparation fees, resulting in over \$1,075,000 in refunds. The BLAZE JAG Team worked with their local demand reduction program to standardize and document observer procedures, a noted "Best Practice" during the Medical Group's annual inspection. Last but not least, the team worked tirelessly to favorably close all claims associated with a T-6 Class A mishap

The **56th Fighter Wing Legal Office**, Luke Air Force Base, Arizona, continued its proactive engagement with Air Force and installation leadership and the local off-base community through the Environmental Impact Statement process as the 56th Fighter Wing, the world's largest fighter wing, continues to be under consideration for the F-35 mission. Additionally, the wheels of military justice were rolling this past year as the legal office wrapped up the prosecution of two significant drug rings. Immediate synergy with AFOSI agents, beginning with JAG presence during many of the initial interrogations, resulted in the successful prosecution of nine courts-martial and numerous other administrative actions

VITA volunteers, led by the **71st Flying Training Wing Legal Office** (71 FTW/JA), Vance Air Force Base, Oklahoma, worked closely with the base safety office on numerous off-base development projects, including the proposed development of a huge wetland wilderness area, to ensure that these projects did not affect the safety of Vance flight crews. This included legal coordination for Vance's largest ever safety fly-in, where local pilots had the opportunity to land at Vance Air Force Base, receive briefings and tours on the Vance mission, and learn about safely

interacting with military aviation and air-space issues. The office provided training to 60 Garfield County Bar Association members on military law to improve the understanding of local law enforcement personnel and attorneys. Topics covered included criminal jurisdiction, environmental law, and private organizations. 71 FTW/JA also hosted 25 Oklahoma District Attorneys to Vance Air Force Base for a tour of the base and briefing on the Vance base and legal missions.

The 42d Air Base Wing Legal Office (42 ABW/JA), Maxwell Air Force Base, Alabama, enforced an easement on Air Force-owned property to take down a 30-year-old billboard infringing on the safety of Maxwell Air Force Base's flight line. The office prepared tax returns for nearly 2,100 personnel, allowing recovery of \$2.9 million in returns and saving over \$316,000 in preparation fees. 42 ABW/JA also worked with the U.S. Attorney's office to enforce a default judgment in favor of the Wing worth over \$100,000, against a master sergeant who stole from the base post office

The 502d Mission Support Group Legal Office (502 MSG/JA), Fort Sam Houston Army Post, Texas, was created on 1 October 2010. 502 MSG/JA is an Air Force-run legal office on an Army Post with an Army Commander, and provides legal assistance to entire Fort Sam Houston community. Mr. James Bivens, a civilian paralegal, provides assistance to qualified families in probating wills, names changes, and simple divorce/separations. In first month alone, 502 MSG/JA saw 456 clients, provided 810 documents, to include 133 wills

The 902d Mission Support Group Legal Office (902 MSG/JA), Randolph Air Force Base, Texas, instituted walk-in

will processing one day per week to better serve the base community, enabling clients to meet with an attorney to discuss their estate-planning needs and have their will drafted and executed in one visit to the legal office. As many as 45 wills were drafted and executed during a single session. On 31 January, the legal office transferred from the 12th Flying Training Wing to the 902d Mission Support Group and the 502d Air Base Wing at Fort Sam Houston. While the joint-base transition changed organizational alignments, 902 MSG/JA remains responsible for providing base-level legal support to Randolph Air Force Base organizations.



802d MSG/JA

The 802d Mission Support Group Legal Office, Lackland Air Force Base, Texas, concentrated on our three focus areas: leadership, teamwork, and growth. The Civil Law Division successfully assimilated the substantial ethics workload from Wilford Hall Medical Center, to include financial disclosure reporting, training, gifts and grants, and off-duty employment issues. The Tax Center prepared 1,428 federal returns and 315 state returns, processed over \$2.1 million in refunds saving clients over \$275,000 in preparation fees. The Administrative Separations Division processed 1,394 Basic Military Training discharges, 523 Tech School discharges, and 36 Permanent Party discharges for a total of 1,953 discharges. Last but not

least, the Military Justice Section processed 214 Article 15s and 27 courts-martial.

The 97th Air Mobility Wing Legal Office (97 AMW/JA), Altus Air Force Base, Oklahoma played a critical role in keeping Altus Airmen combat ready during a catastrophic ice storm that shut-down the local power grid and forced the evacuation of base personnel. The legal team responded during the closure and provided legal support to keep planned deployments on schedule. Furthermore, 97 AMW/JA deployed two of its own in 2010 to support Operation ENDURING FREEDOM.

The 67th Network Warfare Wing Legal Office (67 NWW/JA), a tenant at Lackland Air Force Base, Texas, provides legal support to the 67th Network Warfare Wing and the 688th Information Operations Wing. During 2010, it adjusted more than once under the mandates of the joint basing process, survived a turnover of all but one attorney, but continued to provide cutting-edge support to the Air Force's developing global cyber mission. The legal team trained and advised Airmen executing computer network operations missions. 67 NWW attorneys also developed a formal process for reviewing cyber capabilities for compliance with international law. The office also introduced a new process for cyber misconduct reporting to provide commanders across the Air Force with greater insight into the adverse mission impact caused by personnel who misuse their access on Air Force networks or compromise the security of operations. The efforts of the office contributed directly to the 67 NWW winning the 2009 Prolifka trophy, awarded to the Air Force's "best of the best cyber or space warfighting wing at the conclusion of Air Force Space Command's Guardian Challenge competition."

Spotlight on

JAG-Paralegal Teaming in Contract Law

As the first contract law paralegal at Barksdale AFB, Staff Sergeant Kellie Ford was not sure what she was getting herself into with her new duties. Her officer in charge, Captain Angie Calloway, was likewise unsure about how best to employ a paralegal in this somewhat complicated area of the law.

However, they both realized early on in the process that to be successful as a team they would need to provide Sergeant Ford with basic instruction on contract formation and procurement law similar to that received by judge advocates. In addition to employing CAPSIL modules, Sergeant Ford's introduction to contracts was primarily facilitated by hands-on training from both Captain Calloway and personnel from the Wing's contracting squadron.

While this training initially took a significant amount of time away from Captain Calloway's day-to-day duties, it paid off in the long run. Since her initial training, Sergeant Ford has performed initial reviews of all procurement files, highlighting critical documents required to formulate the final legal review of the contract. Sergeant Ford's training also allowed her to recognize when relevant information was missing from the procurement file. By obtaining missing documents or clarifying factual matters before the file was sent to Captain Calloway for review, Sergeant Ford ensured Captain Calloway had additional time to handle other procurement duties requiring the attention of a judge advocate. Sergeant Ford's initial review also prevented unnecessary delays in procurement actions, which was a critical concern of wing leadership as many of the contract files she reviewed supported the accelerated beddown of the Air Force's newest major command, Air Force Global Strike Command, on Barksdale AFB.

As Sergeant Ford became more comfortable with contract formation issues, she began to perform legal research for Captain Calloway on issues identified during Captain Calloway's initial review of the file. Sergeant Ford began familiarizing herself with the Federal Acquisition Regulation and quickly provided Captain Calloway with relevant research to use in her legal review. Sergeant Ford then took the final step in this JAG-Paralegal teaming odyssey by actually drafting various legal reviews on contract actions.



The **21st Space Wing Legal Office** at Peterson Air Force Base, Colorado, created a Trials Team to address lags in justice processing and diminishing opportunities to hone military justice skills. All attorneys are required to attend weekly meetings. Working off the OSI/JA integration concept, paralegal/attorney teams are appointed to cases when discovered, allowing them to work early with investigators and immediately begin drafting shell-proof analysis. Every Tuesday the JAG/paralegal team must brief three items: their proof analysis, their case status report, and their trial brief. They also train on a justice topic every week. The benefits are energized captains, ownership of cases at lowest level, leveraged paralegal/JAG teaming, and foundational training in military justice.

With nearly 100,000 acres and diverse space missions, the **30th Space Wing Legal Office** at Vandenberg Air Force Base, California, tackles a labyrinth of complex legal issues. The military justice team maintains the heaviest workload in Air Force Space Command, while the legal assistance program has earned a place on TJAG's legal assistance honor roll several months running. Vandenberg attorneys provided advice on intricate issues such as the proposed California Space Authority center to be constructed on base property and the request by a local company to conduct subsurface mineral rights exploration, in addition to the full gamut of environmental matters. The office's active tax program (the seventh largest in the Air Force) filed more than 3,000 returns on behalf of clients, obtaining more than \$3 million in refunds. In addition, the legal office supported the 30th Space Wing's successful ORI/UCI while three of its most experienced members were deployed.

The **Space and Missile Systems Center Legal Office** (SMC/JA), Los Angeles Air Force Base, California, was instrumental in

executing more than \$10 billion in acquisition programs this past year. The Contract Law Division successfully defended two bid protests of space acquisitions. Significant progress was made on Space-based Surveillance System, an ACAT 1D source selection which will provide 24/7 timely detection, identification and tracking of man-made space objects, including responsive search capability; tracking space objects in deep space and near earth, position maneuver detection, and space object identification. This year saw the retirement of Mr. James ("Jim") Harley, the venerable long-time Chief of the Contract and Patent Law Division, after more than 38 years of active duty and civil service. Another senior member, Mr. Joseph ("Joe") Arroyo, SMC/JA Labor Counsel, retired after more than 40 years of active duty and civil service. SMC/JA is fully engaged in supporting the war effort with multiple deployments over the last year and currently has two JAGs deployed to Bagram Air Base, Afghanistan on 179-day deployments.

The **45th Space Wing Legal Office**, Patrick Air Force Base, Florida, provides comprehensive legal support to the 45th Space Wing and tenant units. The legal assistance program, which also serves a large retiree population, prepared nearly 5,000 documents. Collectively, the legal assistance and tax programs served over 3,800 clients, saving them more than \$2.2 million. The military justice workload increased dramatically over the prior year, more than doubling the number of discharges and tripling the number of courts-martial. In the space law realm, the office supported the successful close-out and transition of the Delta II program to NASA, supported 26 launches, and assisted in streamlining the launch processes and safety requirements for commercial launch providers, resulting in Space X's successful test launch. The legal office contracts section reviewed over 120 contracts with a total value of

nearly \$400 million, and successfully defended a four-part bid protest, leading to the withdrawal of the protest. Patrick attorneys also assisted with numerous labor, environmental, and administrative law matters, revamped the magistrate court program, including new training for SFS, and worked issues relating to Patrick being selected as one of six bases in the new Air Force Food Transformation Initiative.

The **50th Space Wing Legal Office**, Schriever Air Force Base, Colorado, has maintained a high operations tempo this year with two members (of nine) deployed throughout the entire year and the turnover of both the SJA and DSJA. The office processed more courts than in the last three years combined, including processing a SPCM from preferal to action in 15 days! In addition the office organized a two-day military justice seminar and several presentations for the annual Commanders Conference. While the civil law caseload increased significantly due to privatized housing opening, the office also published a monthly newsletter on topics from political activities to the new fitness program, and played a key role in a base/GSU-wide Cyber Awareness Day. At the pinnacle of its challenges and success, the office saw Senior Airman Schmidt briefing TJAG at Horizons and several office personnel earning awards and kudos from the wing and MAJCOM.

The **460th Space Wing Legal Office** (460 SW/JA), Buckley Air Force Base, Colorado, continues to provide full spectrum legal services to the Air Force's fastest growing base and the over 92,000 people who depend on Buckley for support. They provided legal assistance services to over 2,500 clients, preparing over 950 wills and 2,000 powers of attorney. This year, the Wing tackled the first-ever no-notice UCI/ORI in AFSPC and became the only wing in two and a half years with zero critical deficiencies. The legal office

garnered a rare “strength” write-up for its Pioneer Legal Internship Program and received high praise from the inspector. 460 SW/JA was also a key player in the planning of the 40th anniversary celebration of the Defense Support Program (DSP), the legacy satellite system operated at Buckley.

Several **354th Fighter Wing Legal Office**, Eielson Air Force Base, Alaska personnel were spotlighted for several awards at the wing and PACAF level. Despite their small size, they provided 1490 documents servicemen and family members while a robust tax program returned \$1.1 million to filers. They supported deployments with attorneys and paralegals while taking full advantage of ARC to fill the gap. Military justice rounded out the year with 4 courts-martial, 64 Article 15s and 26 discharges. One highlight was significant litigation at the Court of Federal Claims defending the President’s policies regarding parity and Hubzone set-asides for government contracts.

In July of 2010, the **3d Wing Legal Office**, Elmendorf Air Force Base, Alaska, officially transitioned to become the 673d Air Base Wing Legal Office as Elmendorf Air Force Base and Ft. Richardson Army Garrison combined to form Joint Base Elmendorf-Richardson (JBER). The newly formed legal office absorbed staff and attorney positions from the Army as it now serves a joint client base of over 5,000 active duty personnel, covering an installation spanning 75,000 square miles, and handling a myriad of operational missions.

The **8th Fighter Wing Legal Office** (8 FW/JA), Kunsan Air Base, ROK, completed another successful year “defending the base, accepting follow on forces, and taking the fight North!” The Law of the Pack looked inward and rigorously prepared for a PACAF unit compliance inspection while still maintaining the high

readiness tempo demanded at the Wolf Pack. Additionally, 8 FW/JA supported a theater support package deployed from Misawa Air Base, Japan and continued their ongoing support of peninsula-wide exercises, including the annual KEY RESOLVE and ULCHI FREEDOM GUARDIAN joint exercises.

A year-long period of preparation by the **51st Fighter Wing Legal Office**, Osan Air Base, ROK culminated in a biannual unit compliance inspection. After conclusion of the summer PSC season, the wing refocused its efforts in preparation for an operational readiness inspection, stepping-up an already robust exercise and training regime. The latter half of 2010 also saw a marked increase in the number of courts-martial.

Judge advocates from **2d Bomb Wing Legal Office** (2 BW/JA), Barksdale Air Force Base, were instrumental in developing a memorandum of understanding in support of the wing’s Total Force Integration efforts with an associated reserve wing. On-target counsel ensured clear lines of command authority were developed, thereby facilitating the seamless transfer of the B-52 formal training mission to the reserve component. 2 BW/JA continued to hold joint training sessions with the local Office of Special Investigations detachment to better investigate and prosecute criminal cases. Personnel from both offices received a briefing on forensic child interviewing techniques from a civilian expert and toured a local non-profit facility that performs all child abuse interviews in Northwest Louisiana. This session followed joint training events on search and seizure and prosecution of child pornography cases.

The mission of the **15th Wing Legal Office** (15 WG/JA) changed over the course of this year, from supporting the 15th Airlift Wing as the installation

owner to the 15th Wing as the lead Air Force mission wing at Joint Base Pearl Harbor-Hickam. During the transition, the legal office handed over legal assistance, environmental law, and parts of its contracts and labor law portfolio to the Navy. 15 WG/JA military justice, claims, and general law sections continued to support all the Air Force units in Hawaii. The legal assistance team was recognized five months in a row as legal assistance efficiency honorees. Fitness discharge boards quickly kept counsel and paralegals busy, providing many training opportunities for the legal team.

In 2010, the **36th Wing Legal Office** (36 WG/JA), Andersen Air Force Base, Guam, celebrated the first full year under Joint Region Marianas, unique in that it is the only Joint Region in the DoD. The legal office deployed one JAG to Guantanamo Bay and one JAG and one paralegal to the Philippines, as part of Joint Special Operations Task Force-Philippines (JSOTF-P). During their deployment to JSOTF-P, 36 WG/JA personnel delivered operational legal services to over 600 personnel. They also provided escort duties, developed professional relationships with host nation judges and prosecutors responsible for prosecuting terrorist cases, and assisted in the Task Force Medical Civil Affairs Program.

The **35th Fighter Wing Legal Office**, Misawa Air Base, Japan, kicked off 2010 with a sweep of staff agency quarterly award winners—including Junior Airman, NCO, Senior NCO and Company-Grade Officer. Despite turning over nearly 50 percent of staff and deploying five of sixteen members, they generated 800+ legal reviews in an average of four days per suspense, sponsored a “scenario-based” MJ Workshop and published a quarterly newsletter outlining essential topics for base leaders. Finally, recognizing a lack of local resources/training for Law Enforcement personnel regarding domes-

tic violence evidence collection, Misawa Legal developed a new cross-functional "Domestic Violence Response Training" module for all SFS flights.

The 374th Airlift Wing Legal Office, Yokota Air Base, Japan, continued a busy operations and international law practice both at home station and deployed. The office deployed JAGs, paralegals, and reservists in support of ongoing combat operations, including diverse assignments such as an AEW legal office, a TCN tasking, JTF-GTMO, and the DoD Criminal Investigations Task Force. International relations and criminal law were key issues when four dependents were accused of attempted homicide. Office personnel met with the chief prosecutor, attended court hearings, hosted meetings and successfully obtained a waiver of jurisdiction in three of the cases.

The 18th Wing Legal Office, Kadena Air Base, Japan, learned they could count on two things: deployment and taxes. Six members deployed in 2010; Colonel McKay to Afghanistan, Airman First Class Warden to Qatar, Captain Vaughan and Senior Airman Collins to Iraq, and Captain Harrison and Master Sergeant Commack to the Philippines. While the deployers served in joint environments, the Tax Center kept busy serving military members of all services and led the Air Force by filing over 5,000 tax returns and saving clients nearly \$800,000 in fees, capping off a busy, productive year.

The 311th Air Base Group Legal Office, Brooks City Base, Texas continued to play a critical role in the realignment of Air Force Missions and the deactivation of the air base group at Brooks City Base. The office provided timely advice and guidance for unique questions under the Lease Agreement. The office handled all commercial and employment law issues to the satisfaction of the clients. All ethics requirements were completed

in proper fashion. The employment law division provided personal representation, at the request of LLFSC, to three Air Force supervisors during an OSC investigation.

AAC/JA, Eglin Air Force Base, Florida provided superb legal support to the Center and 96th Air Base Wing to address a myriad of complex environmental and real estate issues, including the Supplemental Environmental Impact Statement concerning the bed-down of the 7th Special Forces Group and the F-35 Joint Strike Fighter, as well as the long-awaited housing privatization initiative. The Eglin legal team worked tirelessly to address significant public opposition for the \$600 million bed-down of the F-35 Initial Joint Training Center at Eglin. With astute legal and policy guidance, the litigation attacks were defeated and public support for the F-35 began to grow. Military legal readiness and retiree satisfaction were buttressed by a monster legal assistance program that saved clients over \$870,000 in fees by serving 5,207 legal assistance clients, drafting 2,076 wills and over 5,000 powers of attorney. Additionally, the Eglin Tax Office prepared 2,638 tax returns saving clients over \$586,000 in filing fees. The Eglin Legal Office provided superb military justice support to the Center directorates, as well as our two AFMC wings and four tenant wings and their subordinate units, processing 6 general courts-martial, 6 special courts-martial, 94 Article 15s, and 51 discharges, making Eglin the second busiest military justice base in AFMC. An increased focus on communication and training with investigators, commanders and first sergeants, and the local community are leading to faster case processing and quicker resolutions for disciplinary issues. Finally, the Eglin Law Center supported the military's efforts in both Iraqi and Afghanistan, deploying seven AAC/JA legal professionals in 2010!

AFFTC/JA, Edwards Air Force Base, California, remained steady in the number of Article 15s processed (35 in 10 vs. 36 in 09), however courts-martial numbers quadrupled (1 GCM and 3 SPCM in 10 vs. 1 SPCM in 09). Discharge stats increased (23 in 10 and 16 in 09). The office hosted its Second Annual Military Justice Workshop for 40+ base commanders, civilian leaders, and first sergeants, as well as several "mini-MJ workshops" for front-line supervisors. AFFTC/JA also continued its very active Federal Magistrate Court program. In CY10, the office processed a total of 1017 citations and prosecuted approximately 15 misdemeanors. Prosecutions included the fairly rare steps of taking action against a corporate defendant and gaining immunity for witnesses. Six juveniles completed the pretrial diversion program. In addition to completing over 720 formal suspenses (with strong paralegal research and writing), the office's general law section ran the Tax Center. The Tax Center assisted 613 tax clients this year, saving them \$136,310 in fees. Lastly, in the area of legal assistance, the office helped 1,594 clients and prepared 481 wills and 1,494 POAs. Day-of-will appointments were made available to 500 retirees at Retiree Appreciation Day, and 200 geographically separated recruiters as office members spoke at their annual weekend conference. The office made three emergency visits to prepare wills or living wills for terminally ill patients at a local hospital. Of particular note, many of the wills were drafted by office paralegals teaming with office attorneys.

The Air Force Office of Scientific Research, Arlington, Virginia (AFOSR/JA) provided legal counsel on \$500 million in contracts and grants issued to 350 worldwide research partners dedicated to identifying breakthrough technologies for tomorrow's Air Force. Recently, AFOSR/JA legally formed Economy Act transactions with the National Institute

Spotlight on

A Goodfellow JAG in Afghanistan

When Technical Sergeant Thomas G. Hamilton volunteered for a 365 day deployment to the International Security Assistance Force (ISAF) legal office, he honestly did not know what he was getting into. His only previous experience in Afghanistan was in 2002, when Bagram Air Base was nothing more than an Air Force campsite. Returning to Bagram in 2009, the only thing Sergeant Hamilton recognized was the old tower that had served as the beacon to his tent location in 2002. After one day at Bagram, Sergeant Hamilton landed in Kabul and began an adventure he would never forget.

The drive from the airport to the ISAF compound in downtown Kabul perfectly foreshadowed his experience for the next year: extreme stop and go, quick reactions to completely unexpected things flying out of nowhere, and dirt and dust everywhere. When he arrived at the top heavy ISAF legal office—two O-6s, two O-5s (including one from Her Majesty's Army), and a Marine Corps O-3—to say that he felt overwhelmed would be an understatement.

However, the attorneys in Sergeant Hamilton's new office quickly turned him loose to deal with an endless variety of issues, including many that were new to him. For example, Sergeant Hamilton was responsible for the Afghanistan interpreter immigration program and the NATO Military Technical Agreement designed to facilitate freedom of movement in and out of Afghanistan by NATO forces. Also, as the recorder on a NATO Board of Inquiry, Sergeant Hamilton learned about NATO fiscal and contracting rules and regulations. Additionally, he reviewed hundreds of Army investigation reports, some of which included heartbreaking e-mails that now deceased military members had sent to their families and that were similar to the e-mails Sergeant Hamilton had sent home during his time there.

The most challenging and rewarding aspect of his job was the requirement to constantly think and act on the fly, all in the context of working with different services and nationalities to get the mission done. This daily requirement made this a truly incredible deployment and an indelible and rewarding learning experience for Sergeant Hamilton.



of Standards and Technology to conduct basic research on the properties of future alternative fuels for use in aerospace propulsion applications.

In 2010, Maxwell Air Force Base-Gunter Annex witnessed the stand down of the 754th Electronic Systems Group and the stand-up of the Air Force Program Executive Office for Enterprise Information Systems (AFPEO EIS). The **AFPEO EIS Legal Office**, Maxwell-Gunter AFB, Alabama, continued a tradition of excellence in legal support of information technology acquisitions. Indeed, AFPEO EIS attorneys were instrumental to the successful execution of 1,420 contract actions valued at \$595 million. In particular, program counsel ensured the successful first awards under the NETCENTS-2 acquisition, a contract vehicle with a \$24.2 billion ceiling designed to reach across the entire information technology spectrum DoD-wide. In addition, an AFPEO EIS attorney led a team of contracting officers and financial managers in executing a \$7 million satellite communication system for an Air Force unit in Afghanistan. While literally taking enemy fire, the unit delivered its requirements, and the resulting contract will allow for instantaneous synchronization of voice and Internet communication to all the FOBs in Afghanistan. Additionally, an AFPEO EIS attorney's initiative prevented a break in service of the Microsoft Enterprise License Agreement that not only enabled the entire Air Force's continued use of Microsoft products but also achieved a reduction of \$26 million in costs. Moreover, AFPEO EIS attorneys ensured the successful award of the Air Force Information Technology Council's enterprise Blanket Purchase Agreements for standard client computing systems including desktop, laptop, rugged, tablet, PDA devices, which will cover 80 percent of Air Force annual purchases.

The **Air Force Research Lab Staff Judge Advocate Office**, Rome Research Site, New York, provided counsel to more than 1,300 scientists, engineers and support personnel on 2,159 in-process contract actions worth \$4.6 billion. The office also oversaw the procurement of the Condor Cluster, which is the fastest interactive supercomputer in the U.S. Department of Defense; the supercomputer uses 1,716 Sony PlayStation III (PS3) game consoles and 168 General Purpose Graphical Processing Units to help it operate. By using the PS3s and processing units, the supercomputer was developed for about \$2 million, about one-tenth the cost of similar supercomputers, and uses about 15 times less energy than comparable computers. Additionally, the legal team drafted and negotiated technology transfer agreements worth \$8.62 million in cash and research to the Air Force; successfully adjudicated 19 patent cases in addition to managing an 82 case patent portfolio securing intellectual property and licensing revenue valued at \$330,000 and is leading the entire Air Force in patent royalties received.

OC-ALC/JA, Tinker Air Force Base, Oklahoma, completed another busy year in 2010. On the military justice front, the office preferred charges in 6 GCMs and 9 SPCMs, processed 88 Article 15s, and processed 53 notification discharges, 48 of which were completed in fewer than 15 days. The office also debuted the Virtual Military Justice Division (vMJD), a SharePoint site created by Technical Sergeant Christopher McManus, the NCOIC of Military Justice at Tinker Air Force Base. The site provides commanders/first sergeants a secure, direct one-stop-virtual-shop for all military justice actions. It promises to eliminate confusion, speed up processing of all military justice actions, and to serve as a medium for military justice news and discussions. Feedback has been overwhelmingly positive. In the acquisition law arena, OC-ALC/JA

provided: designated legal counsel for four Source Selection Evaluation Teams; the initial, crucial legal advice to senior center management following the new KC-10 CLS contractor's failure to successfully transition and deliver compliant products; and the initial legal advice to center management upon the award of a KC-10 fleet wide modification program to a contractor that was not technically acceptable. The office also migrated more than 750 OGE Form 450 filers to the mandatory electronic filing system, reviewed a total of 1,255 contract documents and files for legal sufficiency, and processed 126 FOIA denials and partial denials. OC-ALC/JA's labor and employment law division provided training, draft settlement paragraphs, and legal review of settlement agreements for the largest and most consistently successful ADR Office in the Air Force. With the help of the labor law division, the ADR Office resolved 235 disputes in 285 attempts. The office's general law division provided legal assistance to over 3,600 clients, served 12,240 tax clients, and drafted over 800 opinions on a myriad of administrative issues. Lastly, the environmental law division was instrumental in preparing for the fee ownership acquisition of the Tinker Aerospace Complex (TAC), a 3.8 million square-foot production and manufacturing facility that represents a monumental opportunity for private aerospace firms engaged in defense-related activity to partner with Tinker and other entities on defense-related projects.

OO-ALC/JA, Hill Air Force Base, Utah was very busy in 2010. On the military justice side of the house, the legal office: tried 12 courts-martial, 2nd most in AFMC, and tied for 24th most in USAF; tried eight GCMs, most GCMs in AFMC, 5th most in USAF; held six Article 32s hearings, most in AFMC; and processed 116 non-judicial punishment actions, most in AFMC, and tied for 15th most in USAF, while outperforming the metric

with 94 percent within 20 days. Civil law division attorneys: with assistance from AFMC/JA, AFMC/SG and the Air Staff created a template memorandum for requesting/obtaining civilian employee medical records held by the base clinic. The records are needed for labor law associated actions and the template is now being used by labor law attorneys throughout the JAG Corps; created a steam-lined process for litigating 40+ Merit Systems Protection Board Butterbaugh cases; and, with the cooperation and assistance of the U.S. Attorney for the State of Utah, were designated Special Assistant United States Attorneys for the purpose of assisting with the prosecution of civilian employee felony-level misconduct occurring on the installation. Potential cases include serious drug possession, use and sale as well as sexually-related misconduct. Lastly, acquisition law attorneys: established a mandatory OO-ALC/JAQ operating instruction regarding Multi-Functional Independent Review Teams (MIRTs) which assigned responsibilities, directed

actions and prescribed procedures regarding OO-ALC/JA's participation in the MIRT process while protecting the attorney-client privilege for the acquisitions involved in the MIRT; provided guidance to 26 post-government employment employees; and issued 1,902 written opinions and held 5,171 consultations on acquisition matters.

In 2010, **WR-ALC/JA**, Robins Air Force Base, Georgia, saw almost 5,000 legal assistance and 1,000 tax clients, processed approximately 50 claims cases, and provided approximately 550 administrative law/ethics opinions. During this same period, the office's Article 15 metric was 98 percent—the best in AFMC. The office also helped negotiate a benchmark settlement between the Air Force and OSHA arising out of 19 allegations of violations. The settlement established abatement goals, downgraded a willful allegation to serious, and terminated further "FEDTARG" inspections for a period of three years. The legal office also

successfully defended four of four bid protests for WR-ALC and assisted with the recording of two inaugural restrictive easements to protect missions and flight operations. Under the terms of the easements, the restrictions run with the land in perpetuity. In addition to the office's normal deployment taskings, Captain Anne Maxfield voluntarily deployed to Afghanistan for six months. While there she served as the Recorder and Legal Advisor at the Detainee Review Boards, for the Combined Joint Interagency Task Force 435 and performed as a Legal Mentor to the Afghan Court of Criminal Appeals for Parwan Province. During the year, Mr. Bill Hill served as a member of the Air Force Law Review Editorial Board. Lastly, WR-ALC/JA is moving forward on the Georgia-Robins Aerospace Maintenance Partnership, the plan to develop property adjacent to the northeast section of the base with aerospace maintenance hangars and tenant contractors.



A Joint Task Force JAG

Major Todd Pennington, is currently deployed as Staff Judge Advocate for a Joint Task Force conducting sensitive operations overseas. This is Major Pennington's eighth deployment, and his sixth deployment in support of a Joint Task Force. His current deployment will bring him to 28 months deployed, including 23 months in the combat zone, 19 months of that in Iraq and Afghanistan.

In Iraq, Major Pennington first served as Staff Judge Advocate to an Army 3-star commander of a Joint Task Force; since then he has served in Iraq and Afghanistan as Staff Judge Advocate to Navy 3-star and Army 2-star commanders, heading a legal staff of four attorneys, plus two JAGs at subordinate elements. During a recent Article 6 visit to Afghanistan, the Air Force and Navy TJAGs and Army DJAG visited the JTF and got an overview of the scale and complexity of the JTF's missions and legal issues.

Based upon his vast deployment experiences, Major Pennington advises JAGs and paralegals that the foundation for a successful deployment is to “master the fundamentals of leadership, communication, and the practice of law and without this foundation you will never master the deployment job specific skills.” He also stresses that you are often the face of JAG Corps so first impressions are important, “arrive (and remain) in peak physical condition, be confident in what you know, and be ready to learn what you don't know—don't guess.”

Major Pennington's wife Michelle is active in the Fort Bragg military community, and their daughters Grace and Mercy are proud to represent the “Air Force Team” at their mostly Army-kid school. Together they are truly ambassadors for the JAG Corps Family!



Judge Advocates LCDR Tom Leary, LTC Joe Berger, and Maj Todd Pennington forward deployed in 2009 in support of a Joint Task Force in the CENTCOM AOR

JOINT JAGs AND PARALEGALS

More than 80 percent of the JAG Corps deployment taskings fulfill non-Air Force operational requirements. These joint and sister-service missions often require a specialized focus, such as contracting, cyber, administrative/civil law, fiscal law, international law, environmental law, domestic operations, claims, or operations law. In 2010, the JAG Corps deployed judge advocates and paralegals to numerous joint task forces, combined commands, and joint service legal offices in Afghanistan, Iraq, Djibouti, Cuba, Columbia, and throughout combatant command AORs.

Supporting joint and sister-service operations is a Total Force effort for the JAG Corps. During 2010, Air Force Reserve and National Guard attorneys and paralegals volunteered to fill approximately 20 percent of all JAG Corps deployment taskings. This teamwork, both at home and abroad, is critical to mission success. Every day, JAG Corps members are dedicated to providing full-spectrum legal services needed to support the warfighter around the world. What follows is a spotlight on what we are bringing to the fight, working with our joint, sister-service, and coalition partners, 24/7/365.

Spotlight on

A COCOM SJA Liaison Officer

Few people outside of the Office of the Staff Judge Advocate, United States Southern Command (SCSJA) know there is a SCSJA Liaison Officer (LNO) forward deployed to the Military Group in the United States Embassy in Bogotá, Colombia. The position requires not only expertise in international law, but fluency in both Spanish and Latin American diplomacy. When the time came to identify the next judge advocate to deploy, discussion within SCSJA quickly focused on Lieutenant Colonel Maria Alsina of the Administrative Law Directorate (HQ AF/JAA). Before she could be asked if she was interested, she volunteered. Colonel Alsina had been the Chief of Legal Engagements for 12th Air Force (U.S. Southern Command's air component, Air Forces Southern) before becoming the Staff Judge Advocate, Office of Defense Cooperation, in the United States Embassy in Spain. Who better to provide

military-legal support to operations in key Western Hemisphere Partner Nation?

As the SCSJA LNO, Colonel Alsina aids USSOUTHCOM's efforts to support the development of a Colombian Military (COLMIL) legal and disciplinary structure that promotes respect for human rights, fosters effective military operations, promotes internal controls and legal behavior, and encourages timely investigation and prosecution of alleged human rights abuses. Military justice reform, in particular a transition from a crippling paper-based inquisitorial system into an oratory accusatory system similar to the U.S. adversarial system, has been central to the remarkable progress made by the COLMIL in its efforts to meet these goals. U.S. efforts have concentrated on revitalizing the military education system and helping the COLMIL develop modern ROE and RUF that enable them to effectively deal with their

internal military threats while protecting the human rights of their citizens. SCSJA LNO support has been critical to many aspects of this reform such as development of an AMJAMS-style database to enable COLMIL to address the very significant backlog in military disciplinary and penal cases. Colonel Alsina has also been part of a United States interagency effort to provide training and education, such as funding for 6 COLMIL military justice officials to attend university level courses on human rights and for development of various courses to teach the entirely new oral accusatory justice system.

While Colonel Alsina's presence in Colombia will be temporary, the impact of her efforts will have a permanent impact on that country's exciting and historic transition of its military justice system.

A Paralegal at Task Force 435

As one of the first paralegals to be assigned to Combined Joint Interagency Task Force 435 (CJIATF-435), Bagram Air Base, Afghanistan, Staff Sergeant Zachary Bolda, 2 BW/JA, Barksdale AFB, was not sure what to expect during his deployment. He discovered during the course of his tour that his duties would be both varied and professionally rewarding.

Sergeant Bolda began his deployment as the night shift noncommissioned officer in charge for detainee review board services. In this capacity, Sergeant Bolda led four other noncommissioned officers who were charged with ensuring all detainee review board hearing rooms were set up for cases scheduled the follow day. Sergeant Bolda's duties required him to prepare evidence packages for attorneys, as well as ensure all other logistical requirements for the hearings were addressed.

After about two months, Sergeant Bolda was assigned as the noncommissioned officer in charge of pre-trial services. Sergeant Bolda created over 300 pre-board packages for board recorders, which provided all relevant information on a detainee case well in advance of the hearing. Sergeant Bolda

standardized the pre-trial review process, consolidating over 1,200 cases and reducing recorder processing time by 50 percent. Sergeant Bolda was also charged with scheduling and executing all detainee and witness movements for detainee review boards at CJIATF-435. These duties oftentimes required Sergeant Bolda to travel outside the wire to pick up various Afghan witnesses.

The last two months of Sergeant Bolda's deployment required him to develop skills not previously taught to him during his Paralegal Apprentice Course. As a court reporter for detainee review boards, Sergeant Bolda transcribed over 50 hearings and produced some 600 pages of witness testimony. In addition to ensuring an accurate transcript of cases, some of which received Secretary of the Air Force visibility, Sergeant Bolda was also tasked with properly accounting for hearing exhibits and safeguarding all classified information brought before the detainee review boards.

Sergeant Bolda's outstanding service led to him being coined by both the CJIATF-435 commanding officer and the Task Force Peacekeeper Command Sergeant Major.



SSgt Bolda receives his coin for mission excellence from Command Sergeant Major Daniel Lincoln



AFRICOM

The U.S. Africa Command Office of Legal Counsel (OLC) provides legal advice and assistance on all official matters to the Commander, AFRICOM and all subordinate entities, with an allocation of legal responsibilities between the International Law, Operations Law, Engagements, and Civil and Administrative Law Divisions. With the addition of Lieutenant Colonel Brandon Halstead and Master Sergeant Kenneth Henkel to the OLC team in the summer of 2010, the Air Force contingent will be focusing on all military justice, administrative and claims matters within AFRICOM; advising on fiscal and contracts law issues; serving as the Command Designated Ethics Official and the reviewing authority for all matters relating to ethics and standards of conduct; and offering counsel on all investigations, environmental, FOIA/Privacy Act, legislative, personnel, acquisitions, medical-legal, and authorities issues. Law Office Management responsibilities include providing policy guidance on enlisted matters to five component commands and AFRICOM Directorates;

supporting the day-to-day activities for nine senior multi-service attorneys and six civilian attorneys; supervising multi-service Reservists during their training tours; providing technical assistance and travel support to the office staff; aiding commanders and first sergeants in deciding appropriate disciplinary measures; preparing joint-service military justice and administrative disciplinary actions; and coordinating legal education and training for office personnel.

Additional OLC legal responsibilities include drafting, negotiating and advising on international agreements including Acquisition and Cross-Servicing Agreements, Status of Forces Agreements, Base Access and Stationing Agreements, and other technical agreements; formulating policies and monitoring the administrative and legal procedures pertaining to the exercise of foreign criminal jurisdiction over U.S. service-connected personnel and dependents; advising in the planning and execution of military operations including international armed conflict, peace operations, maritime operations,

counter narcotics activities, disaster relief, humanitarian and civic assistance, security assistance, intelligence surveillance and reconnaissance, and Global War on Terrorism activities; providing legal advice on intelligence oversight, rules of warfare including Rules for the Use of Force, Rules of Engagement, Information Operations, the legality of weapons and legitimate targets; instructing on the treatment and disposition of prisoners of war, civilian internees, and other captured or detained personal; and coordinating Theater Security Cooperation legal activities with allied and foreign countries to enhance Rule of Law training, IMET, and engagement through the use of the Defense Institute for International Legal Studies and in-house training capabilities.

OSJA—Spain

The Office of the Staff Judge Advocate (OSJA) at the Office of Defense Cooperation (ODC) in Madrid and the U.S. Embassy are fortunate to enjoy the insight and expertise of two extraordinary host nation legal specialists, Mrs. Elena Arranz and Mr. Luis Sanz. Mrs. Arranz and Mr. Sanz bring decades of experience to the ODC on a variety of issues such as foreign criminal jurisdiction, taxes, contracting and labor affairs. From 1972 to 1992, Mr. Sanz held positions with the U.S. Air Force in supply, security forces and the legal office at Torrejon Air Base. Mrs. Arranz began working for the U.S. Air Force at Torrejon Air Base in 1981 and served principally in civilian personnel until 1994. As a manpower management advisor, she participated in the planning and implementation of the deactivation of the U.S. Air Force activities at Torrejon and Zaragoza Air Base. In 1997, Mrs. Arranz joined the ODC as a legal specialist in labor, taxes and contracting. Mr. Sanz joined the ODC in 1998 as a legal specialist with oversight on foreign criminal jurisdiction.

Dedicated to enhancing bilateral defense relationships between the United States and the Kingdom of Spain, the OSJA oversees the implementation and interpretation of the Agreement on Defense Cooperation (ADC), the supplementary bilateral defense agreement to the North Atlantic Treaty Organization (NATO) Status of Forces Agreement (SOFA) for U.S. military activities and operations at Moron Air Base and Rota Naval Base. While Moron and Rota each have host nation liaisons to

interface with local Spanish military on behalf of U.S. Forces, Embassy Madrid and the ODC, in its role as the U.S. Section of the Permanent Committee, partner with its counterparts in foreign affairs, operations and legal. Mrs. Arranz and Mr. Sanz are invaluable to the Permanent Committee as key participants, not liaisons.



The dynamic legal environment in Spain provides constant opportunities to address issues in areas such as the exercise of universal jurisdiction, the impact on U.S. interests by the significant labor reform of 2010, European Union directives and the implementation of the ADC. In a recent assertion of primary jurisdiction in a criminal case involving

a military officer and two members of the civilian component, the efforts of Mrs. Arranz and Mr. Sanz resolved what could have been an extremely controversial situation. Their bird's eye view of the activities of U.S. Forces and Spanish legislation significantly contributed to labor, contracting and environmental initiatives for the U.S. Navy and U.S. Air Force.

The ODC Staff Judge Advocate, Major Judy L. King, remarked, "The ability to comprehend the language to read royal decrees and legislation is a starting point in addressing an issue involving the judicial or administrative processes or legislation. Without understanding current affairs, culture and the structure of the government, that one dimensional view can be lacking. Mr. Sanz and Mrs. Arranz provide much needed context based on the depth and breadth of their experience—it is unmatched."



CENTCOM CONTRACTING COMMAND

Looking out of our office in the heart of Kabul, we see Afghanistan's history on display. Rising above the concrete walls of our compound is a rustic hillside village with traditional flat roof mud houses—a view of centuries past. To the side is the National Military Hospital, built by the Soviet Union and later used as the headquarters of Ahmed Shah Massoud, a mujahedeen military commander who ousted the Soviet Union, founded the Northern Alliance, and was assassinated by al Qaeda two days before the 9/11 terrorist attacks. Behind the Hospital is Bibi Mahro, known as Swimming Pool Hill because of the Olympic size pool the Soviets built on top. The Taliban used the pool as their court of law, pushing alleged offenders off the diving board into the concrete basin below. If they were innocent they lived—not many did.

In the shadow of the brutal Taliban legal system, we are here as legal advisors to the CENTCOM Contracting Command. Through the Senior Contracting Official, Afghanistan and 13 Regional Contracting Centers, the Command provides responsive and effective theater contracting support throughout Afghanistan. Our legal office, consisting of four Air Force attorneys and two Navy-Marine Corps Paralegals, advises on a contracting

portfolio exceeding three billion dollars and twenty thousand contract actions a year. Led by Major Jonathan Widmann, the office includes Captain Michael Dixon, Captain Casey Hinson, Captain Christopher Stein, Petty Officer First Class Michael Rusinas, and Sergeant Angelo Ciaramello.

CENTCOM Contracting Command is a new kind of combatant in the full-spectrum conflict that defines counterinsurgency (“COIN”). Using COIN contracting, we hire Afghans, buy Afghan products, and build Afghan capacity to create a sustainable economy that will outlast our presence here. We divert money from the corrupt officials, power brokers, and other bad actors that delegitimize national institutions. Instead, we contract responsibly to transform the Afghan economy, spark local business development, and fund friends rather than foes. We define our success by the degree to which our contracts support the Afghan people and COIN objectives.

As we embark on this new way of doing business, we constantly encounter novel legal challenges that require creative solutions. What do we do when we are trying to win the hearts and minds of working class Afghans, but the contractor we hired to build a school stops paying his work-

ers? Can we terminate a contract with a security firm we suspect of having loose ties to extremists? Can we buy locally manufactured tents that cost more to foster organic economic growth? What if we want to accept offers exclusively from women-owned Afghan companies to narrow the gender gap? Can we force a construction company to hire from the surrounding villages to raise employment rates? What if we want to build a road, but multiple families claim ownership of the land—and none has supporting documentation?

Though challenging, COIN contracting is essential to ensuring we leave Afghanistan not just free of insurgents, but also with—as we have seen here—companies that can pave a passable road to the local prison, build a Women's Health Center, teach reading and writing to government employees, protect administrative buildings, transport fresh food to isolated villages, and make the boots worn by the Afghan National Security Forces. We take pride in our hard work, knowing that, using our unique legal training and experience, we are helping to create a sustainable economy that will complement and support a stable security situation and effective governance in Afghanistan.



USJFCOM

The USJFCOM Legal Office, J00L, performs many of the same type of legal services seen in other COCOM legal offices. However, one function unique to the USJFCOM legal office is joint sourcing. J00L works as a liaison between USJFCOM and the service JAG/paralegal representatives to ensure the commanders requesting legal support receive the best support available throughout the Department of Defense. This is an exciting opportunity for a JAG to learn how our military provides the

manning needed to commanders around the world. Typically, a commander will submit a request for forces. This request will provide basic information such as the type of support needed (contracts, rule of law, etc) and a timeline of when the support is needed. When approved by the Joint Staff, this request is sent to the USJFCOM Operations, Plans, Logistics and Engineering, J3/4, directorate for sourcing. J00L engages with J3/4 and the service representatives to ensure the request can be sourced through the ser-

vices. J00L also works with the COCOM requesting support and with the service representatives to ensure the commander's legal needs are understood and can be met. J00L then coordinates with the service representatives to ensure the best qualified JAG/paralegal is provided to the commander requesting legal support. Joint sourcing provides a unique opportunity for JAGs to be directly involved with providing commanders critical legal support.





USSOUTHCOM

The Office of the Staff Judge Advocate, United States Southern Command (SCSJA), located in the Miami, Florida suburb of Doral, advises the USSOUTHCOM Commander, headquarters staff, and U.S. Embassy Military Group (MILGP) personnel on legal matters stemming from providing contingency planning, operations, and security cooperation for Central and South America, and parts of the Caribbean, including Cuba; as well as for ensuring the defense of the Panama Canal and canal area.

An Air Force colonel leads a staff comprised of five lieutenant colonel JAGs from all branches of service, two GS-15 civilian attorneys, two Army paralegal specialists, and a civilian executive officer. The defining event of 2010 for SCSJA was the devastating 7.0 magnitude earthquake that struck Haiti on 12 January 2010, killing an estimated 230,000 persons and leaving over two million homeless. On 14 January JTF-Haiti was stood up under the command of the USSOUTHCOM military deputy commander. The SCSJA Deputy SJA was deployed to serve as the JTF-Haiti SJA. Augmented by reserve personnel and JAGs from USNORTHCOM and USEUCOM, SCSJA provided 24/7 legal support to what would ultimately be the largest and longest military foreign disaster response mission in U.S. history, Operation UNIFIED RESPONSE. The year ended

with USSOUTHCOM moving into its new permanent headquarters building.

The International and Intelligence Law Division attorneys were heavily engaged in supporting the ongoing law of war detention operations at JTF-Guantanamo, Cuba. In the fall of 2010, the American Military Legal Committee (Comité Jurídico Militar de las Américas or “COJUMA”) published the Model Basic Legal Course Curriculum for Military and Security Force Legal Advisors. COJUMA is a SCSJA-led organization with membership from 22 countries that studies international legal issues and develops practical tools for commanders and their legal advisors. The Model Curriculum’s launch was held in conjunction with KEYSTONE 2010 and was attended by TJAG and 13 of his counterparts from various militaries and security forces throughout the Americas.

The Administrative Law Division provided critical contracting and fiscal law support to the construction of the new \$237 million headquarters building. Furthermore, legal reviews were conducted on hundreds of FOIA requests stemming over 20-plus years of operations, the vast majority of which involved detention operations at JTF-GTMO. Probably the most significant and personally satisfying work this year was the fiscal analysis of humanitarian relief operations during Operation UNIFIED RESPONSE. On multiple

occasions SCSJA successfully advocated for the fiscal authority to conduct essential missions that directly contributed to the security, safety, and life of countless Haitian citizens.

The Operations Law Division, led by an Air Force lieutenant colonel, supported the USSOUTHCOM theater campaign plan across the full-spectrum of military operations. Several major exercises were also supported, including PANAMAX, which was comprised of personnel from 18 countries participating in a 12-day exercise to train in a joint, multinational effort to defend the Panama Canal and conduct humanitarian assistance. SCSJA support to USSOUTHCOM operations in Colombia continue to be augmented by a forward deployed liaison officer to the MILGP. The rotational billet has been historically filled by reserve TJAGC personnel, but is currently filled by an active duty TJAGC member.



Interior Lobby

The Operations Law Cell at USSTRATCOM

“I was the proverbial deer in the headlights.” This is how Major Matt Burris described his first months as an ops law attorney at USSTRATCOM. “That’s pretty much the standard reaction when an incoming JAG attempts to get spun up on the issues facing this command,” said Lieutenant Colonel Patrick Franzese, the other half of the ops law duo at USSTRATCOM. Major Burris’ initial consternation is understandable given that USSTRATCOM is operationally responsible for eight global mission sets: strategic deterrence; space operations; cyberspace operations; information operations; global strike; missile defense; intelligence, surveillance, and reconnaissance; and combating Weapons of Mass Destruction (WMD).



The legal issues faced by the operations cell are varied and colored by more than just the law. “Figuring out the law is only the first step,” said Colonel Franzese. “To offer the commander the full value of our services, we need to understand, among other things, the policies and politics surrounding the issue, as well as the capabilities and limitations of the technologies involved.” Indeed, according to Major Burris, “lawfare’ in the best, non-pejorative sense of that word, is what we practice every day—progressing the combatant commander’s strategic intent through the interpretation and application of law.” This cannot be accomplished without a broader understanding of the issues at hand.

In the nascent realm of operational space and cyber law, these issues often expose gaps in the law. “If someone had said to me before I arrived here at USSTRATCOM, that

I would have a hand in shaping international space law, not only for the DoD, but for the U.S. Government writ large, I probably wouldn’t have believed them.” Major Burris is now a believer.

In the cyber law realm, Colonel Franzese is in the midst of the interagency debate surrounding the myriad of legal and policy issues confronting this emerging domain. “The outcome of debates such as whether sovereignty exists in cyberspace and what constitutes use of force in cyberspace will absolutely shape the future of cyber operations and the DoD’s role in them,” said Colonel Franzese. “I am really excited to have a role in that.”

Space is not only a strategic imperative for the U.S., it is increasingly congested, competitive, and contested. USSTRATCOM is therefore playing an active interagency role in the creation of international norms which seek to maintain freedom of action in space. “To have a voice in that process, within months of completing my space law LL.M., is humbling and at the same time a testament to the types of opportunities we get as JAGs,” said Major Burris.

While the areas of space and cyber present new legal challenges, USSTRATCOM’s third key mission area, nuclear deterrence, presents its own continuing issues. From New START to targeting, USSTRATCOM’s judge advocates help ensure the United States has a safe, capable, and dependable nuclear force is a fascinating and profound experience.





U.S. CYBER COMMAND

This year saw the establishment of U.S. Cyber Command, a sub-unified command of U.S. Strategic Command. Air Force Colonel Gary Brown leads a joint team of eight JAGs (four Air Force, two Army, one Navy and one Marine Corps) who are guiding the new command through the

exciting challenges of this nascent area of law. JAGs are embedded in planning and execution of the Command's global cyber operations. They helped form the legal and policy positions to address Congressional and public questions inherent in the confirmation of USCYBERCOM's new four-star commander. The team is shaping

legal authorities, such as the SROE, and doctrine in joint publications. Ultimately, the legal team's efforts contributed to USCYBERCOM moving from initial operating capacity to recognition of its full operational capacity in less than six months.



DSCA/OGC

In 2010, the Defense Security Cooperation Agency Office of General Counsel (DSCA/OGC) supported a wide array of security cooperation and humanitarian assistance activities. DSCA/OGC provided advice relating to the approximately \$30 billion in annual foreign military sales agreements managed by DSCA, covering topics ranging from country billing arrangements to end-use monitoring. DSCA/OGC reviewed and

established the legal eligibility both of several key procurement programs and hundreds of proposed procurements worth over \$500 million by close allies for Foreign Military Financing (FMF) funding through the direct commercial contract sales program. DSCA/OGC also helped develop and provide Afghanistan-specific training at the Defense Institute of Security Assistance Management for personnel from all services deploying to

CSTC-A. DSCA manages the appropriation funding for DoD humanitarian assistance and disaster relief efforts, and so DSCA/OGC dealt with a host of legal and fiscal law issues relating to DoD efforts after the earthquake in Haiti and flooding in Pakistan in addition to ensuring hundreds of proposed DoD humanitarian assistance projects worldwide were legally compliant.



KEYSTONE Overview

The sixth annual KEYSTONE Leadership Summit was held in Orlando, Florida from 25-29 October 2010.

This year's theme was Foundational Leadership. KEYSTONE 2010 once again included an impressive array of national security, leadership, and legal experts, while featuring a broad selection of special subject tracks, professional development seminars, electives, and MAJCOM breakouts.

The weekend before KEYSTONE featured a busy lineup, including the Senior Paralegal Summit and the New Colonels Orientation, plus several new offerings. First, this year's military justice conference was rechristened as the "Military Justice Revival" to reflect the new attitude the JAG Corps is bringing to its efforts to improve military justice case management. The Corps' first-ever Academic Needs Assessment was convened to determine the specific skill-sets judge advocates need to learn at each stage of their career. Another highlight was the United States Southern Command's conference of the Military Legal Committee of the Americas (Comite Juridico Militar De Las Americas or COJUMA), which coincided with KEYSTONE. COJUMA is a forum for multi-national discussions with the senior military legal advisors from Central and South America and the Caribbean.



Beginning the conference, Lieutenant General Richard C. Harding, The Judge Advocate General, outlined his strategic vision of Foundational Leadership, describing our way ahead in four focus areas: Attorney-Paralegal Teaming, Military Justice, Legal Assistance, and Training. Attendees also heard from senior military and civilian leaders including the Secretary of the Air Force, the Honorable Michael B. Donley;

the Chief of Staff of the Air Force, General Norton A. Schwartz; United States Senator Lindsey O. Graham; the General Counsel of the Air Force, the Honorable Charles A. Blanchard; the President of the American Bar Association, Mr. Stephen N. Zack; General Douglas Fraser, Commander, United States Southern Command; Lieutenant General Michael C. Gould, Superintendent of the United States Air Force Academy; bestselling author Mr. Simon Sinek; and Dr. Rebecca A. Grant, Director of the Billy Mitchell Institute for Air Power Studies.

Six half-day tracks were offered to present an intense overview of specific topics. Two of the six special-subject tracks emphasized core Foundational Leadership themes: Military Justice and Legal Assistance. The other four special-subject tracks emphasized forward-leaning fields of practice, including Cyber Law, Homeland Defense and Homeland Security, Installation issues, and Humanitarian Assistance and Disaster Response.

Twenty-eight special-subject electives were also offered on the broader range of professional development and fields of practice topics. There were also professional development breakouts, working lunches with JAG Corps senior leaders, optional continuing legal education luncheons, expanded major command conferences, and the annual TJAG Awards Banquet. Throughout the week, the

JA Spouse Connection offered family members a host of special presentations and fun, educational activities.

KEYSTONE once again provided JAG Corps leaders an unparalleled forum to strengthen their foundation in leadership and the law. As The Judge Advocate General emphasized, we will continue to focus on Foundational Leadership, not just for one conference, but the coming years ahead.



A Commander's Perspective

It is a great privilege to be here with you at KEYSTONE. I would also like to welcome and thank our representatives from COJUMA who are here with us. They know the region I'm going to talk about better than I do. It is important that you took the time to join this group because it is in gatherings like this that we learn from one another and gain better perspectives. General Harding and I know one another from a little bit of history. We have served together before and I can't say enough about having the right guy in the right place at the right time. He has always given me clear, direct, honest advice and that's critical to your day-to-day job.

Today, I want to talk to you about three things. First, I want to tell you about U.S. Southern Command: who we are and what we're about; what we see as our challenges; and, how we're going to address them. Second, I would like to talk about the commander to JAG relationship, from both an Air Force perspective and a joint perspective. Finally, we will discuss the relationship between commanders and human rights, which is absolutely critical.

THE REGION

Southern Command is one of ten combatant commands and one of six regional commands, respon-

Southern Command is one of ten combatant commands and one of six regional commands, responsible for the conduct of U.S. military forces in the Caribbean, Central America, and South America, an area of 16 million square miles.

sible for the conduct of U.S. military forces in the Caribbean, Central America, and South America, an area of 16 million square miles. It is a very diverse region. Typically, we in the United States have an "east-west" perspective. I have been one of those people. I had the great benefit of spending high school in Columbia and graduated from high school there. That connection with Latin America gave me an abiding affection for the region that continued throughout my lifetime. But in my career in the Air Force, I never had an opportunity to serve there, until now.



Gen Douglas M. Fraser
Commander, U.S. Southern Command

With an east-west perspective, we look at Latin America and think the region speaks the same language: Spanish. Actually, almost half the population speaks Portuguese, as well as French, Creole, English, and other key languages. We assume everyone shares the same perspective. That's a wrong image. There are 31 different countries, 10 territories, each with their unique cultures, geography, and issues. We work with nations and armed forces on a bilateral and multilateral basis around the world.

There are a lot of ties that we have with Latin America today, in addition to trade. If you look at our nation, right now about 15 percent of our population has Hispanic heritage. By 2050 it is estimated that one-third of our population will have Hispanic heritage. Additionally, if you look at the top 15 surnames within the United States, four of them are Hispanic. And that will continue to grow as we look to the future. Take it one step further, if you go back a hundred years ago, the 10 most populated cities in the United States were primarily in the Northeastern United States. Those cities and populations centers have migrated and now 7 of the 10 most populated cities in the United States are in the Southwestern United States, in largely Hispanic parts of our country. People of Hispanic heritage who live in the United States send a lot of money home—remittances of over 42 billion dollars a year. That's a lot of money—in some cases, it's over 10 percent of a country's GDP, having a significant impact.

There is a very direct relationship between Latin America, the Caribbean, and the United States. It is going to grow. And it is a relationship that we need to pay attention to, appreciate, and continue to foster. Roughly sixteen percent of U.S. trade is with Latin America. If you look at the oil reserves and the energy resources we get from the region, that number is about 19 percent. By comparison, we only get 13 percent of our energy requirements from the Middle East. Look at the amount of trade that transits the Panama Canal. Two-thirds of the ships that go through the canal are actually transporting U.S. goods from one coast to the other. That is going to expand. The Panama Canal Authority has a large project to put another channel through the Panama Canal that will take larger ships. And

there is a significant effort on the Southeastern and Eastern seaboard of the United States to increase cargo capacity here to take advantage of that new perspective. The bottom line is it is an important region with an important connection to us.

THE ISSUES

What are the issues that I see in the region? First, I do not see a conventional military threat from Latin America or the Caribbean on the United States. In addition, I really don't see a conventional military problem state on state within the region. So, the issues that we deal with on a routine basis are not traditional military concerns. They are nontraditional concerns and the top one is illicit trafficking. The U.S. Department of Defense has a very small role in countering illicit trafficking, focusing on the detection and monitoring of illegal goods as they transit through the maritime environments of the Caribbean and the Eastern Pacific. A potential issue is mass migration, primarily from Haiti and then Cuba. Look back over 20 years to the Mariol Boat lift. We haven't seen mass migration since that time but we're watching for that eventuality. This region, especially within the Caribbean, is prone to natural disasters and the Western part of South America suffers from earthquakes, volcanoes, and flooding.



*Colombian Special Operation soldier
Photo by Isidro P. Almonte*

NARCOTERRORISM

Two groups in the region are recognized by the United States as being focused on narcoterrorism. One is the Fuerzas Armadas Revolucionarias de

Colombia—Ejército del Pueblo (Revolutionary Armed Forces of Colombia—People’s Army) or the FARC in Colombia. Colombia, with some assistance from the United States, has been very successful in reducing the impact of the FARC, cutting it largely in half over the last 10 years, making significant improvements, and that fight continues. The other group is Sinderó Luminosa which is a small terrorist group in Peru. Those are the two recognized national groups. There are also transnational elements of Hamas and Hezbollah who have organizations within the region, primarily focused on providing financial support to parent organizations back in the Middle East. I don’t see it more than financial support right now, but we are watching them.

VIOLENT CRIME

Crime and urban gangs are a growing problem especially in Central America. In the last 10 years gang activity has grown significantly. It is unfortunately one of the exports out of the United States. We put detained immigrants and illegal immigrants into prisons. While they are in prisons waiting for us to deport them, they learn and become gang members and then they take that back to Central America. There are upwards of over 100,000 gang members in Central America. That’s an estimate. But you all know better than I do that increased violence can have a corrosive and destabilizing impact. Latin America unfortunately has the highest violence rate and murder rate in the world. And it goes even higher as you get into Central America with a murder rate of 28 to 30 per 100,000 inhabitants. In other parts of the region it goes up to 100, 140 within the cities. This is a significant problem that these countries are dealing with.

DRUG TRAFFICKING

But our top issue remains illicit trafficking. This is an issue that crosses U.S. federal agencies from law enforcement to military to intelligence to banking. We have to understand what our military and other federal agencies, as well as other countries, can do to address this. It is an issue of critical importance and full of legal land mines across the spectrum of the environment. We look at our roles as supporting military justice and understanding the implications of military justice and the application of military power should that happen.

The illicit trafficking enterprise has an estimated budget of 394 billion dollars. The largest consumer of illegal drugs remains the United States but there is growing consumption throughout the region. Brazil is now the world’s second largest consumer. Per capita, the United Kingdom is the largest consumer. We used to focus primarily on single countries. That’s why Colombia has been so important because it’s been the location where much of the production of cocaine has happened. The northern part of South America is still where the majority of the cocaine is grown. From there it moves out, primarily through the maritime environments, in the Caribbean and Eastern Pacific into Central America, up through Mexico into the United States.

Traffickers don’t respect geographic boundaries. They don’t respect political boundaries. But more importantly, they don’t respect the boundaries within our legal institutions. In fact, they exploit them.

But there are growing markets in other parts of the world. The Middle East is growing dramatically as is Europe. A kilo of cocaine is worth about \$2,000 when it leaves Colombia. When it comes into the United States, it’s about \$20,000 to \$40,000 a kilo. When you get to Europe that runs \$60,000 to \$100,000 per kilo, and into the Middle East, it is \$120,000 to \$160,000 per kilo. You can see the enticement. Goods are now moving out through other parts of South America, and the trafficking lanes are going south, now headed through West Africa into Europe as well as the Middle East. This is not only now a national issue; it’s becoming a global issue and needs to be addressed on that basis because traffickers don’t respect geographic boundaries. They don’t respect political boundaries. But more importantly, they don’t respect the boundaries within our legal institutions. In fact, they exploit them.

We've had some success in reducing maritime trafficking routes in the deep ocean, and they're now moving very close to the shores in Central America. They can take advantage of territorial waters making it harder for international maritime organizations to cross those boundaries and they can get on land in Central America. And once they get on land it becomes much more difficult to see what they're doing. What concerns me most is the destabilizing impact of the increased violence that is happening across the border.

THE MISSION

Our mission is straightforward. We are a joint and interagency organization with 13 different federal organizations and 25 different individuals from the interagency as part of our headquarters. We work the interagency part on a routine basis as are most of the other regional combatant commanders. We are focused on pursuing and supporting our national interests but really looking to improve security, stability, and prosperity throughout the Americas.



Headquarters Building

Our mission is to be prepared for a full spectrum of military operations. The fact that I don't see a conventional military threat today doesn't mean there won't be one tomorrow. We still have to work not only in a joint, but in a combined fashion. This includes working the "whole-of-government" approach to national security challenges to develop plans and conduct operations from a shared perspective, with a unity of effort. Working the whole-of-government

is an ongoing issue. It is getting better but we have a long way to go.

We're dealing with international situations and we're dealing with a cross between intelligence, military, and law enforcement.

What are we doing specifically to focus in this area? In regards to illicit trafficking, we are working to address the maritime issue. We have an organization headquartered in Key West called the Joint Interagency Task Force South, comprised of interagency law enforcement, intelligence, as well as DoD. There are very few Memorandums of Agreement; it's all based on the fact that everybody has a job to do. Each organization brings its own resources and authorities. Then they figure out at the tactical level how to take advantage of those authorities to get their work done.

Now, there is a lot of legal advice that is required because we're dealing with international situations and we're dealing with a cross between intelligence, military, and law enforcement. There are a lot of issues that need to be worked out ahead of time so that they can be actively prosecuted. The other thing that is important from a legal standpoint is two years ago, Congress passed a specific law that allowed us to detain the operators of illicit vessels, specifically semi-submersibles. Before that time if they were in a vessel and they scuttled it and you had no evidence, then they were survivors. You picked them up, put them back on land, and they were free to go because they were survivors. Fortunately the U.S. Congress passed a law that allows us now if you're operating an illegal vessel that has no other purpose and is not registered in any country, there is the ability to now detain and prosecute those people.

We work with our partners throughout the region. We routinely have multilateral military training exercises. In fact, there is one exercise, a maritime engagement called UNITAS which is the longest

running joint, combined, multilateral exercise in the world. UNITAS just celebrated its 50th anniversary in 2009.

PEACEKEEPING OPERATIONS

Our focus here is primarily on providing support and training to enable our partners to support United Nations and other peacekeeping operations throughout the world. Brazil, as you look at the United Nations stabilization mission in Haiti, has the lead. They have the preponderance of the forces there, but there are seven other partner nations from around Latin America as well other countries who are providing peacekeeping forces. Then there is humanitarian assistance and disaster relief. Clearly, the biggest mission that came up this last year was the Haitian earthquake and we're still very focused on supporting that endeavor. At Southern Command, we have a little bit different way of doing business. We're focused on the application of smart power. That's our day in, day out job on a routine basis, being ready to support crisis, specifically humanitarian assistance, should that become a requirement.



*Haitian earthquake relief operations
U.S. Air Force photo by SSgt Chad Chisholm*

RELATIONSHIP BETWEEN COMMANDERS AND JAGS

Now I want to give you my perspective on the relationship between commanders and their legal advisors. This is a critically important role and my thinking has evolved over the years. My job and

the job of all of us, is mission accomplishment and taking care of our people. In my mind, the best way to take care of our people is to maintain good order and discipline. To maintain good order and discipline, that means we need to address issues as they come up and that's where you help provide a lot of support and a lot of assistance. What I'm looking for is direct, informed, honest advice. And I'll be honest with you, I've had mixed results. Let me just give you an example of that experience to show you the importance, from my standpoint, of the role you all provide commanders.

*It is critically important
to understand where the
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we can't and where it makes
sense to operate.*

As a new squadron commander, I probably had my worst experience in this regard. I had been in position maybe two months and I had a discipline issue. It wasn't a single instance, but an ongoing discipline problem. I was advised that this Airman was not discharge board eligible. My decision therefore was to take action and get this guy out the door. Well, the advice I got was wrong. He was board eligible. He elected to have the board decide his fate. And guess what? The board decided in his favor. Now I've got to take this individual back and reintegrate him back into the unit, at no prejudice to him. That was a bitter pill to swallow. What I learned from that experience was the execution of the Uniform Code of Military Justice is really a commander's program, advised by and executed by you. This initial experience gave me a healthy skepticism about how I worked issues and how I made decisions.

Let me take that one step beyond to what I've learned over the years. When I was a wing commander we had a couple instances of senior NCOs taking advantage of and harassing females. We went through JAG and everybody did a great job of working our way through these issues. I elected to court-martial

these two individuals, those courts-martial stuck. It was important for the good order and discipline of the wing so that everybody understood that there were standards and those standards were going to be upheld. And it didn't matter what rank or what the situation was.



It is that leadership role that you work within your offices, to inform and to figure out where those issues are: where it is appropriate to prosecute, where it is not. Then we go forward. There are some situations in which I received advice like “I wouldn't take this case to trial because we don't have a very strong case here.” There are times where I have chosen to take those cases to trial—even though we may not win the case.

Why? I trust our system. And that's because of the great work that you do. I trust our system to make the right choice. In some cases, in my mind, I think it's for good order and discipline. It's important to let people know that commanders are ready to let the system work. The role you play is critical but it's more than just in the military justice system. From where I sit right now a lot of issues that we work are international law. We look back and forth across agencies. It is critically important to understand where the boundaries are, where we can press things, and where we can't and where it makes sense to operate. That's an ongoing discussion and it's a routine discussion.

HUMAN RIGHTS

This brings me to the last topic that I would like to talk about: human rights. We have been at war for almost ten years. And before that we were at war, at least from an Air Force stand point, patrolling the skies over Iraq. This is not a new deal. Good order and discipline, the understanding of that and the focus that you provide is critical in times of war.

Recognize that we will apply the rule of law, international law, and the law of armed conflict in whatever situation is required even if that means that it is pointed at us.

Through the good order and discipline that we work in peace time, military justice becomes even more critical in combat, because of the trust that has to be there. We must maintain trust of one another, trust of our capability; trust of our citizens, and the citizens of those we are defending to understand our standards. They must recognize that we will apply the rule of law, international law, and the law of armed conflict in whatever situation is required even if that means that it is pointed at us. There's no bigger signal that we can send than the importance of the rule of law to any of our partners or any of our citizens. I think that's one of the great strengths that we have as an institution. It is critical to maintain that.

Southern Command actually has an office focused on human rights. It is the only combatant command that has such an office. That office is focused on helping our partners, helping everyone understand the requirements, the definitions, the need to support human rights and why it is so critically important. It has worked in a phased approach, starting in 1997 with a series of seminars to get the program together to help understand how we are going to execute that. Then through those seminars there was an agreement made that this is the program. Now there are ten nations within the region who have agreed and are stepping up and working through that program.

Why it is important to me? It's a training issue and not a combat issue. If I reflect back on my time in squadrons, growing up in the fighter business, I listened to how we talked about what the situation would be when we got in combat. I remembered discussions of the fact that if I'm in combat and I have a rule of engagement that says I need to visually identify an aircraft before I shoot; what happens if I get nervous and am feeling threatened, but I don't have an I.D.? Do I shoot? That is discussion in training that is left unfettered—and sets up the conditions for what people are to do in combat. They are going to think that their rules and their desires are more important than the commander's requirements. Law enforcement, human rights, and the daily execution of the UCMJ is a commander's job. It is addressing issues before they become legal issues. It's the day-to-day execution that makes a difference.

***Don't be afraid to tell
commanders things they may
not want to hear.
Just tell them the truth.***

Within Latin America and the Caribbean, there are different rules, country by country, and different authorities. The system is not the same as what we enjoy. Most countries do not have a military justice system like we do. There may be a requirement to use the civilian justice system. Therefore, the advice that you give our partners to understand those national rules is important, just as helping commanders identify, investigate, and provide that information about the judicial system so that they can execute it.

You play a critical role for all commanders. Don't ever slight that role. Don't ever think that it is not important. More importantly than that, if you need to get into a commander's office then work to get in there. Most commanders will keep the door wide open but that's not always the case. If not, then work on building that trust and confidence with commanders so they know when you walk in the door that they are going to get a straight answer. Don't be afraid to tell them things they may not want to

hear. Just tell them the truth. Put it on the line and let them know what you can support and what you can't support. You owe that to commanders. Then they owe you a dialogue back. Be ready for a lot of questions—at least that's my style.

As we look into the combatant and interagency realms in which we work, your job, much like commanders, is getting more complex because it's not just the UCMJ that you have to know. You have to know the relationship other federal authorities. You have to know international law. And you need to know not just one nation's laws; you need to know multiple nations' laws and how they interpret them. Your job is to help commanders understand these very complex issues as we work our way through things. And in doing so, you will make sure we execute the mission in a legal and transparent manner.

QUESTION: You mentioned about some of your interactions with SJAs in the past. How have lawyers influenced or shaped the missions you've led?

ANSWER: I think one of the most important things that you can do for commanders and operating forces is to help them find solutions. For example: U.S. military forces don't have law enforcement authority. So, if they detained somebody in a vessel transporting a list of illegal goods, they don't have the authority to detain them and prosecute. Only law enforcement has that ability. The Coast Guard partially bridges that. What happens on an international basis is the use of ship riders. They are now part of law enforcement detachments on Navy ships. Now, when a ship or vessel is detained, there is a legal ability to detain those people and gain evidence as needed for legal requirements. It is different from what military forces do and be able to make sure that those traffickers don't continue to have an ability to operate. The solutions are not about changing authorities or the rule of law, but looking at the authorities to find where resources are available and how to put them together to make a mission happen. It's critical to the way we do business. That is the world in which we live today and it is going to continue to be that way. You can help us find solutions.

QUESTION: About a year ago I read a report on the criminal justice system in Mexico. The central thesis

of which was that the population to most extent didn't trust the criminal justice system. I suspect that is not unique. The Department of Defense has a robust rule of law and mentorship program in Iraq and Afghanistan. Based on your experience, is there any benefit to be derived from the Department of Defense and the State Department having a similar mentorship rule of law program in South and Central America?

ANSWER: We have limited authorities and responsibilities. We need to stay within our lane. Our lane is military justice. It is not civilian justice. There are other agencies within the U.S. government who mentor and work civilian justice. In reality, in most countries that's the most important part. That's why I talk about human rights and that's why I talk about rule of law. That's why I talk about it being a commander's program because corruption, poverty, and income inequalities are issues within too many parts of the region. One is a sense of impunity. In other words, I can do whatever I choose to and the justice system is not going to catch up with me or law enforcement is not going to catch up with me because they are corrupt. Another is a sense of entitlement—if I have money and I have a position of authority then I can have impunity. That undermines the trust of the entire populace.

I will tell you the military in the region are doing well. They are the most respected across the region and understand what their role is in relation to government. That's a very important thing. It is important to us that we can do that within the legal construct of that country to provide assistance. But if they don't have a military justice system it is difficult to do that. That's why the human rights program is really critical. Then we let the State Department work the judicial system with the country because they are much more able to do that.

QUESTION: What are some of the challenges or successes Southern Command has had and the stability operations in support of our national security strategy whether that be working with other U.S. government officials or within each country's civilian military leadership?

ANSWER: Probably the best example we have is the great effort that the Colombians have taken on with some support from the United States to address the FARC. Similar efforts are starting within Mexico as the Mexican Government wants it. The Colombian Government asked for the assistance; it wasn't unilateral. We have been working with Colombian armed forces and other armed forces to address their issues in a manner in which they know how to do that best. But as a result of engagement with the Colombian armed forces, they are a capable force today and have engaged and learned a lot of things through the years. Our focus has been helping support planning. We don't execute anything. It's all Colombian forces who do that. So, we support planning at a fairly senior level, brigade level if you will. We support some intelligence surveillance capabilities. We support training and maintenance capacities. That's where our focus has been in supporting those elements to now, to enable them to go find and prosecute their adversary. That's been very successful.

*Commanders need to know
what's going on and hold their
people accountable.*

The engagement we work on a training basis with our partners has been successful also. We have very good relations with militaries throughout the region, with the exception of Venezuela and Bolivia—their choice, not ours. Prior to five years ago, we had good relationships with them. We continue to foster those, to support one another where and when we need to do that. The best example of the importance of that was the disaster relief support to Haiti. The militaries, no matter where they came from, from around the world understood how to work with one another. Because of all the exercises and everything we do on a routine basis. It goes even one step beyond that though in the exchanges we do, like COJUMA and even beyond that.

My Deputy Commander, Lieutenant General Ken Keen, happened to be in Haiti when the earthquake

hit. Twenty-five years previously, General Keen had attended the Brazilian Staff College. One of his classmates was Major General Floriano Peixoto, commander of the United Nations Stabilization Mission in Haiti, known as MINUSTAH. I encourage everybody to engage with our partners and form those relationships because we don't know when a crisis is going to happen but it is critical to the success.

QUESTION: My question goes to your human rights issues you've been talking about. An era of post Guantanamo and Abu Ghraib, the former Vice President talking about waterboarding, reality or not there's a perception in the international community that the United States no longer has clean hands. How does it affect your actions with senior officials in South and Central America when we go down and tell them about human rights and trying to encourage them to follow it more when we have got this perception of the United States as it stands?

ANSWER: It could undermine our ability to do that. If you go to Guantanamo today, legal care of the detainees is our job and we are performing that within U.N. international requirements and there are no issues. You don't hear about it anymore because there are no issues. So, we have taken the lessons that we understood from before and applied them and we hold people accountable to those standards. We very much focus on making sure there are no repeats, at least within Guantanamo, of what we've experienced in the past.

That's why in my mind, human rights is a commander's program. Commanders need to know what's going on and hold their people accountable. You help support. If commanders are not doing that then they need to be held accountable. That's just the life that we have and that's the responsibility of commanders. If commanders are not willing to accept that then we don't need them as commanders. So, that's one thing. That's why I'm looking and I try to keep tentacles out to every place and you all provide that great insight as to where there are problems and where things are happening that I may

or may not see. But it is a constant battle to make sure I understand what's going on.

But even beyond that, we are a very, very respected force throughout the world even with Abu Ghraib and other concerns. I ask each and every one of our people when they deploy, wherever they go, to understand that they are a representative of the United States military. There is an expectation of each and every one of us as a member of the United States military and that is to follow and be the values and represent the values that we embody and we say we embody. Actions speak very loudly. When you combine the two, it's a great combination.

There are a lot of people watching. If we undermine our values and if we undermine our standards, then that gives other people the rationale to do the same. In our business we cannot afford to do that.

But we have some of our people who think "I'm out of eyesight and it doesn't apply to me anymore because nobody is watching." Well, guess what? There are a lot of people watching. If we undermine our values and if we undermine our standards, then that gives other people the rationale to do the same. In our business we cannot afford to do that. So, I'm very, very hard on anybody who chooses not to abide by our standards and our values. It is an issue that we have to continue to work and continue to understand the great importance of the rule of law and the application of values and we have to hold ourselves accountable. That's why I appreciate each and every one of you because you help us do that. 🦋

These remarks were made during the 2010 Keystone Leadership Summit and have been edited for this publication.



Lt Gen Michael C. Gould
Superintendent, U.S. Air Force Academy



Learning to Lead

We are all leaders. Sometimes leadership comes with a title, sometimes it comes with command, but most of the time it just comes in day-to-day life. When we think back to our early leadership lessons, it goes back to when we were little kids. Many of you have families and you're constantly trying to teach your children how to lead and it's really pretty simple. I remember my dad saying this all the time when I was young, didn't have a lot of confidence and maybe was too indecisive at times. My dad would say "Do something, Mike, even if it's wrong. Just do something." I did plenty of things wrong over time but eventually you get it right. You have to act. You have to be decisive.

General Lepper asked me to talk to you about Foundational Leadership and how it applies to you. Therefore, I want to share with you some of my experiences and tell a few stories about why leadership is important and how you know when you see it. At the Air Force Academy, our mission is all about leadership and character development. The cadets often ask: what is leadership? I can't define it and I think many of us in this room would be hard pressed to really define it but you know it when you see it. Of course, we've all had opportunities and

experiences over time to watch people influence others to act and that's probably the best definition I can think of. We all can gain by doing some hard thinking about leadership; about our roles, at work, at home, in our community. We can further examine how we personally listen, learn, and process our own personal philosophy on leadership so when the time comes when you need to step up and lead, you can lead.

We all can gain by doing some hard thinking about leadership; about our roles, at work, at home, and in our community.

INTEGRITY

A lot of things have changed at the Academy over the years, but the thing that is enduring is the concept of honor, integrity first, service and excellence in our core values. I'm reminded of a story about a young man from Chicago. His name was Jones and he was applying for an engineering job for a big firm in Chicago. He was also competing against another

guy—and only one of them was going to get the job. Jones was a Notre Dame graduate and he felt that because he was a local guy and an engineer with a bunch of experience, he should get that job. But the manager said, “It’s not quite that easy. In fact, the other guy you’re competing with is a graduate of the Air Force Academy and he has a lot of traits we think are important too. What we’re going to do is give each of you a test.” They gave them both a ten question test to determine who would get the job. Both men got nine out of ten questions right. Then the manager called Jones in and told him they decided to give the job to the Air Force Academy grad. Jones didn’t understand: he was a Chicago guy, he went to school at Notre Dame, and they both got nine questions right. What could the difference be? The manager told him, “It’s not about the questions you got right, it’s the question you missed. On number five, your competitor here missed the question; he didn’t know the answer and he wrote down ‘I don’t know.’ You answered number five with ‘neither do I.’” We were proud of our Air Force Academy grad.

DECISIVENESS

Leadership involves being decisive. At times you’re presented with an opportunity to make a decision and some of them are routine day-to-day things. Sometimes they are much more important because lives are at stake. Last week, we were in New York City at the Waldorf for a big dinner and I sat next to an American hero, a retired colonel named Leo K. Thorsness, a Medal of Honor winner from Vietnam and a POW for six years. We had a great time talking and Leo gave me a copy of his book *Surviving Hell* when we were in the airport going home. A lot of the POWs wrote their accounts shortly after their experience. Leo wrote his in 2008, forty some years after his shoot down.

In his book, he tells a short story about decisiveness in battle. He was an F-105, a Thud driver, in the Wild Weasel role. This is where they would go in and take out enemy air-to-air sites. On this particular day on his mission, he was leading a flight of four and his wingman got shot down. In the heat of this battle he’s wondering, did I do something wrong? Was this my fault? He’s feeling the guilt but he didn’t have

time to ponder this for very long. As his wingman and the wingman’s backseater are floating down in their parachutes a MIG rolls in and starts firing on the two Airmen coming down in their parachutes. The Thud was not a very good air-to-air fighter. Leo decided at the spur of the moment that he was going to have to go down and take this guy out who was shooting at his wingman.

He made that snap decision, rolled in, got behind the MIG and took him out. About this time, he was real low on fuel. He headed up to hit a tanker because he wanted to stay and coordinate the recovery efforts. On his way to the tanker, he heard another frantic two-ship needed gas worse than he does. So he turns around, even though he’s dangerously low on fuel, and as he’s going back to support his downed wingman, he encounters a four-ship of MIGs that are coming to drop bombs on the area where his wingman has landed. Low on gas, low on capability in this aircraft, Major Thorsness rolls in and shoots down another MIG and is able to scare off the others so that the rescue team could finally get in there. Twelve days later Leo Thorsness was shot down and spent the next six years in a Prisoner of War camp. While he was in prison, he was awarded the Medal of Honor for that heroic day twelve days prior to his shoot down. He talks about it as humbly as anybody ever could but it was the decisiveness, when life and death were at stake, that earned him that Medal of Honor. He is a true example of leadership.

Leadership involves being decisive.

COMPASSION

Leadership also involves compassion. I spent time as a military aide to President George Herbert Walker Bush. I was with him at Camp David in the days leading up to DESERT SHIELD/DESERT STORM as we were getting ready to make that decision to go to war. On the last weekend before the decision was made, the President was onboard the helicopter and I’m sitting across from him. He’s reading a report by Amnesty International about the atrocities that had occurred in Kuwait during that time. I’ve never seen

anything quite like the compassion with a man, who was deeply moved by reading about these atrocities, and at the same time he was weighing that tough decision about sending young Americans into battle. I saw tears in his eyes. Shortly after that, we returned to the White House. They held the press conference where some of you will remember Marlin Fitzwater's words that the liberation of Iraq has begun. I saw up close and personal the compassion behind the gut-wrenching decisions that our President made and it's a lesson I'll never forget.

We're all human and you've got to show that human side.

HUMANITY

At the same time, a leader has to be able to show that he or she is human. President Bush was able to humanize his morality in a great way. Here's another example. This was after the war, things had gone well and we were successful in Desert Storm. It was the following summer and we were up in Kennebunkport, Maine, where the Bush family compound is located. The President was hosting a picnic for the neighbors because when the Bush family would go up there it would disrupt the entire little village. In recognition, he opened his grounds up and hosted a picnic. Everything was off the record and very informal.

There was a group of reporters and some neighbors who came up to him and asked, "Mr. President, you've been in government, in public service, for a long, long time. You were a Congressman. You were the Ambassador to China; Director of Central Intelligence; and you were Vice President for eight years; you're President now. When this is all over, what is it you want to do more than anything else?" He said, "I would really like to get in my car and drive somewhere without anybody following me, just get in the car and have the freedom to go drive somewhere," or words to that effect. Well, that seemed fair enough.

They turned to Mrs. Bush and asked her what is it you want to do whenever your public service is

done? She said, "I hadn't really given it a thought, but I can tell you one thing I don't want to do is get in the car with a guy who hasn't driven for sixteen years." We're all human and you've got to show that human side.

ACCOUNTABILITY

You've got to be balanced too, especially in our roles in the military. You have to be able to balance operational necessity with political expediency as well as other factors. In 1996, I was the Director of Mobility Forces over in Vicenza, Italy when Secretary of Commerce Ron Brown got aboard a T-43 in bad weather, flying into Croatia, and the crew had a fatal mishap and thirty some people on board were killed. During this time frame, we were in a push for accountability. If you remember, we had a shoot down of two friendly Black Hawk helicopters in Northern Turkey and there was, at the time, nothing had been done to the pilots who were at fault. The Chief of Staff had swung the accountability pendulum one way and now here comes the investigation into the Ron Brown crash. Putting the tragedy aside, as the hard work began and investigators and attorneys started looking into this, at the end of the day a decision made at the highest levels was that somebody had to be held accountable.

Of course, the aircrew was dead as well as everybody on board the airplane. As they traced back, there were some really tough decisions on who should we hold accountable? These decisions to balance these things are extremely important for leaders. As it turns out, the wing commander, the vice wing commander, and the ops group commander at Ramstein AFB were all held accountable. They all lost their jobs and retired shortly thereafter. Again, these are very tough decisions that leaders must make in balancing a lot of different factors.

SPONTANEITY

Leaders also have to be spontaneous. You have to rise to the occasion even when you don't expect it. The first indelible memory I have of this came back when I was a cadet at the Academy in the fall of 1975. Air Force was playing Notre Dame in Falcon Stadium in football. Notre Dame was six and zero. We had a win-loss record of 1-5. We weren't very good. They

were really good. But we were ahead 30-10 with ten minutes left in the game. This shouldn't be happening. The Notre Dame coach, Dan Devine, looked to his bench and tapped a skinny little sophomore on the helmet and said, "Joe, get in there and see if you can do something about this." Well, that was the first game Joe Montana played in his career. Three touchdown passes later, we lost the game 31-30. Joe Montana, rising to the occasion, really did some big things for his school.

Flash-forward 30 years later; it was right after 9/11, I was the commander at Cheyenne Mountain out in Colorado Springs. Joe Montana was putting on a big charity event out in California, up in the Oakland area and he had asked some friends of his in the military about getting a general officer to come out and talk to this group and let them know that everything is going to be okay after 9/11—that the military has got this under control and we're going to go make things right. Well, a buddy of mine heard about this and told Joe I've got just the guy for you. So, I went out to speak to this group and it was a big crowd. They were very respectful. They were appreciative of what the military had done. At the end of it all Joe Montana gets up and goes to give me the plaque. He says, "I want to thank General Gould for putting us all at ease and for what the military is doing to restore faith and security in our country, and on a personal note, I want to thank General Gould for launching my pro football career back in Falcon Stadium."

***Every day you have challenges
where you have to balance
risk versus reward.***

COURAGE

Leaders have to be courageous too. Think about some tough decisions that you have to make where it really takes courage. I'll tell you another quick story from Colonel Thorsness' book, *Surviving Hell*. In November of 1970, U.S. forces made a daring raid on the Son Tay Prison in North Vietnam. It was a very successful raid. The crews reached the prison with no casualties. The problem was there weren't

any prisoners because the North Vietnamese had already moved them.

Shortly after the raid, the North Vietnamese began consolidating all their prisoners. Instead of little outlying prisons, they brought them all into the Hanoi Hilton. This is when Thorsness tells his story. Finally, instead of being in solitary confinement, or even in cells of two, the prisoners were allowed to congregate in cells of about 40 to 45 people. In his particular cell, there were 43. It was after 1970, there were rumors that the war might be ending fairly soon but they never knew, of course. The leaders in that particular cell decided it was time to have a church call. They hadn't been able to do anything other than their tap code for years but they wanted to get together and press the test button and see if they could hold church. Well, before they did that, they went through a date of rank determination. It turned out a Naval aviator named Ned Shuman was the senior guy. They then went down through date of ranks for everybody all the way down to the lowest rank.

Ned finally decided to attempt a church service if they had total solidarity in their midst. They went around and polled each one of the 42 and asked them if they want to do this, knowing full well that probably somebody was going to be tortured for this, maybe all of them. They didn't know what would happen. But everyone said "let's do it." Once they had agreement, Ned decided he would start. He gathered everybody together on Sunday morning and started the Lord's Prayer. Of course, the guards were watching. They got through about three words and they came in and grabbed Ned and dragged him away and tortured him until he was bloody and couldn't hardly move and they dragged him back in. The next week, it was the next senior ranking person's opportunity and they all decided they were going to do it again. They got through maybe the first line or two. The same thing happened. The guards came in and dragged the guy out. This went on for five weeks. Finally, they stuck together and the guards were defenseless and they let them go ahead and say their prayer and have their short prayer service. Here's what Leo Thorsness said about this, "Five courageous officers were tortured but I think they believed it was worth it. From that Sunday on until

we came home, we held a church service every week. We won. They lost. Forty-two men in prison pajamas followed Ned's lead. I know I will never see a better example of pure, raw, leadership." Courage is what it takes to lead.

Risk

It takes risk takers too. Every day you have challenges where you have to balance risk versus reward. At the Academy right now, I'm fortunate enough to be able to still perform as an instructor pilot. I'm flying the DA-40. It's a little Diamond trainer—a neat airplane. We take cadets up and try to build their confidence to the point where they can go solo. There's a risk because they have nine rides and then a solo. Sometimes the light bulb comes on in nine rides and a lot of times it doesn't. But when you see that cadet, that fledgling pilot, you know how much confidence it will build. When the time is right for you to get out of the airplane and let him go solo, it's one of those risks worth taking.

You've got to have enthusiasm for the mission and you've got to be able to motivate.

ENTHUSIASM

Enthusiasm is important in leadership. If a leader doesn't have enthusiasm to motivate people to act what good are they? Vince Lombardi used to tell his staff and players at the beginning of every season, "You will be fired with enthusiasm or you will be fired with enthusiasm." And I think there is a lot to that. If we can't stand up in front of our people, whether it's just one other person in the office, or a couple thousand, we can't accomplish the mission. You've got to have enthusiasm for the mission and you've got to be able to motivate.

One of the greatest motivators I've ever heard of, and I didn't know him personally, was Bear Bryant. The Auburn-Alabama rivalry has been going on for many years and this story is from somewhere around '57 when Bear Bryant was the coach at Alabama and Chuck Jordan was the coach down at Auburn. Auburn is losing the ball game. Alabama is driving



with hardly any time left on the clock. There is a young quarterback who got to get in the game just to get one or two snaps so he could say he played in the Alabama-Auburn game.

So, Bear Bryant sends this quarterback in with these instructions: "You just go in and take a knee. We don't want to rub it in. We're going to win the ball game. Just take a knee. It's all you gotta do." Well, the quarterback gets in the huddle and he's so excited and this is a lifelong dream. Well, he calls this little fade pattern over in the corner of the end zone. Well, sure enough, they break the huddle; the quarterback comes out, drops back, and throws this fade. A defensive back from Auburn intercepts the ball. Oh, I didn't tell you, it was a six point game at the time.

The Auburn player is beating feet down the sideline, one of the fastest guys in the conference. He's got the ball heading 99 yards for a touchdown. Well, the Alabama quarterback starts off on a pursuit angle and there is just no way by any rights that he would catch this guy. But as they go down the field, this quarterback is closing in on him. And finally, at the three yard line, he dives and he trips this guy up. The Auburn defensive back goes down on the one yard line. The clock expires. The game is over. The coaches came out in the middle of the field. Coach Chuck Jordan said to Bear Bryant, "Bear, I don't know how that boy of yours was able to catch my

defensive back. There's just no way he should have ever caught him." Bear Bryant said, "You're defensive back was running for a touchdown. My quarterback was running for his life."

VISION

Leadership is about people. Leadership is about engaging people. Leadership occurs everywhere you look. At the Air Force Academy, I think what is really helping us move in the right direction is that leaders have a vision. You must have a vision. It can be very simple but you have to share that vision with your people. Then you have to motivate. You have to convince others to be risk takers, to be enthusiastic, to share that vision. Our vision at your Air Force Academy is to re-establish this fanatical institutional pride in the one and only Air Force Academy.

We may be the youngest of our service academies, but we've been around for 53 years. We've produced some phenomenal leaders for this country. It's time for everybody at the Academy, and across our Air Force, across the country, to stand up and back the Academy so that those cadets, when they graduate, will know they have made the grade. They will know that they are ready to go out and lead our Air Force in a time of war. It's that vision to reestablish the fanatical pride in the institution, in the accomplishments of all our cadets, that is going to take us to newer heights and continue making your Academy better than it already is.

There is a saying that I have in my office. It encapsulates all this. A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of other. He or she does not set out to be a leader but becomes one by the quality of his actions and the integrity of his intent. That's what we all are here to do, is to put that example forward to be great leaders and to continue to do the things to lead our Air Force in this tough time.

QUESTION: What role do noncommissioned officers play at the Academy play in teaching cadets about leadership?

ANSWER: We have an Air Officer Commanding (AOC) commanding each of the 40 cadet squadrons. That's a major. In addition to the AOC in each squadron, Academy Military Trainers (AMTs) that are Technical Sergeants or Master Sergeants who are embedded in the squadron and have daily interaction with the cadets. In fact, what we're seeing is most cadets would rather go to that senior NCO than to the major to get advice on a personal problem, on an ethical dilemma, on a discipline issue, and it is really paying huge dividends. My Command Chief, is phenomenal and he is involved in the AMT training. We get out and visit with these guys all the time and it's really going to help our cadets.

QUESTION: This morning General Harding talked to us about Foundational Leadership and in particular about the role of training in that leadership. As an Academy grad yourself, what are the differences or similarities that you see in the training you received when you went to the Academy and the training that's currently in place?

ANSWER: It's still all about the enduring values, the honor code and our core values. And so, while the scenarios may change, technology has led us into some new programs that we're training but the fundamentals are all there. Leadership takes a lot of those characteristics that I just talked about and leadership has got to be rooted in those core values. It's the hands-on, practical leadership that really helps. Whether it's those who are chosen to lead squadrons, groups, wing, elements, whatever, whether they're picked for a formal leadership role or an informal leadership role, all those things stay the same. Our summer programs are phenomenal leadership opportunities where cadets run the program. Our cadre is there to watch but we give our cadets as many chances as we can to do the leadership activities themselves. They're learning leadership through new technology and a lot of them are getting excited about the future which is what we want to do. 🦋

These remarks were made during the 2010 Keystone Leadership Summit and have been edited for this publication.





Honorable Charles A. Blanchard
Air Force General Counsel



A Proud Partnership

It's wonderful to be back for my second KEYSTONE. When I was brought into this position, the Honorable Jeh Johnson, the DoD General Counsel, and Secretary Donley both made it very clear that my number one job was to make sure that we had a much more productive working relationship between the General Counsel's office and the JAG Corps. Last year, I told you we were off to a great start. I can tell you a year later that I am very proud of the relationship that has developed. I think it is one of the high marks for our relationship in the history of the Air Force.

I want to tell you about what the General Counsel's office does through my deputies because all seven are here today. And I want to talk about what each of them has done in partnership with their JAG Corps counterparts. It really has been remarkable to witness the constant day-to-day contact that every one of my deputies have with either Headquarters judge advocates, or more importantly, JAGs out in the field.

FINDING BETTER SOLUTIONS

Some of the most important issues that the Air Force is facing have benefited from two very different groups of lawyers looking at the same problem. On many occasions General Harding and I will, usually by

telephone, sometimes by e-mail, have a conversation about a difficult legal issue that's facing our client. We both come in with a perspective and usually our legal advice at the end is common, but different than what we both came in with. We improve each other's legal thinking and in many ways find much better solutions for our client. And that's a result of the fact that we have two different groups of lawyers looking at the same problem, using creative problem solving skills to come up with the best solution.

Some of the most important issues that the Air Force is facing have benefited from two very different groups of lawyers looking at the same problem.

FISCAL LAW AND ETHICS

I'll start with Ms. Cheri Cannon. Cheri is my deputy for SAF/GCA which has a broad range of legal issues, which include fiscal, ethics and administrative law. In particular, our fiscal law section has been very busy trying to reduce the number of backlogs of

Anti-Deficiency Act (ADA) investigations, and more importantly, being more proactive to make sure we prevent ADA problems in the future. We've had a lot of whistleblower cases and Cheri has been at the forefront of those. She provides advice to the Chief of Staff and the Secretary on ethics issues and handles personnel issues for a robust civilian work force that is playing a much more critical role. We've had a number of successes this year that she's been responsible for.

Early in the year, we received kudos from the DoD for our rapid response on issues regarding the senior mentors program which received widespread media coverage. I'm proud to say thanks in large measure to our leadership, Secretary Donley and the Chief of Staff, we were already looking at this issue and Cheri led the group that helped develop the Air Force's position to be in front on these issues. In every single one of these cases, we have worked very closely with JAGs in the field. Every investigation has JAGs involved. And as you might imagine, GCA and JAA, led by Mr. Conrad Von Wald, have an important partnership. Conrad and Cheri work very closely on a number of issues.

A new emerging issue that base SJAs are going to face, if you have not already, is the new problem of electronic encroachment.

ENVIRONMENTAL, INSTALLATION, & ENERGY ISSUES

My next deputy, Mr. Gordon Tanner, is in charge of SAF/GCN, which is our Environment and Installations division. GCN is, in my view, the corporate lawyers for the Air Force. They also provide advice on some of the most sophisticated real estate transactions around. GCN is also heavily involved in cutting edge issues, including energy. Energy conservation has become a priority for the Department of Defense that raises all kinds of policy and implementation issues. A new emerging issue that base SJAs are going to face, if you have not already, is the new problem of electronic encroachment. Solar and wind projects, even miles away

from the installation, can really do a number to the radar systems and electronic systems on your base. We now are creating a whole new regime to detect these projects before there are major encroachment issues.

Gordon has lawyers in both the D.C. area in the Pentagon, and in Rosslyn, but more importantly has a large office co-located with JACE in San Antonio. Probably the best example of this partnership is, in my view, the great progress we have made with the bed-down of F-35s at Eglin Air Force Base. We had two lawsuits filed against us. They were both resolved and it appears that we may actually avoid another lawsuit. This hard work in making sure we have a transparent environmental impact statement (EIS) process is hopefully going to result in good decisions for the Air Force. Again, that's a result that would not have occurred without the partnership between GCN and the lawyers at Eglin, from the JAG Corps, and JACE.

NATIONAL SECURITY

Mr. Kip At Lee has a wide portfolio that includes all areas of national security law, the classified arena, and dealing with support to our AFOSI partners. He also handles military personnel matters and lately has been working on issues related to "Don't Ask, Don't Tell." And as you can imagine, the latter category has become almost a full-time job. Kip and Conrad Von Wald seem to share each other's offices, and that's a model for what kind of partnership can really work. I'm very proud of what Kip and Conrad have done to the point where I think our staffs really are value added. I rely on Conrad's counsel and I know that General Harding relies on Kip's wise counsel.

INTERNATIONAL LAW

Mr. Mike Zehner is the head of GCI, our International Affairs division. Mike and his group have a very interesting portfolio of issues, focusing on basic international law, space law, and aviation issues. Virtually any time we have operations overseas that have implications beyond domestic U.S. law, he's involved, such as determining whether we can get an agreement with the FAA to actually fly a remotely piloted vehicle in domestic airspace. The answer, by the way, is not very much right now, but we're working that issue.

We also deal with international agreements again working very closely with the JAG community. Part of our job is to convince DoD not to negotiate agreements that force us to pay for the use of state aircraft. One of the most high profile issues that Mike has been working on for the last few years that is coming to fruition now, on appeal, is the Italian prosecution of Colonel Romano, who is alleged to have been involved in a rendition kidnapping case in Italy. That's been a major undertaking and a very important case of the highest principle. It's the first matter that Secretary Donley spoke to me about. I've only met with Secretary Gates twice in my life and the first time was focused on Colonel Romano's case. It was first a battle to assert our Status of Forces Agreement (SOFA) rights, which we finally did. Now, we are trying to convince the Italian courts to recognize the application of the NATO SOFA. JAO has teamed up with GCI to find a resolution. Also, USAFE JAGs in Aviano and Ramstein have been providing a great deal of support. Colonel Romano has a fantastic JAG lawyer, Lieutenant Colonel Tom Herthel as his personal counsel helping him deal with the issue. In fact, the Italian counsel thought so highly of Tom, that they have actually asked Tom to be at the appellate trial to advise the Italian team. Hopefully we're going to get a great result, but only because of this team effort and cooperation.

ACQUISITION

Our Acquisition division, GCQ, is led by Mr. James "Ty" Hughes. Ty and his team have a very close relationship with the newly energized and soon to be larger JAQ. He also works frequently with contracting counsel in the JAG community across various bases, most notably at Wright-Patterson and AFMC. As you know, the last few years have not always been viewed positively from a public relations standpoint. We won most of our cases but it seemed our losses were higher profile. But this last year has been an outstanding one for acquisition lawyers in both the JA and GC side.

I don't know how many of you are aware of this but we just won a great victory in the Government Accountability Office (GAO) in the acquisition of the KC-X. This protest had to do with a bid filed five minutes too late. Not all the facts were favorable to the Air Force, but it was the right thing to do. It was a difficult case before the GAO. The team that

was developed from Susan Rapps in DoD GC, Ross Branstetter from my office, and two outstanding JAQ litigators, resulted in a great victory. And there have been other victories as well. In many of them, we have successfully convinced folks not to file protests because they saw the legal arguments that we had marshaled or actually won outright.

JAG Corps members are working very hard on fraud remedies, going after contractors to make sure we get our money back and that's paying huge dividends, with over 400 million dollars in recovery last year.

CONTRACTOR RESPONSIBILITY

Mr. Steve Shaw is the Chief Debarment Official in the Air Force and has a division, GCR, that does this. Now, what is interesting about this aspect of the Air Force life is that the other services don't really have dedicated teams of people focused on the debarment and suspensions the way the Air Force does. And it pays huge value because what we have given to Steve is the full range of various options, debarment and suspension authority. He's also the leader in the Air Force on fraud remedies.

When I asked Steve about JAG involvement in his work, he said, "I couldn't do my job without the JAGs in the field who bring me the cases for suspension and debarments." JAG Corps members in every command now are working very hard on fraud remedies, going after contractors to make sure we get our money back and that's paying huge dividends, with over 400 million dollars in recovery last year.

DISPUTE RESOLUTION & ADMINISTRATION

Finally, Ms. Lynda O'Sullivan is my newest deputy. She's been around our office for quite a while and is responsible for a very challenging portfolio. On one hand, she's in charge of the Air Force alternative dispute resolution program which provides both training and mentoring of folks in the field who do

ADR. As you can imagine, it is not always a popular thing to convince people to try but I have to say the Air Force has developed a first-rate program as a result of the work that GCD does. The other part of what she does is she makes sure the people in my office get paid and that we get people hired. She's in charge of the administrative side of the GC's office. Given that we're around the world in Brussels, San Antonio and the D.C. area, with 90 lawyers, we really needed a strong administrative arm. Lynda has done a great job of making that happen.

A lot of people wonder why we have two sets of lawyers advising the Air Force and why we don't have a single JAG Corps or use the Navy model and have a predominately civilian GC office.



THE BIG PICTURE

I hope this gives you a better understanding of what the General Counsel's office does. Most of you have dealt with one area or another. Now you have seen the larger focus. But the main reason I wanted to give you these examples is that I really do think that there is a partnership that's developed between the judge advocates, in both the field and in the Pentagon, with the GC's office. That partnership, I think, makes for a much better decision making process.

Recently, I went to a diversity workshop of senior leaders and we had a very interesting speaker, an economist, who studied decision making and how to make better decisions. He said if you have a very complicated, hard problem, having a diverse group of people with different professions, different ways of looking at things, and different life experiences, will help you come up with a better solution.

A lot of people wonder why we have two sets of lawyers advising the Air Force and why we don't have a single JAG Corps or use the Navy model and have a predominately civilian GC office. Those that care about efficiency can come to that conclusion. But I've got to tell you that they are missing the real value. The real value is we are two different sets of lawyers who come with different perspectives. Most folks in my office have military experience, but have also spent a large number of years as civilians. They tend to have longevity in the Pentagon, working the same issues for the same clients. Many come from law firms, bringing that kind of perspective. On the other hand, in the JAG Corps, you have a wide variety of different experiences because you move around every two to three years. You work closely with commanders. You understand what a wing commander really thinks. You understand what a MAJCOM commander is really concerned about. And you know the Air Force better than any set of lawyers in the world.

My year and a half as General Counsel has convinced me that if you take these two groups of folks with very different talents and experiences, we will provide the best possible legal advice to our clients. By listening to each other, we will continue to come up with solutions that take full advantage of what the General Counsel and JAG Corps have to offer.

QUESTION: You've been General Counsel for both the Army and the Air Force. In your experience, what are the differences and similarities between the two branches?

ANSWER: Well, I think there are more similarities than differences. I had a wonderful relationship with the Army Judge Advocate's Corps and the model that the Army uses is the same as the Air Force, which is a very small General Counsel's Office and a very large JAG Corps. And I personally prefer that model for the reasons that I have stated. I think it is better. One reason why it's better is because Air Force JAGs have contracting experience; we're able to provide desperately needed support to what's happening in Afghanistan. The Navy doesn't come to the fight because they don't have contract JAGs. We do. And that's a major reason why I think this model makes more sense, especially in the day of war.

I haven't really noticed as much difference between the Army and Air Force JAG communities. I think it's a lot more similarities because they're all lawyers. There are, of course, major differences in the cultures between the Air Force and the Army. I think a lot of those come from the fact that the Army, you know, the war fighter could be an 18 year old kid with a gun who could create an international incident, and they do, we've seen it, and therefore there is a culture that's focused on controlling that reality. While in the Air Force, the war fighters—and there are a lot of exceptions—tend to be the officers. Therefore, it is much more of a focus on technology, less of a concern on maintaining rigid control over somebody with a gun. And it has ramifications for the two services.

QUESTION: Thank you for being with us and to your whole team. With the advancement of technology in a number of areas, cyber, electronic encroachment that you have talked about, electronic discovery and others, do you see any emerging mission areas for JAGs and civilian attorneys in the Air Force either across service lines or in the interagency?

ANSWER: Energy encroachment is a big issue and lately we've been facing it in crisis mode. For example, we had an investor that had received all the permits,

including DoD approvals, to put in a wind farm in Oregon, and who would think a wind farm in Oregon would affect the Air Force? Well, we learned very late in the day, after that developer had invested a lot of money, that without some mitigation there could be some harm done to the NORAD protections system, which is not a small deal. We've had other instances where we thought serious damage could be done by wind farms or solar energy projects. We've been able to work with the developers to get them moved, but we only discovered them very late in the process. So, one thing we need to do as an Air Force, because of the decentralized nature of this, is to develop a way to detect early these kinds of projects, do an early evaluation and work with the developer to find a solution where we can do this. A lot of the people at the point of the spear are going to be JAG lawyers. Technology is inevitably going to result in issues and we probably ought to think hard about what's emerging and not be playing catch-up.

QUESTION: We have been discussing JAG/paralegal teaming and embracing that concept. So, I'm wondering if you have paralegals assigned to your office and what kind of teaming that you do.

ANSWER: We have a very small group of paralegals—seven total—with one for each division. But one experiment which we just tried that was a wonderful success is we brought a JAG paralegal reservist to come help us and she was fantastic. And really had real value added. And I hope to add to that as well. What we're trying to do right now, is serving the administrative functions of the office. For example, the JAG reservist who came did an investigation for us and also took our law library, for which attention had not been paid in years, and turned it into a functional law library with the help of some of the other paralegals. But you're right. I think the teaming concept is crucial, having come from the private sector where paralegals were an instrumental part of my team and where they had autonomy. When I said, "manage the document production," they would find the right tools, come to me with the game plan, I would approve it and they would run with it. I think there is real value in fully teaming with paralegals and I can tell you that's a concept I'm really pleased to see that the JAG Corps embracing it. 🦋

These remarks were made during the 2010 Keystone Leadership Summit and have been edited for this publication.



ABA

ing Liberty
g Justice



Stephen N. Zack
President, American Bar Association



Protecting Our Liberty

I truly believe that the core values of the Air Force are the core values of our profession; they come down to one word and that word is “courage.” Courage on the battlefield is obvious. Courage to protect the rule of law may not be as obvious but is every bit as important. I am truly honored as the fourth of the last six Presidents of the American Bar Association to be here at KEYSTONE. I’m pleased to join Mr. Blanchard and all of you to talk about some of the issues that the ABA and our profession are facing. As Senator Graham said to you, as we are fighting to establish the rule of law around the world, we’re in jeopardy of actually losing it in our own country because the rule of law begins with one word and that word is “access.”

ACCESS TO JUSTICE

We have a justice gap in our country. Eighty percent of poor people, mostly minorities and women, have no access to our justice system. I spoke in South Carolina recently to the court system there. One-third of one percent of the state’s budget goes to fund the entire justice system in South Carolina. In Florida, it’s one-half of one percent. And I talk about the justice system because Shakespeare really got it wrong when he said, “Kill the lawyers first.” He should have said, “Kill the justice system,” because if you kill the justice system, you don’t need lawyers.

And what’s happening is that a co-equal branch of government is being killed. There’s no other word to describe it because if you choke off the funding then you have no ability to provide the justice that’s demanded.

We have a justice gap in our country. Eighty percent of poor people, mostly minorities and women, have no access to our justice system.

This is not an issue of rich or poor. This is an issue that all Americans are entitled to a court system and a justice system and a co-equal branch of government. We have focused on judges’ salaries which are woefully inadequate. And while people may not be concerned about the public defender system, they certainly care about victim assistance. They care about the fact that when they need the court system, they expect it to be open.

The Supreme Court chief justice of South Carolina put it this way: “We can either have the rule of law or the rule of the jungle, and we’re going to pay for it

either way.” As a result of these issues, the American Bar Association has appointed a Task Force on the Preservation of the Justice System. It will be chaired by what some newspapers have called “the odd couple,” David Boies and Ted Olson, and members of every political party, every ethnicity, and gender. This team of about 20 individuals will be looking at this issue and will report to the American people. We’ve got to remember that the justice system is not a line item on the budget as it is being treated today in most states across our nation. In California, the chief of the civil division was just asked to close 180 courtrooms. Courtroom personnel are being furloughed so courts are open four days a week. Next, it is going to be three days a week, and then not opened at all. In half the states, there is a freeze on judicial salaries.

I came from Cuba in 1961, when I was 14 years old. The loss of liberty is not a theoretical exercise, it actually happened to me. We have to call an attack on our judicial system exactly as we see it. Many people, and sometimes the majority of Americans, would rather us not have a justice system. Why? Because as you know, the definition of the rule of law or law itself is to protect the minority from the tyranny of the majority. That is the very definition and the basis for our system of laws.

The majority elects our Congress; the majority would prefer very often if the justice system didn’t get in the way of what they want to accomplish. But we know the Lady of Justice has a blindfold and a sword. She does not have her finger in the air to decide which way the current wind is blowing. I am often asked, “Why is it that the American Bar Association sometimes takes positions that are contrary to those of the majority of Americans?” I bet you’ve asked yourself that question. And the answer is that justice requires it.

If you would have taken a poll in the 1950’s when the ABA spoke out against segregation, you would have found a majority of Americans thought that segregation was perfectly okay and that the American Bar Association should not get in their way. Recently we adopted a marriage equal rights amendment on the same basis. Now, how do we adopt resolutions in the ABA? We have a 560-person body from every state,

every aspect of the law, which fully debates these questions and then they’re voted up or down. That’s how the positions of the American Bar Association come into being. But they’re not easy positions.



DISASTER RESPONSE AND PREPAREDNESS

One of the things that we need to talk about, and that we’re talking about right now, is how are we prepared for the next disaster? I come from Florida; we have hurricanes, oil spills, and earthquakes nearby. We know what happened with Hurricane Katrina—we were not prepared. The court system was shut down, the jails were closed, and legal documents were destroyed. We actually had lawyers from around the country wanting to come into New Orleans to help. But the Supreme Court of Louisiana told us, “You can’t come. It’s the unauthorized practice of law.”

So, we have prepared the Katrina Rule, which is now being adopted by every Supreme Court in the United States so that if and when there is another natural or manmade disaster, we will be ready and able to deal with these issues. That’s our fiduciary obligation to be able to respond to the next disaster. But today we have an even greater problem. We have the possibility of a manmade disaster as opposed to a

natural disaster, something we never faced before in our history. What happens if a dirty nuclear bomb exploded in the United States? If it happens and the President of the United States, like Lincoln and like Roosevelt did, suspends habeas corpus, what is the response of the American legal-system? How should we respond? If we wait until—God forbid—that happens it will be way too late. Your thoughts are important to us. And what we do in a situation like that needs your input.

***What happens if a dirty nuclear bomb exploded in the United States?
If the President suspends habeas corpus, what is the response of the American legal-system?***

Matter of fact, I was part of a program sponsored by the World Justice Project in Vienna. The program originated in the American Bar Association. In Vienna, we had leaders from all around the world. We also had a bunch of JAG officers in a break-out session and the question was, what do we do after Guantanamo? Do you know who wanted to know the answer? Do you know who posed the question? It was the JAG officers. It was a good question because they wanted to know. We are all in this together in every possible way. We have to have answers of what's going to happen in the event of a disaster. And we are in the process of trying to figure it out. I can't tell you today as we sit here what the right answer is. But I sure would like to know what you think.

INCREASED CIVIC EDUCATION

The Cuba Constitution in 1961 when I came here was identical to the America Constitution. They were meaningless words. Words do not protect us. Seventy percent of all graduating high schools think the three branches of government are Democrat, Republican, and Independent. That is an actual statistic. More Americans can name the Three Stooges than three justices on the United States Supreme Court. More high school students can name a judge on American

Idol than a justice on the United States Supreme Court. And maybe more problematic is 75 percent of all Americans don't know that the First Amendment protects religious freedom. We have to do something about it.

How did this happen? It didn't happen again by accident. What happened is when No Child Left Behind focused on evaluating science and math skills (which was appropriate), we stopped testing on civics in our high schools. Now you can go to a high school in the United States and graduate and never know a single thing about your government. So, what are we going to do about it? We have established the American Bar Academy, which every person in this room can be a part of, so that we can go into high schools throughout the country and teach civics to our high school and junior high school students. I urge you to be a part of that process. We ask that you talk to the next generation of Americans about what it means to be an American.

DIVERSITY

I know that my kids can always tell me what their rights are, but they have no idea what their obligations are. It is time we talk about what we and what the next generation of Americans have as our obligations to defend this great country. I've also established a Commission on Hispanic Legal Rights and Responsibilities. We have a diversity center in the ABA. There are four goals in the ABA, one of the four goals is diversity and promoting diversity. It is time that we look at Hispanic legal rights and responsibilities. Why? Because Hispanic Americans are almost 20 percent of our population today. They are the fastest growing and the youngest group of Americans. I will give you a statistic that you can think about. For the next 20 years, every month, 30,000 Hispanic Americans are going to turn 18 years of age. By the year 2050, one out of every four Americans will have some kind of Hispanic origin as part of their family tree. So, why is only 4 percent of the legal profession Hispanic?

Why have we waited 200 years to appoint a first Hispanic Supreme Court justice? Why do we have very few Hispanic judges; very few Hispanic professors, and very few law firms? Why should you even care? Unless our legal profession, just like our Armed

Services mirrors our country, looks like our country, we will lose the respect of all Americans to allow our justice system to decide our problems. The Hispanic Commission has its members including Sen. Mel Martinez, Gov. Bill Richardson, and Emilio Estefan. This is important to me. We have to talk about these issues now and make it so that Hispanics are part of the future of our country.

SPEAKING TRUTH TO POWER

It takes a lot of courage to be a lawyer. I truly believe your core values really can be defined the same way. There are a couple of examples I will leave you with: one is speaking truth to power as Lindsey Graham talked about. When President Nixon fired the special counsel investigating the Watergate scandal in what became known as the “Saturday Night Massacre,” the first person to speak out against it said, “No man is above the law.” That man was the President of the American Bar Association, Chesterfield Smith. Nixon eventually had to step down as president. And to think that the most powerful person on earth was removed not by a military force but a stronger force which is the rule of law in this country—the rule of law that each and every one of you protects. It is what this country stands for.

The courthouse in Miami, Florida is named after Judge Clyde Atkins. I have a personal affection for him, as he was my wife’s uncle. In 1950, Judge Atkins desegregated Miami. It was a courageous act. It was a difficult act. It was an unpopular act. He walked around for 10 years being guarded by the FBI for applying the rule of law. But he didn’t feel it was an act of courage on his part. He said, “It is just merely an act of justice demanded by our Constitution.”

I think Justice Kennedy’s 1989 opinion in *Texas v. Johnson* defines so much of what I’m saying here today. It was a horrible case. It was a case about burning the United States flag. A case that was abhorrent to every person in this room and most certainly to Justice Kennedy personally. He said, “Being an American and defending our Constitution means at times we have to defend the rights of people who say things and do things that are abhorrent to us. But the Constitution must and will always come first.”

In closing, I want to share with you my last night in Cuba. We had just learned that the military had come in and taken over our family business. My grandfather had spent his whole life working on it, creating it from nothing. I looked at him and said, “Grandpa, tonight must be just horrible.” He said, “It is, but I’m glad about one thing.” I wondered how he could you be glad about anything tonight? My grandfather then said, “I’m going to the United States. I know I’m going to be a refugee. But since I’m going to the United States I know, I’ll never be a refugee again because if the United States falls there will be no place to go.” I thank you on his behalf and on my behalf for protecting our liberty.

We hung up our shingle; the graduates of law schools now are going to register their domain names.

QUESTION: Mr. Zack what kind of organization do you expect the ABA to be in the next five to ten years?

ANSWER: I think it is going to be better with Jack Rives there. I think it will actually be poised to address what the law is going to look like. One of the things that I appreciate is the law is going to change more in the next 10 years than it has in the last 100 years, maybe 200 years. We hung up our shingle; the graduates of law schools now are going to register their domain names. We have virtual law firms that exist now in the United States. We have two generations of Americans the Facebook generation and the facelift generation. You have to decide which one you are in. But I will tell you that it is very important that we talk to each other. And how we communicate with each other is going to be very important.

We are moving to a global profession and every aspect. We are in the process of a program called, “Ethics 20/20” that is in its second year. We are

trying to establish a global code of ethics for our profession. There are a lot of difficulties with it because of different views of what the attorney-client privilege is; discovery issues and such. We are going to be an organization dealing with these issues. On October 6th, 2010, England and Wales announced they will have the public ownership of law firms. Who would ever in a million years, when we were going to school, thought that was possible? They are not called law firms anymore. They are called ABSs, or alternative business structures. They are going to be multi-disciplinary. In addition to all the other issues that they are going to face with different ethical codes, and the American Bar Association is looking very closely at what is going on. It has been in effect in Australia and New Zealand for about two years. It really has gone very far. But with England and Wales starting it, we are going to see how that's going to affect our legal system here in this country. I think the ABA is going to be a very responsive association.

QUESTION: How much involvement do you think the ABA should have with international organizations?

ANSWER: We do what we call the "Pulse Report" every two years where we take a survey of members and nonmembers of the ABA to find out what we should be doing, because if we are not doing what they want us to do, then we are not going to have very many members at the end of the day. We have 400,000 members in the United States today. There are 1.2 million attorneys admitted to the bar and 800,000 of those actively practicing. About half of them are a member of the ABA. Most lawyers are solo practitioners. But today with the Internet and these virtual law firms, the ability to take part in legal practice is becoming more and more global every year.

China today has 150,000 lawyers. Last month, the government announced that within the next 10 years China will have one million lawyers. How many countries want more lawyers? Not many. But the

Chinese are very smart people. They want to be a part of this global economic juggernaut. In order to do that, they looked at the American model. They realized they need to have lawyers to do the business transactions they want to be a part of. The internationalization of the practice has an effect on Main Street even more these days than it has on Wall Street.

QUESTION: You talked to us a little while ago about the commission you are starting on Hispanic Rights and Responsibilities. What trends are you experiencing in diversity as a whole within the ABA?

ANSWER: As I said, we have a diversity center which has all the different diversity programs that we have. We have a pipeline program that is trying to get more and more minorities into law schools. We have a women's commission. I just issued a report last year looking at why after we have been successful getting women of color into law schools, passing the bar, and into good law firms, they are now leaving in droves. What is it about the environment that is causing this group of lawyers to leave? We are focused on those issues.

We have a minority clerkship program, where we have minority members of our profession clerking with federal judges. Every year, the judges want to talk more and more about what they've learned from their clerks. It's a good program. We also work with corporate America. We have a report card that we are assisting corporate America with that determines how diversity is playing out in our law firms. We are now talking about actually certifying law firms for diversity. Why? Because the general counsel of Fortune 500 law firms across the board are asking law firms to tell about their diversity efforts because it is required in the board rooms. Their customers are demanding it and the ABA is going to be a part of that process. ➤

These remarks were made during the 2010 Keystone Leadership Summit and have been edited for this publication.



Dr. Rebecca Grant

Director of the General Billy Mitchell Institute for Air Power Studies



Leadership of Billy Mitchell

There is a tremendous story to be told about the first true leader of aerospace power, the one and only General William “Billy” Mitchell. You may already be familiar with the court-martial of Billy Mitchell which took place back in 1925. It was an incredibly high-profile trial as Mitchell was one of the high ranking, prominent military officials of the 20th century. He was a well-known public figure and good friends with Will Rogers. His trial, his conviction at court-martial, his resignation from the Army, and his subsequent legacy is something that all Airmen should know about. I’m not going to talk about the trial itself. There is a tremendous book called *The Trial of Billy Mitchell*. There is a movie starring Gary Cooper, along with numerous historical articles and writings. What I want to tell you about is who Billy Mitchell really was: the Billy Mitchell that you might not know.

Billy Mitchell’s trial was held in one of those thrown-together government buildings that dotted the Capitol landscape around Washington D.C. in the 1920s. Every day people lined up outside to try to get a seat, spectators tightly packed together in the makeshift courtroom. His defense counsel was a Congressman. The jury was made up of very prominent officers including Douglas MacArthur, who

was, in fact, an old family friend of the Mitchells. How did he end up at this trial in 1926? Why was it such a cause celeb?



Captain Eddie Rickenbacker, incredibly famous in his day, was the leading American Ace of World War I. In a photograph of both men taken after the war, you can sense the fellowship between them. Mitchell had quite a role in getting Rickenbacker into the service in the first place. Before World War I, Rickenbacker was famous as a race car driver. He enlisted and became a mechanic and it happened that Rickenbacker was able to fix a vehicle that Billy Mitchell was riding in. Mitchell was so impressed with how quickly this race car driver was able to

get the automobile going again that he helped Rickenbacker get a commission. It was an early example of one of the key leadership traits of Billy Mitchell: his ability to mentor future leaders.

Mitchell was a very up-and-coming Army officer before this “aviation thing” ever took off. If you were an Army officer in the time of Mitchell, riding horses was a very big deal. The cavalry was a dominant branch. The official portrait of General John J. Pershing, the top U.S. commander in World War I, which hangs in the Pentagon, is painted of him on horseback. Horses were central to the doctrine of the American Army which was open and maneuver warfare. In fact, if you attended West Point, as Hap Arnold did, one of the graduation requirements was that you had to take a horse from the West Point stables, mount the horse with no reins, then guide the horse over a series of jumps, while sitting with your arms folded. Eisenhower had to go through this and was a superb rider. Mitchell did not attend West Point and barely spent any time in college. But he was actually a famous, accomplished rider and later in life, after his retirement, became a horse trainer.

Billy Mitchell was a man that by the standards of his day was extremely bright. He was the youngest Signal Corps officer ever to make it to the General Staff. He was a fantastic rider back in the time when that was something that counted. He wasn't some strange character who wrote books and got himself in a lot of trouble in the mid '20s. Mitchell really was a tremendous model of what an Army officer should be in his day. He had it all squared away.

LEADERSHIP IN WORLD WAR I

Mitchell became famous primarily for two things, the first of which was his service during World War I. The other, of course, is what he did at Langley Field in 1921 in one of the famous tests of air power against battleships. He led a force set out to prove that bombs delivered from aircraft could hit and sink ships, which at the time was a very novel idea. General John J. Pershing, who had just become Army Chief of Staff, came down to Langley to see what Mitchell was going to do with this joint experiment involving Army and Navy pilots against the captured German battleships out in the Hampton Roads. Why on earth would he go all the way down to Langley to

see a bunch of rickety old airplanes fly around with bombs? The reason goes back to World War I, which the United States entered in 1917. We find it hard growing up in the era of America's superpower status to remember that during that time the American military was a bit player at best.

Air power provided the perspective and ability to see deep beyond the front lines to understand the lay of the battlespace without moving forces, cavalry or infantry.

The dominant players in the Allied Coalition were the French and the British. American forces, although long courted and sought out, were just more men and horses and equipment to put into the line in the minds of the British and French. But the Americans had very different ideas about what they would do in World War I. In fact, there was a particular campaign in late 1918 that became the signature debut of an American Army, under its own command, on a field of war. Yes, Americans had fought in the Civil War. Many too, like Pershing, had experience in the West and in the maneuver of what they called open warfare. But our armed forces were untried. In fact, as far as the British and French were concerned, they would be happy just to have men alive and put them right into units of the British and French forces depending on where the stress was in the line.

The United States had much to prove and joined this war wanting to be more than a contributor of men. Among the individuals who served was a very young Lieutenant Colonel George C. Marshall, who became the Chairman of the Combined Chiefs of Staff in World War II, along with the renowned George Patton. By 1918, both sides had come to depend on aerial reconnaissance. They were looking for the same things we do today: what are the most recent enemy troop movements? What's the ground moving target indicator that we can pick out from looking at comparison of photos?

The first gift of air power was the perspective and ability to see deep beyond the front lines to understand the lay of the battlespace without moving forces, cavalry or infantry. Leaders were already thinking about air power and the ramifications, tactical, close to the lines. They called it “strategical,” a term that we’ve dropped in favor of strategic, and that was often defined as things that were more than 25,000 yards away. Reconnaissance was important, which the biplane performed nicely. Early air power was also very important for artillery spotting, a key pre-occupation of the forces on both sides in World War I.

At the battle of Saint Mihiel, Mitchell used more aircraft than had ever been used before. During the battle of the Somme in 1916, Allied forces could put together about 300 aircraft (because aircraft at this time were typically spread over the lines to do observation work) which were assigned sector to sector. The St. Mihiel battle plan was to combine over 1000 of these aircraft and establish air dominance in support of the ground operation. This was something that had not been done on any sizeable scale prior to 1918. However, Mitchell had a very big problem. The U.S. did not have many airplanes. The aircraft that American pilots flew in World War I were mostly of British-French manufacture. Therefore, Mitchell went to a top British commander, Sir Hugh Trenchard, of what was then the fledgling Royal Air Force (RAF), and learned how to organize air operations. Mitchell also maintained excellent relations with the French and had with him at all times a French liaison officer. Thus, Mitchell was able to borrow the air forces required to put this together which took tremendous leadership capabilities.

What was the objective? First, was to prove that an American army could work in the field under its own command. Second, to take a relatively insignificant position in the salient held by the enemy, collapse it, and push it back. Third, to prove what our military could accomplish by combining air and ground forces. In fact, the Secretary of War sailed to France in order to watch the battle take place.

How did they do it? First, they established air superiority. Second, they conducted interdiction on the German back areas, what we would now call the

second echelons, and on retreating German forces. Through this air power, they supported the ground operation in its four-day campaign. This was not even in the top 20 most important battles of World War I but it was the debut of America as a fighting force under American command. It is the battle from which everything else in the 20th century and beyond flows. The San Mihiel operation had been planned by a brilliant, young Lieutenant Colonel George C. Marshall, who worked on the ground design while Mitchell worked on the air design.

On day one of San Mihiel, American fliers went out and established air superiority. There were tremendous duels. One of America’s, at the time, leading aces David Putnam was shot down and killed in battle. He had 12 kills at that time. During the next phase, they begin to use bombing attacks from these aircraft. They were scheduled and put on alert. Eddie Rickenbacker was involved in this and wrote in his memoirs about swooping down and strafing a train largely of horses. The San Mihiel salient began to collapse.

Everyone who came out of World War I, in combat experience, understood the value of air power. While there was much to improve in the technology of air power, of course, it was already knit into the planning of the joint and combined campaign. Billy Mitchell would devote the next few years of his life to trying to improve those technologies. That is where he started running into problems.

SINKING THE OSTFRIESLAND

World War I ended rather suddenly in November of 1918. Mitchell and others wanted the U.S. to become a world leader in aeronautics. Even though Wilbur and Orville Wright pioneered the development of aircraft, the U.S. had slipped behind in aviation development. Mitchell and others saw a tremendous commercial and military payoff but that they had a long way to go.

Their plans were diverse. They wanted to work out more air routes across the U.S., to reach places like Alaska, where Mitchell had spent an early assignment stringing wire in the Signal Corps. They wanted to make air power more reliable. These grand plans were viewed against a backdrop of plunging investment.

Appropriations for defense than soared in 1917 and 1918 were beginning to wind down. The budget problems of that day make the budget issues of today look like nothing in comparison.

There were many who said you simply couldn't hang big enough bombs on the planes to make a difference. Mitchell set out to prove them wrong.

Mitchell set out to do what he could to develop the technology of air power. He came back to Washington, which even in those days was not the greatest of assignments, and served on the Army Staff, under the air branch, when he began pushing technological development. During these next few years he became a leader and pioneer of technology developments. He also began to run into serious opposition from entrenched interests.

Mitchell was not the sort of man who everyone loved, even as a combat leader. His staff was loyal to him but he ran into opposition and competition among the colonels and generals of the day in the Army. He also ran into an even bigger and more immovable object: the U.S. Navy. The Navy was not a fan of what Mitchell was going to set out to do.

Mitchell put together the first provisional air brigade at Langley Field. In 1920, he wanted to start testing aircraft ordinance, navigation and organizational techniques. His ultimate goal was to see whether air power could be used against ships. Everyone was fairly certain the next conflict would involve important battles at sea. Mitchell wanted to prove not only that air could be a force in controlling and assisting maneuver on land, as he amply demonstrated at San Mihiel, but done over water as well. Part of the problem is that the ordinance these still very light aircraft could carry was nothing compared to what you could launch from a battleship, in terms of tonnage. There were many who said you simply couldn't hang big enough bombs

on the planes to make a difference. Mitchell set out to prove them wrong.

They arrived at Langley in the summer of 1921 for the flight tests only after lots of practice. Mitchell had begun to make a case for the structure of the air service and was now leading the way in what we would later come to call realistic training, to train as you fight. He worked on reconnaissance planes, such as dirigibles, and on many other areas in technology development, including building bombs that were big enough to make a dent against a battleship.

Mitchell's flyers started on a captured German battleship, the SS Frankfort. The Navy watched as the Frankfort was struck and sank beneath the waves. These aviators performing the bombing runs were just regular guys who were trained on how to find the targets, then how to hit them. Under Mitchell's leadership, they were doing things we haven't seen done before. Next, came the main event: the dreadnaught of all dreadnaughts, the Ostfriesland, a German heavy battleship. The Navy believed that a biplane with such small bombs, even if they were thousand pounders, could never hit and sink this type of battleship. But Mitchell convinced General Pershing to come watch what would unfold. Spectators from Washington D.C., from the U.S.S. Henderson, also were on hand to see Mitchell's flyers. The attacks began. It wasn't easy going and took some time, but they finally scored a direct hit sinking the Ostfriesland.

The tests went on for another few months. The final evaluation concluded what Mitchell contended all along: yes, we can do this. Mitchell's validation was decisive, but he already knew that from San Mihiel. In operational terms there's no question that he was right. Pictures from World War II showed bombers attacking at extremely low altitude Japanese vessels. Bombing attacks are very difficult to carry out at this low altitude, but they're very accurate and successful if done right.

PROVEN RIGHT

World War II in the Pacific theater was to become an exercise in gaining control of the air to control the sea. Nearly every campaign waged in these bloody island wars was fought over an air strip. Why on

earth did the American forces try to take Guadalcanal in the middle of 1942? The only reason was that Japan was about to complete a runway that would have given them the ability to extend their flying range much closer to Australia. When the Battle of the Coral Sea took place, the predecessor to Midway, we saw the ability of naval-based air power. In fact, the Lexington, which was conceived in the wake of the Ostfriesland tests, proved its ability to halt a Japanese task force. But the battle itself was tactically inconclusive. The Lexington was sunk and the U.S.S. Yorktown, was very badly damaged and would be sunk several weeks later at Midway. We see here on the larger scale the use of air power to control maneuver at sea in the Pacific. This became true throughout 1942 and through 1943 and no one knew it better than Douglas MacArthur, who many years previously sat in judgment as Billy Mitchell went on trial.

Major General George Kenney, MacArthur's Airman, waged brilliant aggressive air campaigns going up through the Bismarck Archipelago, but it all began with securing in the battle for airstrips. In the Solomon Islands "slot," the U.S. Navy, around Guadalcanal, was pummeled and defeated in several very costly night battles by the Japanese Navy. They were not able to dominate the area around Guadalcanal. It thus became a battle for control of the air to control the maneuver at sea.

The Battle of the Bismarck Sea is one of the most stunning examples from that campaign. A prominent naval historian calls this the most dramatic use of air power against vessels at sea excepting only Pearl Harbor. Air power was used to attack Japanese convoys attempting to reinforce part of the battle area and land troops. They were turned back because of our ability to sink and attack their ships from the air. These examples tell us that Mitchell was right. Well ahead of his time, he was right to push his flyers through intense training and ordinance development, using the tactics necessary to bring these concepts fully into the U.S. military.

LEGACY

Certainly, Billy Mitchell brought out the value of speaking out on air power. Understanding air power doesn't come intuitively or innately; it's something

that one has to learn and in the combined armed setting. An Army or Navy officer or even naval aviator does not necessarily understand what all this can do when put together. It is therefore the job of Airmen in a joint setting to describe what the contribution of air power can be.

To a great extent, that is exactly what Billy Mitchell was trying to do in his demonstrations, in his combat leadership, and later in the many writings and his outspokenness on air power. He wanted to make it clear what this would contribute to American military, increase effectiveness, and save lives. These are still the tasks that go on at any air operations center or in any joint planning setting today. It is incumbent on Airmen to find a way to explain to our joint counterparts what it is that air, space and cyber forces bring to the fight.



Mitchell was also an enormous believer in the combined arms. He learned this from his time in the trenches in World War I. He valued his allies and what he learned about air power. You could almost say he learned everything that he needed to know about the concentration and the combination of air power at the operational level from Hugh Trenchard and then from his own rapid observation. He clearly paid homage to what he has learned from the British in terms of command and, of course, to the French whose airplanes his crews flew in World War I. We

see this today in the tremendously strong tradition of allied relationships among Airmen and this was a huge part of Mitchell's legacy.

Finally, and I want to spend a moment on Mitchell's ability to inspire. We first saw how he helped an obscure mechanic/chauffeur named Eddie Rickenbacker get into pilot training, Rickenbacker went on to become a tremendous flyer and leader, even though he was the wrong age, didn't pass his physical and had all sorts of other problems. Many great Airmen, such as Carl Spaatz, Ira Eaker, and of course, Hap Arnold, were influenced by Mitchell early on. All of them felt a kinship to Mitchell, even though Mitchell passed away in 1936, before their achievements in World War II proved his vision true. Mitchell helped them all to see not only what air power could do, but I think he helped them each to see their individual potential. If there were no other reason to remember Billy Mitchell, it would be for the legacy of the combat leadership he gave us.

Given all this record, you may be wondering why things went so very badly for him at his court-martial. What led him to the trial was the crash of the Navy dirigible, Shenandoah, which crashed in bad weather en route to a county fair. Mitchell had, at this point, the fall of 1925, been sent in exile off to a base in Texas far away from Washington where he would hopefully keep quiet. But he was of such national stature that the press constantly asked him, "What do you think about this terrible crash and this loss of life?" Mitchell had simply seen too many cases where neglect by the War and the Navy Department, in his opinion, had led to casualties and fatalities like this. Between the times of the Ostfriesland and Mitchell's court-martial in 1925, the U.S. Air Service had not dropped a single heavy bomb for two years. Already the tradition was abating.

Mitchell sat down and wrote a 6,000 word response to the press regarding the Shenandoah incident, and this is what led to his court-martial. His full response is available online at the *Air Force Magazine* website, but really you only need to read the first couple

of sentences to understand the context. Mitchell wrote, "These accidents are the direct result of the incompetency, criminal negligence, and almost treasonable administration of the national defense by the Departments of War and the Department of the Navy."

Little wonder that this case went to trial. He made his point so plainly, then went on to talk about the ups and downs of the air service, the great patriotism of the flyers and his confidence that the American public understood air power. At the very end of the 6,000 word missive, Mitchell said, "I expect no advancement for myself. I have had the opportunity to command the most tremendous force of air power on the planet," referring back to the battle of San Mihiel. "I owe the government everything. The government owes me nothing."

***Mitchell reminds us that with
air power and with Airmen,
it's really important to
concentrate on the future and
what that will hold.***

Mitchell leaves us is this tremendous legacy of combat demonstration and the advancement of air power. Immeasurably and most of all, was his impact on the next generation of leader, as evidenced by his ability to mentor. In conclusion, Billy Mitchell was very much like Airmen today—very much like you. He reminds us that with air power and with Airmen, it's really important to concentrate on the future and what that will hold. That future rests with you.

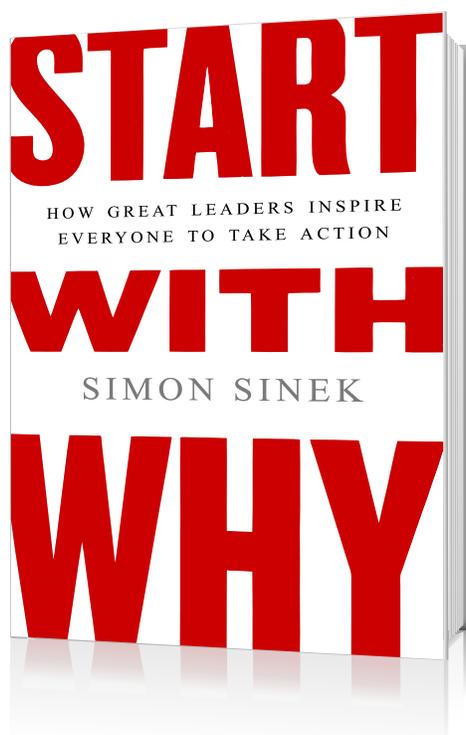
I hope you remember the example of Billy Mitchell. He was a superb, groundbreaking operational commander, the first JFACC, a leader who did it not only for air power, but for his nation, bringing that power to the forefront. His intense interest in technology development, training and mentorship carries forth to this day; that is the Billy Mitchell who you now know. 🦋

These remarks were made during the 2010 Keystone Leadership Summit and have been edited for this publication.





Simon O. Sinek
Author and consultant



How do leaders inspire loyalty? How do you get people to join your organization? There's not a single product or service available on the market today that people can't buy from somebody else for about the same price, quality, services, and features. But when you ask most organizations, "Why are your customers your customers," they usually tell you, "superior price, superior quality, superior service, more features." In other words, they have no clue. If you don't know why your customers are your customers, odds are very high you don't know why your employees are your employees. And if you don't know why your employees are your employees, how do you inspire them to stay with you?

There are only two ways to influence human behavior. You can manipulate or inspire.

MANIPULATE OR INSPIRE

As it turns out, there are only two ways to influence human behavior. You can manipulate or inspire. There are examples of manipulation in the busi-

ness world we're all familiar with: you drop your price, people will do business with you. This is the concept behind a sale. It's giving stuff away for free to reduce risk so people will choose you over the competition.

Peer pressure is the fear that other people know more than we do or that we're missing out on something, and so we choose one thing over the other. We've all sat in our offices and had somebody come in and say, "70 percent of your colleagues are using our service—why aren't you?" Maybe 70 percent of my colleagues are idiots or maybe 70 percent of my colleagues were offered a price so low they couldn't resist. Fear is a wonderful manipulator. You can get people to do all kinds of things by scaring them; it works brilliantly. The whole concept of terrorism is designed to make us spend money or do something or stay at home simply because we're afraid something will happen, not because it actually does.

Everyone wants to be seen as an innovator. Real innovation changes the course of industries, if not society. The fax machine, the light bulb, the microwave oven, iTunes; this is real innovation. Adding a camera to your cell phone is a wonderful feature, it is not innovation. Most organizations like to hold themselves out as innovative, but it is

really just novelty. In the 1970s, do you know how many choices of Colgate toothpaste there were? Two. How many are there now? Thirty-four choices, which means their competition is offering about the same number of products, about the same quality, about the same service, about the same features. Literally hundreds of choices of toothpaste and yet, no data to show that people are brushing their teeth now more than they were 30 years ago.

***Manipulations work—that’s why we use them.
The problem is they don’t breed loyalty.***

Consequently, what’s the biggest complaint most organizations face today? How do we differentiate ourselves; how do we get ourselves out of a problem that we created? This is the way most organizations conduct themselves. It’s a series of carrots and sticks; incentives or threats of punishment that get people to do things. It’s the same internally. How do you get somebody to do what they’re supposed to do? You either threaten them or offer them a promotion. I cannot dispute that these manipulations work—that’s why we use them. The problem is none of them breed loyalty. Over time they cost more money and eventually, it increases stress for both the buyer and seller. It is stressful to make decisions these days, to know what we should choose because we’ve been bombarded with manipulations from all over the place. However, it’s stressful also to be the one trying to communicate your message to the outside world. In the face of all of that manipulation and bombardment, how do we get our message to stand out? How do we get people to hear us? There is an alternative. The alternative is inspiration and there are a few leaders and organizations that rely vastly more on inspiration than manipulation.

THE GOLDEN CIRCLE

Absolutely every single one of these people and organizations with the capacity to inspire, thinks, acts, and communicates the exact same way and it’s the complete opposite to the rest of us. Those with the capacity to inspire have an unbalanced amount

of influence in whatever it is that they do, regardless of their size or industry. They have the highest degree of loyalty amongst customers or amongst employees. They’re more innovative. And most importantly, they’re able to sustain all of these things long term.

The Golden Circle is actually three circles—*why, how, what*. Let me define the terms. Every single organization on the planet knows *what* they do. Some know *how* they do it. But very few people and organizations can clearly communicate *why* they do what they do. The need to make money, complete the mission or win the case, are results. By “why,” I mean what’s your purpose, what’s your cause, what’s your belief? Why does your organization exist and why should anyone care?



The way we think, act, and communicate is from the outside in. We tell people what we do, how we’re different or better, and we expect some sort of behavior—a purchase, support, a vote, it doesn’t matter. But inspired leaders and inspired organizations, absolutely every single one of them thinks, acts, and communicates from the inside out.

For example, I use an Apple computer. If Apple were to act like everyone else, they would say: “We make great computers. They’re beautifully designed and user-friendly. Want to buy one?” That’s how most organizations communicate: “Here’s our new car. It’s got tinted windows, leather seats, great gas mileage, choose it,” or “Here’s our law firm. We’ve got all the best lawyers that went to all the best schools; we win all of our cases. Choose us.” But here’s how Apple communicates: they start with why. “Everything we

do,” they say, “we believe in challenging the status quo. We believe in thinking differently. The way we challenge the status quo is by making our products beautifully designed, simple to use, and user friendly. We just happen to make great computers. Want to buy one?” It’s feels totally different, yet all I did was reverse the order of the information.

It’s not what you do that matters, it’s why you do it and what you do serves as the tangible proof of what you believe. This is the reason why we have no issue with the idea that Apple sells computers. We also have no issue with the fact that they sell MP3 players, and phones, and DVRs. Newsflash: Apple is just a company, that’s all they are. They have equal and open access, as do all of their competitors, to the same talent, consultants, agencies, and media. They have some good systems and bad systems; good employees and bad employees, as do all their competition. Then why is it that Apple has an unbalanced amount of influence in their market; an unbalanced ability to innovate; an unbalanced level of loyalty amongst consumers and amongst employees? The difference is because they don’t define themselves by what they do; they define themselves by why they exist. And everything they say and do simply serves as proof of that cause.

If you define yourself by what you do, that’s all you’ll ever do. If you define yourself by why you exist, you have the flexibility to bring that cause to life any which way possible.

Dell is every bit as qualified to make every product that Apple makes. A few years ago Dell came out with MP3 players and nobody bought one. Why would we buy an MP3 player from a computer company? It doesn’t make sense, but we do it every day. If you define yourself by what you do, that’s all you’ll ever do. If you define yourself by why you exist, you have the flexibility to bring that cause to life any which way possible.

For the Golden Circle to work, you must have three things: Number one, you have to know why you do what you do. If you don’t, how will anyone else? Two, you have to have the discipline of how. These are your values and guiding principles; you have to hold yourself and your people accountable to those values. And thirdly, you have to have consistency in what you do. After all, at the end of the day, “why” is just a belief. “How’s” are the actions we take to realize that belief and “what’s” the results of those actions, the things we say and the things we do.

AUTHENTICITY

If you don’t say and do the things that you actually believe, no one will know what you believe. This is the concept behind authenticity. I’m tired of people standing on stages telling us we have to be authentic. People prefer to vote for the authentic candidate; to buy from the authentic brand. If you’re an authentic leader, you’re more believable. What does that mean?

What authenticity means is the things you say, do, and actually believe. This is caveman stuff. The reason the human race is so successful is not because we’re the strongest. It’s not even because we’re the smartest. It’s because we’re social animals. It’s because we have the ability to form cultures and communities. Our survival depends on our ability to find people who believe what we believe. When we are surrounded by people who believe what we believe, something remarkable happens. Trust emerges. Trust is not a checklist. Simply doing everything perfectly does not mean people will trust you; it just means you’re responsible. We all have friends who are total screw-ups yet we still trust them. Trust is a feeling, a human experience, borne out of common values and beliefs. It is our God-given gift to get a read on people.

This is why the video conference will never replace the business trip. You cannot get a read on somebody through a video conference: “*Got a bad feeling about that guy,*” What does that mean? Nothing. That feeling is grounded in the tenants of biology—not psychology. If you look at a cross-section of the human brain, you’ll see that it evolved into three major areas that correspond exactly with the Golden Circle. Our neocortex, our *homo sapien* brain, corresponds with the “what” level. It is responsible

for all of our rational and analytical thought and language. The middle two sections, our limbic brain, are responsible for all of our feelings like trust and loyalty. It's also responsible for all human behavior, decision making and it has no capacity for language. This is the reason you can't ask people why they did what they did. They can't tell you because it exists in the part of the brain that doesn't control language. This is why the question, "Why do you love your spouse," is such a difficult one. It's something we actually don't know. We are asked to communicate a feeling we have towards another human being that exists in the part of the brain that doesn't control language. And so we start rationalizing: "She's smart, she's fun, she's always been there for me, and I can count on her." Sounds like a Golden Retriever.

But when you start with *why* you're talking directly to the part of the brain that drives behavior, where people rationalize decisions. If you ask somebody, "Why do you love your Mac?," they won't tell you, "I see myself as somebody who likes to challenge the status quo and so it's very important for me to surround myself with the people, products, and brands that prove to the outside world who I believe I am." That's what happened biologically, but it happened in the part of the brain that controls behavior, not decision making, and so they've rationalized it. In reality, it's not what the computer represents or does; it's what the computer stands for. Because Apple is so clear on why they do what they do, disciplined on how they do it, and consistent in what they do, it has come to the point that everything they say and do now serves as a symbol of their set of beliefs.

There's an inextricable link between leadership and communication.

COMMUNICATION

Every decision we make in our lives is a piece of communication. Everything we say and do is putting something out there to the world, telling people what we believe so that they can get a read on us because if they believe what we believe, they'll be attracted to us. Why? Our survival depends on it. The most

basic human desire on the planet is to feel like we belong. We seek it out; we crave it; we need it. What do you call the neighborhood? What do you call the Air Force? This is a group of people with a common set of values and beliefs; that's what it is. You either belong to one or you don't.

When you're surrounded by people who believe what you believe, trust emerges. They will work for you with blood, sweat, and tears. When they don't believe what you believe, they work for your money. This is the same the world over. If it's a customer, they just want the lowest price. There is no loyalty when there is no set of beliefs. You know Mac people, right? When you tell them that they bought substandard computers and point out the facts and figures, they start foaming at the mouth. Do you know why they get angry? You didn't insult their computer, you insulted them. You attacked the symbol of their beliefs.

I too was in New York on September 11th. I watched those buildings go down with my own eyes. It is not an accident that terrorists attacked those buildings. They attacked a symbol of American success, our values and beliefs. And I can tell you those buildings were the ugliest buildings on the skyline until they went down, and then they became the most beautiful buildings because they stand for something. Why do we debate whether we should make the burning of the flag illegal? It's just property damage. No, it's because it stands for something. And when you attack the flag, you're attacking me because you're attacking my beliefs.

We all have the innate ability to find people who believe what we believe. If I ask you to go out in the street and meet all the people who believe what you believe, you know what to do. You're going to go outside and start talking to people; you're going to start striking up conversations. Sometimes you'll have good "chemistry," whatever that means, and sometimes you'll have to spend a little longer getting to know them. We call it "dating," or "interviewing," or "making friends." We know how to do it. We know when you "trust your gut" it leads to great success. The problem is, it's not scalable because you cannot explain to anybody why you did it. But what if you knew your *why*?

There's an inextricable link between leadership and communication. Those who can clearly communicate what they believe are the ones who lead. The reason is we are social animals. We find safety and value in these cultures and communities and we trust those who believe what we believe above all. The clearer you are as a leader in communicating why you do what you do, the more likely everybody who serves you and works with you can make the right decision because they understand the context for why they came to work in the first place.



For example, let's say you're going on a date and you need a babysitter. Option 1: there's a 16-year old from just down the street with barely, if any, babysitting experience. Option 2: there's a 32-year old who just moved into the neighborhood, you don't know from where, but she's got ten years of experience. Who do you choose—the 16-year old, right? Think about that. You would rather trust your most valued possession on the planet with somebody from your neighborhood who you know even though that have no experience whatsoever, over somebody with vast amounts of experience but you don't know where they're from or what they believe.

Why do we do it differently at work? Why are we preoccupied with someone's resume and what they've done for someone else, yet we never think to ask, "What do you believe? Do you belong here; are you a good fit; how can we trust you; how can you trust us?" Otherwise, it's just a set of skills. The goal is to do business with people who believe what you believe. This is what loyalty is.

There's a huge difference between repeat business and loyalty. Repeat business means, "I'm willing to work with you over and over again." Loyalty means, "I'm willing to turn down a better job, a better product, at a better price, more pay, and maybe even suffer to continue to do business with you." That's what loyalty means. Loyalty has everything to do with what you believe.

THE TIPPING POINT

There's a reason for this. It's called the law of diffusion of innovation and if you don't know the law, you definitely know the terminology. What the law tells us is the first two and a half percent of our population are innovators. The next thirteen and a half percent of our population are early adopters. Then the early majority, then the late majority, and the last sixteen percent are laggards. The only reason these people buy touchtone phones is because you can't buy rotary phones any more.

What the law of diffusion tells us is that the early adopter and the innovator population are very comfortable making gut decisions. They are willing to pay a premium or suffer inconvenience to be a part of something that accurately reflects who they are and what they believe. These are the people who stood in line for six hours to buy iPhones when they first came out, even though you could just go into the store the following week. It had nothing to do with the quality of the technology; it had to do with them. It said something about who they were. They were putting themselves out there as "this kind of person."

This majority of our population is more practical. They care about things like price, quality, service, features, or pay and benefits. The problem is you cannot achieve mass market success or mass market acceptance for an idea until you've achieved 15 to 18 percent market penetration. If you ask any organization, "why did you lose your case; why did that product fail?" You usually hear: "we didn't have enough money," or "we had the wrong people." Or perhaps the plan was "poorly executed" or felled by "bad market conditions." Some combination of these four reasons explains every failure that exists.

Look at TiVo. Their product was introduced ten years ago and to this current day is the single highest quality product on the market, much better than every single one of their competitors. It has a team of brilliant engineers. We use TiVo as a verb, but it is a commercial and financial failure. And the reason is because they took this great idea and attempted to tell the mass market what it did. They said, “We’ve got a product that pauses live TV, skips commercials, memorizes your viewing habits and records on your behalf without you even asking.” And the cynical, practical majority said, “I don’t need it. I don’t believe you. You’re scaring me.” And so they didn’t buy one.

Some people did. They were the early adopters. The problem was, this wasn’t enough to reach the tipping point. Imagine if TiVo had talked about why the product exists and they had said, “If you’re the kind of person who likes to have total control over every aspect of your life, boy, do we have a product for you. It pauses live TV, skips commercials, memorizes your viewing habits and records on your behalf without you even asking.” In this instant, what the product does serves as a tangible proof for why it exists. You cannot convince somebody to do something with facts and figures; you have to give them a context and a reason why those things exist in the first place.

**Thomas Edison once said:
“Vision without execution
is hallucination.”**

PROVIDING CONTEXT

Great leaders provide context—the reason why we’re doing what we’re doing. In the summer of 1963, 250,000 people showed up on the National Mall to hear Dr. Martin Luther King give his famous “I Have A Dream” speech. Not a single invitation was sent out and there was no website to check the date. Now, Dr. King was not the only man in America who knew what had to change in this country to bring about civil rights. He wasn’t the only great orator of the day or the only man who suffered the pre-civil rights America. In fact, he suffered less than most because he was at a university. He wasn’t a

perfect man. The difference is Dr. King had a gift. He didn’t go around telling people what we need to do. He went around and told people, “I believe.” And people who believed what he believed took his cause and made it their own. They told people what they believed and a growing number took that cause and made it their own, building structures to get the word out more efficiently. Then lo and behold, on the right day and time, a quarter of a million people showed up. How many of them showed up for him? Zero. They showed up for themselves. It’s what they believed about America. It’s the country that they wanted to raise their children in. It’s the country that they wanted to live in that inspired them to get on the bus, travel for eight hours, and stand in the sun in Washington, D.C., in the middle of August to hear him speak. Simply showing up was one of the things that they did in their lives to prove what they believed.

Make no mistake, every single one of these levels matters. I do not believe for one second that the “why” is more important than the other three levels. Thomas Edison once said: “Vision without execution is hallucination.” Plenty of people with big ideas don’t achieve anything. They are not leaders. You need all three levels. The problem is most organizations are unaware their “why” even exists.

Sir Ernest Shackleton was a turn-of-the century English explorer. He’s famous for an expedition he took on his ship called the *Endurance*. What makes the *Endurance* expedition famous is they got stranded in the Antarctic ice for 22 months and no one died. How did Shackleton achieve that? His success, their survival, was not luck. It’s because Shackleton hired people who believed what he believed. How did he find them? Simple—he took out an ad in the London Times: “*MEN WANTED: For hazardous journey. Small wages, bitter cold, long months of complete darkness, constant danger, safe return doubtful. Honor and recognition in case of success.*” The only people who applied for the job were survivors. They loved insurmountable odds.

As Herb Kelleher, the founder of Southwest Airlines, once said, “You don’t hire for skills, you hire for attitude; you can always teach skills later.” The problem is which attitude? Every single person on the

planet is passionate; we're just not all passionate for the same things. The more you talk about what you believe, the more likely you are to attract people who believe what you believe, who share your passion. Our sense of fulfillment, job satisfaction and very survival goes up.

I was inspired by General Harding's story of September 11th, how a room of people came together. Why? They showed up in the first place for the right reasons. They weren't there to outdo each other or compete with each other, or prove that one was smarter than the other. They showed up for the same reason, even though they offered something different. I was also inspired by the counsel and paralegal relationship, this team which is stronger than the individual. The more training you have, and the smarter you get, the more you can add to the team. The better we are as individuals, the more we can contribute to the group and the stronger the group, the more likely the group is to look after us. This is called survival. This is called culture. This is called community.

We cannot do everything ourselves. And absent the strong set of values and beliefs, something also happens. Our survival instinct kicks in. The weaker the culture gets, the more individualistic we become.

Look at Lehman Brothers. They were very good at what they did and how they did it, but there was no sense of common purpose and at the slightest shimmy, the whole thing collapsed. Not in months, not in weeks, but in days, employees went, "I'm out of here." Were they the first organization to suffer scandal or go through hard times? Of course not. People who believe what you believe work for you with blood, sweat, and tears. People who don't believe what you believe work for money.

This is what leadership is. You inspire people to give of themselves because they want to. They volunteer. So talk about the future, about what you believe and where you're going, not where you've come from. Remember when Ronald Reagan had his debates with President Carter. Carter was attacking Reagan for all the bills he voted against. The way most politicians react today is stand there and mouth, "That's not true; that's not true," while taking furious notes.

Reagan just stood there waiting for his turn and finally said, "There you go again." He didn't focus on the now or the past, but the future. He told us where we wanted to go. That's called leadership.

We're looking to surround ourselves with people who believe what we believe, but we want to be led. We want somebody to point the direction that we can work towards. Imagine you're stranded on a desert island with your crew mates and fellow passengers. What are you going to do? How are you going to get off this island? Who's going to lead? One person says, "Let's take a vote. Do you want to go in this direction or do you want to go in that direction?" Then another guy stands up and says, "As we were coming in, I saw that there was a fishing town on the other side. I'm going to go in that direction because that's our chance of survival. Call me crazy but I'm going anyway." Which guy do you want to follow?

Leaders hold a position of power or influence or rank, but those who lead inspire us.

Which guy do you want to follow? The guy with certainty, who knows the direction he's going in, even if he's wrong? Or do you want to go with the guy who wants to take a vote about it and governs by consensus, making sure everybody's comfortable with the decisions he's about to make? Leadership is about surrounding yourself with the people who believe what you believe and then giving them a direction.

Have you heard the story of the two stone layers? You go up to the first one and ask, "How do you like your job?" The stone layer says "I like my job. I've been building this wall for as long as I can remember. The work is backbreaking, standing in the scorching hot sun all day. I don't even know if I'm going to finish this wall in my lifetime, but it's a job, it pays the bills." You go up to the second stone layer; he says, "I love my job. I've been working on this wall for as long as I can remember, the work is backbreaking, standing in the scorching hot sun all day. I don't even know if I'm going to finish this wall in my lifetime,

Whether we're individuals or organizations, we follow those who lead not because we have to, but because we want to.

but I'm building a cathedral." What they do is exactly the same. How they do it might even be exactly the same. The difference is, only one of them shows up to be a part of something bigger than himself. He doesn't see his role any more or less important as the architect, or the stained glass window designer, or the landscaper, because they all believe.

What a leader does is stand on the corner and describe what the cathedral will look like before it even exists. A leader is able to communicate what we want to build, why we want to build it and can describe the beautiful details so that other people can create a mental image they want to go towards. They will work with blood, and sweat, and tears and as long as that leader continues to communicate and remind us, "Why am I showing up, why am I putting up with this?" That's how brilliant teams are formed. They don't see themselves as any better or smarter than each other. They see themselves as filling a different role in the pursuit of a shared belief. There are leaders and then there are those who lead. Leaders hold a position of power or influence or rank, but those who lead inspire us.

We follow those who lead not for them, but for ourselves. Whether we're individuals or organizations, we follow those who lead not because we have to, but because we want to.

QUESTION: How do you see the interaction between leaders and followers; how can you be successful in both of those roles?

ANSWER: We're all leaders and followers. A leader is somebody who serves those who serve them, right? We should always be in service to something else or someone else. Great ideas don't happen at the top, but at the bottom and edges. If you want to know a better way of attaching a missile to underneath a wing, you

ask the guy who attaches the missiles to wings; you don't ask a general. Good leadership should provide the resources, training and environment in which great ideas can happen. What great leaders do is look out for their people, make their people feel safe, reinforce the direction, reinforce the values, and make sure they've got everything they need to be the best that they can be while simultaneously pointing the direction that we're going. We all play a dual role. A leader is nothing without followers.

QUESTION: You talk extensively about corporations that get the "why." What part of the government best gets the "why" and if not, who's close and why?

ANSWER: I think the Marines are really good at it. You can play word association with somebody in the street and you can say, "I'm going to give you a word and I want you to give me the first word that comes to mind," and you say, "Navy," they think "ship." You say "Army," they think "tank." You say "Air Force," they think "plane." You say "Marine," they say "person." The fact that they can associate an organization with a human being is a big deal. I was in an airport and there was a guy in civvies who had "PRIDE-COURAGE" tattooed down the back of his arms. I knew he was a Marine because he's telling something about who he is. There are more Marines with tattoo globe and anchors on their body than any of the other uniformed forces, tattooing their own seals on their bodies. It's because it's saying something about who they are. If you talk to somebody who hasn't served in the Air Force for 20 years and he says, "I used to be in the Air Force," you talk to a Marine who hasn't served for 20 years and he says, "I'm a Marine," it's in the present tense. I've heard stories from recruiting offices. Some young kid walks in and says he wants to enlist and so the Navy recruiter says, "Let me tell you why you want to be in the Navy." And so, the Air Force recruiter pushes him out of the way and says, "Let me tell you why you want to be in the Air Force." And the Army recruiter pushes them both aside and says, "Let me tell you why you want to be in the Army." Finally, the Marine walks up and says, "Why should I let you into my Marine Corps?" It's that sense of ownership and pride which is, "How do I know that we can trust you? How do I know that you belong?"

The value set that each of the different uniformed forces have is they're not better or worse than each other; they're different cultures. I think the biggest mistake the uniformed forces does is competing with each other on the same platforms, like who flies planes better, who has better ground troops. It's a silly argument.

What is the only constant in the Air Force? Change. That's a huge advantage. The Air Force fights the wars that nobody else can see. You physically fight on the other side of the globe, but you're also fighting the war that hasn't been fought yet. It's the way you see the world. What the Air Force does culturally is they find game changing alternatives. The Air Force was borne out of a bunch of Army guys who looked differently, see available technology, and then

completely redefine what the warfare would look like at the time. There would be no commercial flight, GPS, or radar if it weren't for the Air Force. The list goes on and on. When there is an intractable stalemate, you find a game changing alternative and are very comfortable looking to outside advice, to outside thinkers, to look to new, different technologies. This is where the Air Force is at its best. I firmly believe that the United States Air Force is the most innovative organization on the planet. That needs to be celebrated big time. ↘



These remarks were made during the 2010 Keystone Leadership Summit and have been edited for this publication.

Spouse Connection



Over 100 JAG Corps spouses were part of KEYSTONE 2010. Some attended the plenary sessions and information sessions designed specifically for spouses; some arrived with children to enjoy the sights of Orlando. All came to renew old friendships, make new friends, and to support their JAG Corps Family.

The week began with a Spouse Welcome luncheon in a beautiful outdoor setting. Major General Steve Lepper was the guest speaker. General Lepper spoke of the importance of family and the vital role of spouses who support the Air Force mission. He answered questions from spouses and thanked them for showing their support and interest by attending KEYSTONE 2010.

Lieutenant General Richard Harding carried on the tradition of the TJAG chat. He recalled his days as an Air Force “brat” and said that he knew what it was like to serve as a family member. He spoke of the role of JAGs in the critical missions in Iraq and Afghanistan. General Harding answered questions concerning deployments, assignments, and upcoming changes in the “Don’t Ask, Don’t Tell” policy. All spouses who attended the session received the KEYSTONE 2010 coin as a remembrance.

The week was full of fun and information. Spouses and family members received briefings from JAX concerning deployments and a lively explanation of how assignments are made. The spouses also attended briefings on the Military Spouses Residency Relief Act (MSRRA) and learned how this new Federal law impacts spouse residency status. Ethics for Spouses was another well attended session that helped to educate spouses on the legal pitfalls in areas such as conflicts of interest, gifts, political activities, and travel. The Post 9/11 GI Bill sessions discussed the ins and outs of the new federal law that creates an enhanced educational benefit for military service since 9/11. An informative session on Protocol covered areas from official visits to the importance of an RSVP.

The Thursday night TJAG Annual Awards Dinner honored a dedicated JAG Corps spouse, Kristin Lorek, with the Family Service Award given in recognition for her many hours of volunteer work in support of her TJAGC Family in Spangdahlem, Germany. Kristen assists these families with the many details involved in moving overseas. She even helps make provisions for their pets. She is the first “Key Spouse” for the Spangdahlem legal office, and volunteers countless hours in various agencies on base. She is an excellent example for us all to follow.

The week also included many fun filled activities for spouses and family members. A shopping trip to the Orlando Premium Outlet Mall, lunch at Downtown Disney, and water aerobics at the hotel pool completed the week.

The KEYSTONE 2010 Spouse Connection was a wonderful combination of fun and information thanks to the help of many. Lieutenant Colonel Todd McDowell was the spouse liaison and kept the week running smoothly and on time. Colonel

Pete Marksteiner, Major Scott Hodges, Lieutenant Colonel Tish Taylor, Mr. Ron Scoggins and Major Matt Osborn gave their time to prepare and present informative and valuable sessions for attending spouses. Shelly Creasy kept us all moving and laughing with her water aerobics class; Kathy Lepper, Amy Cordova, Tina Marksteiner, and Angie Jarreau were instrumental in planning our trips and coordinating activities throughout the week.





Making a Difference Today

Pause and reflect for a moment—why do we gather for KEYSTONE? We do this because it is important to gather our JAG Corps family together, once a year, to talk about what it is we are doing and to develop trust in one another. While this year's theme is Foundational Leadership, it is important to remember that it is an enduring vision and a timeless message. We don't do this for one year and go do something else. In fact, this is what we have been doing for a long time.

Foundational Leadership supports how we improve our skills and in turn, help to accomplish the Air Force's mission of warfighting in air, space and cyberspace.

This has been a fantastic KEYSTONE summit. We heard from Simon Sinek, who stressed that successful leaders start by asking and answering the question why. Why do we exist as an organization? What do we believe? For the JAG Corps, explaining why

is important, and we've laid out four initiatives to help answer the question. Remember the why to those initiatives. What is the why behind military justice? Military Justice supports discipline and in turn warfighting and that's the business we are in. Combat capability is what we do. That's why it is fundamentally important that we perform military justice with optimal proficiency and effectiveness. Legal assistance enhancement is another initiative. The why behind legal assistance is so simple, yet important: taking care of our fellow Airmen. Why attorney-paralegal teaming? Not only do we seek a bigger bang for our personnel buck, but we also endeavor to enhance the Air Force's war fighting capacity by taking care of its Airmen. We are embracing a culture of training. Foundational Leadership supports how we improve our skills and in turn, help to accomplish the Air Force's mission of warfighting in air, space and cyberspace.

Secretary Donley reminded each of us of the importance of the Air Force mission and our connection to it. He reminded us that we prepare Airmen and their families for deployments. In operations downrange, we support detainee affairs, military commissions, contingency contracting, and the rule of law. Here at home, we successfully sustain the government's position in contractor protests before the GAO. In



Lt Gen Richard C. Harding
The Judge Advocate General

developing law in space and cyberspace, no one does it better than the Air Force Judge Advocate General's Corps. He talked about the support we provide to environmental remediation, FOIA litigation and supporting policymakers in international law. The list goes on and on. Our ability to provide independent, sound and responsive legal advice leaves us with few equals in the 21st Century.

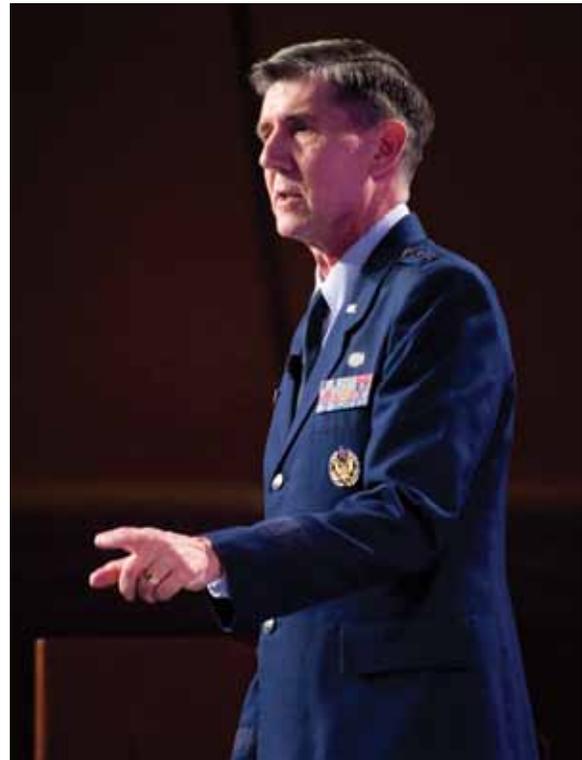
Remember the components of Foundational Leadership. General Lepper, Chief Vassallo, our ARC leadership, and myself, cannot do this alone. We gather together at KEYSTONE once a year to make sure that we all remain unified in message and we take that message back to our offices. We gather our leaders together at KEYSTONE to make sure that we understand what we need to do next. But, TJAG, DJAG, MAJCOM SJAs, and our Chief Master Sergeants can't do it alone. We need you. We need your leadership. This is your responsibility and our responsibility. Together we share this leadership obligation.

When teaming occurs, our talents are merged and make us a stronger Corps.

TEAMING

First and foremost, Foundational Leadership begins with our core values and our guiding principles. Lieutenant General Gould reminded us that leadership is rooted in our core values. Foundational Leadership works because of that fact. Each of our four initiatives are rooted in our core values and guiding principles. For example, teaming represents our adherence to the core value of excellence. It really is true that we can achieve a reality where one plus one equals three. Teaming allows us to see beyond the artificially placed mental walls that restrict our ability to use, combine, and compliment the talents of our professionals in the Air Force Judge Advocate General's Corps. Teaming also represents our guiding principle of wisdom. Frankly, there's no smarter way to use the resources we have than to team them together in a complimentary fashion. The Area Defense Counsel and Defense Paralegal team represent the gold standard. Our

challenge is to transfer that gold standard out of the ADCs' offices to other points in The Judge Advocate General's Corps.



In the past, our legal offices have largely been viewed as two separate pools of talented individuals, separated by very strong compartmentalization. But the skills that attorneys and paralegals bring to that effort often overlap. Teaming capitalizes on that overlap so that we integrate those skills, so that paralegals can excel under the supervision of an attorney. Teaming recognizes that our complimentary skill sets enable our paralegals to manage discovery, perform legal writing tasks, interview witnesses, and perform legal and factual research. On the attorney side, these skills include advocacy, case management, and legal and factual research. Combining our talents is the key. When teaming occurs, our talents are merged and make us a stronger Corps.

MILITARY JUSTICE

Our second Foundational Leadership initiative is military justice. Our military justice initiative is rooted in the core value of excellence and the guided by the principle of justice. We emphasize military justice because discipline is our contribution to the fight. Military justice brings excellence to the

fighting force through discipline. At the founding of our country, George Washington rightly said that discipline is the soul of the Army. General Fraser reminded us that General Washington's outlook is exactly true today. Commanders use military justice to improve their units' lethality. The JAG Corps administers that program and commanders count on us to do that well.

As General Fraser told us, commanders want direct, informed, and honest advice. That's the kind of advice that's the product of Foundational Leadership, rooted in our core values of integrity, service and excellence and in our guiding principles of wisdom, valor and justice.

LEGAL ASSISTANCE

Our third initiative, legal assistance, is rooted in service and wisdom. At a minimum we owe it to ourselves and to the Airmen we serve to hone our skills in legal assistance. Graduating law school and completing six hours of coursework at JASOC is not enough. Out of a sense of pride, a sense of obligation to our fellow Airmen, we ought to take it upon ourselves to seek out more training to improve our legal assistance skills. Training and feedback are critical to improving our legal assistance program. I can't think of a better way to do that than by attending JAG school courses or seeking out training opportunities through CAPSIL.

No one is too senior to believe that they can stop training in legal assistance, myself included. That's why I attend webcasts whenever I can. That's why I ask you to do the same. Lead by example. Allow your people to see you train in legal assistance, and they will follow. I hope to see all of you attend future webcasts. We need to get the word out that webcast training is a very valuable, necessary tool to embrace our legal assistance initiative.

TRAINING

Training is applicable in more than just legal assistance. Training is important across the span of our practice. There will be times when the field support center is not going to be there; times when there is no reachback available. Who are you going to call

when nobody is home? Sometimes all you have is what you brought and all you can rely on is your experience and your training.

Will you be ready? Will your team be ready? Are you ready today for your 9/11 day? Are your people ready? Inspire them so that they want to become better than they are today. So they are ready to make that difference, ready to confront any challenge.

***Sometimes all you have is
what you brought and all you
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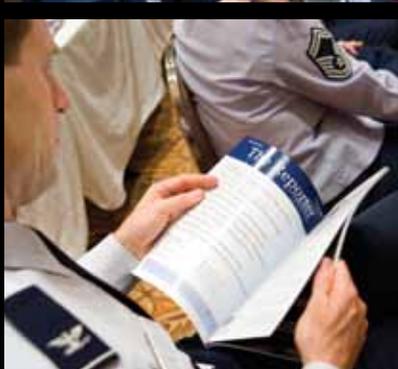
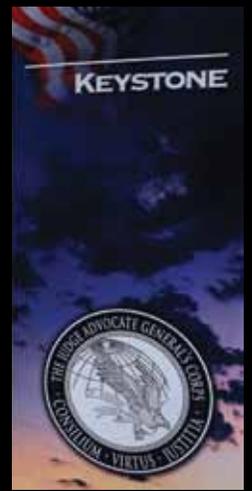
WHO WE ARE

Senator Graham reminded us of who we are as a JAG Corps. He reminded us that we are the envy of many. Sometimes it is easy to forget. Remember that we accept the top 6% of direct appointees. For every one we accept there are 15 that would gladly take his or her place. It is, in fact, a wonderful experience, a terrific way to make a difference. It adds purpose to our lives. You need to explain that to your folks and remind them of that fact. The degree of competition to get to where you are today is very, very intense.

Our new JAGs need leadership. They need you. They need you to teach them core values and guiding principles—to teach them the importance of leading themselves before they lead others. They need you to teach them Foundational Leadership and how important our role is to the Air Force mission. General Schwartz reminded us that commanders rely on us, Airmen rely on us, and that Secretary Donley relies on us.

If I could choose one time, one place, and one team in the entire span of JAG Corps history to lead I would pick this time, this place and this team. But in an even more real sense, this is your time, this is your place, this is your team, this is your one chance to make a difference today. Make a difference; make it count, and make your mark on history today. 🦋

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