
**REPORT OF
THE JUDGE ADVOCATE GENERAL
OF THE
UNITED STATES AIR FORCE
TO
THE AMERICAN BAR ASSOCIATION
2010 ANNUAL MEETING**



5-10 August 2010
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Introduction

The Air Force Judge Advocate General's Corps mission is to deliver professional, candid, independent counsel and full spectrum legal capabilities to command and the warfighter. Today that means that members of the Air Force JAG Corps are involved in the full range of operations from peacetime, through war, to stabilization and reconstruction efforts. Our varied fields of practice demand that we apply the Air Force's traditional ability to adapt quickly to changing requirements.

Today's uncertain international security and evolving legal environment requires a balance-driven approach. We must overcome today's challenges while simultaneously preparing for tomorrow's. Since 2006, our vehicle for identifying and meeting challenges has been the JAG Corps 21 Program, or JAGC21. This year we have continued to restructure how we provide legal services -- enhancing the quality or extent of legal services provided to our client. The following pages highlight the past year's significant developments within the context of an organizational overview.



The JAG Corps

The JAG Corps provides legal advice and counsel. It also advocates, mediates, negotiates, and litigates in support of Air Force mission requirements. The JAG Corps is led by The Judge Advocate General (TJAG), a position held by a lieutenant general. By statute, TJAG is the legal advisor to the Secretary of the Air Force and to 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 their professional development. Today, Lieutenant General Richard C. Harding serves as The Judge Advocate General.

The JAG Corps emphasizes Foundational Leadership. Foundational leadership stresses the need to ensure that JAG Corps members receive the training they need when they need it, and includes increasing supervisory oversight of individual attorney and paralegal training plans. We also have a commitment to teaming attorneys and paralegals in the common cause of solving legal problems on behalf of our clients. Finally, foundational leadership includes improving our military justice and legal assistance skills so that base-level JAGs can continually improve the services they provide to the Air Force. By focusing on foundational leadership, the JAG Corps will continue to improve how we work as teams and expand our professional skills to support the Air Force.

JAG Corps Organization

The majority of our work is performed at legal offices located at Air Force installations and deployed locations around the world. These offices work for commanders and provide legal advice and support to them and to their staff agencies; administer military justice and other legal programs; and provide a wide variety of personal, civil law-related legal services to the base population.



Legal offices generally operate at two levels – wing/base-level and higher headquarters. About ninety offices are at the wing level, their size ranges from 10 or fewer to 60 or more legal professionals. Higher headquarters offices are located at headquarters entities for Numbered Air Forces (NAFs) and major commands (MAJCOMs). In addition to supporting their commanders, these higher headquarters offices also exercise professional supervision over the geographically separated wing level offices within their NAF or MAJCOM.

There are also many legal offices assigned to Headquarters Air Force in Washington D.C. Headquarters for the JAG Corps (HQ USAF/JA) is located at the Pentagon. These offices support the Secretary of the Air Force and the Chief of Staff of the Air Force. Another component of the JAG Corps is our “field operating agency” -- the Air Force Legal Operations Agency (AFLOA) -- consisting of a worldwide network of legal offices.

Our headquarters staff, along with the members of AFLOA, provide strategic planning and resource management, litigation expertise in military justice and civil law, and offer extensive education and training to the field. These offices also collect the macro-level data used in the strategic planning process. Their diverse missions are featured throughout this report, as their missions provide a top-level view of the JAG Corps.

The Total Force JAG Corps is made up of 4,121 judge advocates, civilian attorneys, enlisted and civilian paralegals, and civilian support personnel. Of this total, 1,263 are judge advocates on active duty (71% male, 29% female; 8% self-identified minority) and 423 are civilian attorneys. Additionally, 928 are paralegals on active duty (61% female, 39% male; 31% self-identified minority) and 534 are civilian paralegals, court reporters, and other administrative staff. The remaining 1,396 are judge advocate and paralegal members of the Air Force Reserve and Air National Guard. Most of our Corps (84%) is based in the United States, while the remainder is stationed throughout the European and Pacific commands. JAG Corps personnel are consistently deployed to Southwest Asia and other locations around the globe.

Professional Development Directorate



The Professional Development Directorate (JAX) establishes policy, standards, procedures, and guidelines related to the professional development of judge advocates and civilian attorneys. JAX also manages continuing legal education, developmental education programs, and oversees judge advocate recruiting, accessions, assignments, and deployments.

Recruiting: Aggressive programs support our vigorous recruiting efforts. The on-campus informational interview is the centerpiece of our multi-faceted recruiting platform. During the 2009-2010 academic year, active duty judge advocates personally interviewed 3,922 law students at 189 of the 199 ABA-accredited law schools in the United States. To highlight the Educational Delay Accession Program, JAGs paid 186 visits to Air Force ROTC detachments around the country, speaking to 6,961 undergraduate cadets. To remain competitive in today's high-demand market for quality graduates, JAGs met with 919 students at 80 special recruiting consortia and minority job fairs.

The JAG Corps summer internship program continues to be a success. During the summer of 2010, we placed 20 rising third-year law students at Air Force installations across the nation; an additional 20 interns were selected to serve at various headquarters offices in Washington, D.C.

This year the JAG Corps funded 20 Career Service Officers (CSOs) from ABA-accredited law schools to attend our annual CSO Conference, held at The Judge Advocate General's School at Maxwell Air Force Base, Alabama. This event provides an excellent opportunity for law school representatives to observe



the JAG School first-hand and to learn about career opportunities in the Corps available to their students. At the conference, CSOs are provided an in-depth briefing on the JAG Corps' various accessions programs, including timelines for applying and specifics on the application process. Additionally, attendees are presented panel discussions featuring novice and veteran judge advocates, as well as JAGs recently returning from deployment.

Accessions: Over the past 12 months, the JAG Corps received 1,566 applications from lawyers and law students hoping to be selected for entry into the Corps as a judge advocate – 246 more than last year. The JAG Corps conducts eight accessions boards each year, which include our Direct Appointment, Funded Legal Education, and Excess Leave Programs, as well as our ROTC Educational Delay, One-Year College, and Graduate Law Programs. About 120 new judge advocates join the JAG Corps every year.

Attorney Education: The JAG Corps maintains a significant emphasis on continuing education opportunities. This emphasis not only develops our judge advocates into better attorneys and leaders, but it also acts as a significant retention tool for JAGs who are cognizant of professional



continuing education opportunities and the chance to obtain advanced degrees. We currently send approximately 1,600 students per year to short courses in law at The Judge Advocate General's School, The Judge Advocate General's Legal Center and School (Army), and the Naval Justice Center. Additionally, the Corps sends about 28 judge advocates each year to earn a Master of Laws

(LL.M.) degree in areas such as government procurement, environmental, labor, international, and space law. In the past two years, the Corps has developed very successful, on-line legal training by webcast, available to all of its members.

Civilian JAG Corps Members: Since October 2006, the Civilian Legal Career Program Administrator has been embedded at the Air Force Personnel Center at Randolph Air Force Base, Texas. This position is primarily responsible for developing, implementing, and administering plans, procedures, and actions for Air Force-wide career development of civilian legal personnel and positions. In 2010, the JAG Corps created its first-ever Civilian Professional Development, Plans and Programs Office at Headquarters, Air Force, the Pentagon, Washington D.C. Legal career field management is part of the Air Force's overall force development and aligns career progression with leadership development, benefiting the Air Force legal community and our civilian employees. In 2008, an Air Force civilian attorney was selected to earn a Master of Laws degree in labor law as part of the Advanced Academic Degree Program. This program offers an opportunity for talented Air Force attorneys to focus on developing skill as a legal specialist and improving their professional writing -- with an opportunity to get published. It also ensures the Air Force has civilian attorneys with the necessary specialty skills to meet organizational needs.

Financial Incentives Programs: Since 2001, The Judge Advocate Continuation Pay (JACP) Program has provided up to \$60,000 per eligible judge advocate. This incentive helps to bridge

the wide compensation gap between military pay and private sector compensation packages. JACP is divided into two payments, \$20,000 for an additional 2-year active duty service commitment (ADSC) and \$40,000 for an additional 4-year ADSC. If eligible, judge advocates may enter into the first contract after completing their initial ADSC with the Corps. In fiscal year 2009, 69% or 114 of the 162 eligible judge advocates participated in the program. In November 2009, to address the rising student loan debt of the Corps' new accessions, the Secretary of the Air Force approved a Judge Advocate Student Loan Repayment Program (JA-SLRP). This program provides new judge advocates with a maximum of \$65,000 to repay student loan debt. Participants do not incur an additional ADSC because the governing statute does not authorize payments for future service, but rather for the year already completed. The payments are made directly to the student loan lender during the judge advocate's first three years of service. The application period for JA-SLRP opened on 1 July 2010.

The JAG Corps 21 Program (JAGC21)

Now in its fourth year, the JAGC21 program has proven invaluable in the continued transformation of Air Force legal operations and steadfastly enhanced the legal support capabilities to our clients and commanders. JAGC21 has two major elements: (1) first, it calls on everyone in the JAG Corps to continuously look for and propose the best possible ways to deliver legal services; (2) second, it signifies senior leaders' willingness to adopt better ways of doing things, extending even to radical changes in processes and organization.



History: Initial planning for JAGC21 started in January 2006, with concept approval following quickly in March 2006. To maintain momentum and further refine the initiative, a “Horizons Team” stood up in December 2007 to develop field engagement programs, recommend course corrections, increase awareness of JAGC21, and provide a forum for generating new ideas for improving the JAG Corps. Between January and August 2008, the Horizons Team held six Horizons Sessions, bringing together over 275 members of the JAG Corps, as well as many of our clients and peers, to discuss specific areas of practice. Energetic, facilitator-led discussion periods and focused breakout groups at each of these sessions generated over 1,600 inputs on how we provide legal services, our role as attorneys and paralegals for the Air Force, and how we take care of our Corps and Air Force families. These inputs led to over 445 action items for improving our operations, most of which are already being implemented.

Field Support Centers: AFLOA has revolutionized its operations, centralizing subject-matter experts in eleven FSCs to provide on-call advice and assistance to base-level legal offices. The FSCs provide a significant reach back capability for legal offices across the Air Force by consolidating legal expertise, consulting on the full spectrum of specialty issues, and centralizing

complex legal processes and caseload. As you read through the submissions by the FSCs in this report, you will see impressive innovation and unparalleled support by these offices.

Plans and Programs Directorate

The Civilian Professional Development, Plans and Programs Directorate (JAZ) is responsible for professional development of civilian legal professionals, as well as for planning, programming, resource allocation, and manpower for the Air Force JAG Corps. This includes building and managing the budget for AF/JA headquarters offices in the Pentagon and AFLOA offices worldwide. JAZ secures and allocates manpower and fiscal resources to operate AF/JA and AFLOA and to implement “JAG Corps 21” (JAGC21) transformational initiatives.

Manpower Management: Continuing with the transformation of the Corps under JAGC21, JAZ executed actions to realign legal service authorizations throughout the Air Force and move the associated funding. During this reporting period, the JAG Corps increased the number of field support centers (FSCs) to 11: the Air Force Claims Service Center, Labor Law FSC, Tort Claims FSC, Environmental Law FSC, Commercial Litigation FSC, Contract Law FSC, Utilities Law FSC, Medical Law FSC, Accident Investigation Board FSC, Medical Cost Reimbursement Program, and Services Law FSC. Additionally, during the reporting period, JAZ was instrumental in securing adequate space for the upcoming consolidation of 350 JA personnel in the National Capitol Region at facilities under construction at Joint Base Andrews-NAF Washington, and in downsizing and civilianizing the Air Force Claims Service Center in Kettering, Ohio. Furthermore, JAZ continues to lead an effort to stand up a new directorate on the Air Staff to provide JA support to headquarters acquisition activities, in line with the Acquisition Excellence initiative by the Secretary of the Air Force.

Planning, Programming and Budgeting: JAZ worked through the Air Force Corporate process to fund long-term programs to continue the JAG Corps’ transformation initiative. New programs included a three-week course for mid-career field grade officers. The course, called Gateway, is intended to prepare judge advocates to move into leadership positions. Another course was stood up to orient new civilian employees of the Corps to the Air Force and the practice of law in the Air Force.

The program to reimburse civilian attorneys for state bar dues has been in existence for two years and has proven very successful. A companion initiative to reimburse uniformed judge advocates for the same costs was approved by DoD senior leadership and was implemented in July 2009. The Student Loan Reimbursement Program, to help pay off the student loans for new Air Force judge advocates, was authorized by Air Force senior leadership and funded following JAZ’s successful advocacy for it in the Air Force Corporate process. The program offers each incoming JAG \$65,000 to pay for student loans. JAZ wrote the specifications for a new software system, which AFLOA JAS is developing, to automate administration of the program. The program came on line in July 2010.

Joint Basing: Pursuant to the Base Realignment and Closure Commission report, which became law in 2005, 26 military installations (including 11 Air Force bases) will combine into 12 joint bases by September 2011. Since 2005, JAZ has served as the Air Force lead for planning legal

support at joint bases and has been a key player in the development of policy on command authorities and relationships at joint bases. JAZ also serves as primary legal counsel to the Air Force lead office on joint basing, leads an OSD sub-working group on command authorities, attended 11 OSD-led workshops for developing the memoranda of agreement (MOAs) between the Services for the various bases, was instrumental in crafting the complex documents that provide the legal foundation for their operations, and developed the blueprint for legal support at all locations. During the reporting period, JAZ negotiated legal support manpower transfers between the Services, advised on a number of legal issues arising from joint basing, and oversaw the implementation of legal support as Air Force bases transitioned to joint bases.

TJAG Action Group

Policy and Special Projects Division: The Policy and Special Projects Division (Policy Division) acts as the principal policy advisor to TJAG and conducts and coordinates special Office of The Judge Advocate General (OTJAG) projects.

The Policy Division is instrumental in the development of the JAG Corps annual KEYSTONE Leadership Summit. Each year, the JAG Corps hosts over 700 of our judge advocates, civilian attorneys, and paralegals -- bringing together our Total Force senior and mid-grade leaders to discuss the global security environment, current Air Force issues, and leadership. For KEYSTONE 2009, The Policy Branch put together the agenda for the week, speakers included The Honorable Michael B. Donley, Secretary of the Air Force; General Carrol H. Chandler, Vice Chief of Staff of the Air Force; Chief Master Sergeant of the Air Force James A. Roy; Dr. John A. Nagl, Center for a New American Security; Donovan Campbell, Author of Joker One; The Honorable Charles A. Blanchard, General Counsel of the Department of the Air Force; Chief Master Sergeant of the Air Force (Retired) Robert D. Gaylor; Anne Munch, Sexual Assault Prevention Consultant; and Carolyn B. Lamm, President, American Bar Association. KEYSTONE 2010, scheduled in October, promises to be equally impressive.

The Policy Division was responsible for the planning and substance of the February 2010 Executive Conference where over 60 of the JAG Corps senior leadership came together to help chart the course for the next year. The Policy Division was also instrumental in the planning of the Gateway course at the Air Force Judge Advocate General's School in the fall of 2009. Gateway is a new course for mid-career officers, who will soon enter positions of leadership within the Corps. Finally, the Policy Division designed and executed a 2010 "Horizons" conference which focused on attorney-paralegal teaming.

Executive Services: The Executive Services Division serves as the OTJAG focal point for the planning and execution of TJAGC events, including KEYSTONE Leadership Summits, Executive Conferences, and ceremonies hosted by TJAG or DJAG. This function also establishes, controls, and monitors headquarters-level suspenses and provides additional administrative and logistical support to the OTJAG. The Executive Support Division manages promotion, retirement, and award ceremonies, foreign delegation visits, visits from new JAGs attending The Judge

Advocate Staff Officer Course (JASOC) classes, the TJAGC Holiday Party, TJAGC Picnic and the TJAGC Dining Out.

Strategic Communications: The Strategic Communications Division directs JAG Corps-wide communications for the Office of the Judge Advocate General. The Division publishes a weekly online newsletter consisting of a signature piece and articles highlighting current topics of interest and the JAGC Family News to the JAGC community. As one of its central roles is the coordination of media engagements, the Division serves as the principal legal advisor to Air Force Public Affairs. The Division also prepares speeches, remarks, briefings for events and other internal and external communication as necessary for the Office of the Judge Advocate General.

2010 KEYSTONE Leadership Summit



The JAG Corps annual leadership development event is called the KEYSTONE Leadership Summit. In architecture, the keystone is the central, wedge-shaped stone at the top of an arch that locks the other stones in place. That's what leaders do. They provide the example and the leadership, and they bind everything together so that their organizations can accomplish the mission.

This substantial gathering of senior and mid-level Total Force JAG Corps personnel began in 2005. KEYSTONE 2005 was such a tremendous success that the JAG Corps has held summits annually since that time. Our 2010 KEYSTONE Leadership Summit will be held 25-29 October in Orlando, Florida.

Senior Paralegal Manager to TJAG

Air Force paralegals are an indispensable part of The Judge Advocate General's Corps. Today, approximately 1700 active duty, reserve, guard and civilian paralegals teamed with attorneys provide both commanders and warfighters vital support on virtually every spot of the globe.

This year marks the 55th year that paralegals have been a distinct career field in the United States Air Force. Prior to 1955, Air Force paralegals were administrative specialists who carried letters which identified them as legal specialists. In May 1955, paralegals were recognized as a separate career field with their own Air Force Specialty Code.

This separate distinction was a major milestone for the career field. It opened doors to allow for specialized legal training. Training was initially provided at the Naval Justice School at Newport, Rhode Island, Air Force paralegals were later trained at Keesler AFB from 1972 to 1993. From 1993 to present, training was consolidated with that provided attorneys at the Air Force Judge Advocate General School at Maxwell AFB, Alabama.

The Community College of the Air Force recognized the unique nature of the career field by approving an Associate Degree program for paralegals in 1979. The quality of this training is

evident as it has also earned the distinction of being an American Bar Association approved paralegal education program.

Advancements in the professional development of Air Force paralegals continue today. Education and training have always, and will always, be a high priority for our paralegals. Avenues toward a baccalaureate degree program and paralegal certification are being explored for the future. We also recognize that education and training alone do not guarantee success as a paralegal. So, we are also striving to improve attorney-paralegal teaming. Strengthening these vital teams allows the Judge Advocate General's Corps' to continue to provide the United States Air Force world-class legal services.

The Judge Advocate General's Corps Reserve (TJAGCR)

Originally organized as a strategic reserve, TJAGCR has evolved into an operational reserve force, and in many instances is a "first responder." During this reporting period, TJAG's 1243 Air Force Reserve and Air National Guard judge advocates and paralegals served over 60,000 days of duty – the equivalent of more than 253 full-time judge advocates and paralegals.

Operations Support: When the Air Expeditionary Forces concept was initially conceived, it was anticipated that the Air Reserve Component (ARC) would supply approximately ten percent of the manning required, in addition to "some backfill" for the active duty participants. During Operations DESERT SHIELD and DESERT STORM, only two IMA judge advocates, along with a relatively small number of unit reserve judge advocate personnel, were deployed to the Area of Responsibility. Because of world events, however, more and more reservists and guardsmen are now volunteering to place themselves in harm's way at the "tip of the spear." In the past year, 47 ARC judge advocates and three ARC paralegals have deployed – all of them volunteers. Approximately 17 percent of the JAG Corps' deployments are filled by guardsmen and reservists.

Home Station Support: Despite the turbulence and fiscal constraints under which reservists and guardsmen operate, the performance of ARC judge advocates and paralegals has been outstanding. TJAGCR contributions amounted to 2300 weeks of support, fulfilling 88 percent of the support requested by active duty legal offices. During this reporting period, reservists and guardsmen served as investigating officers in 200 Article 32 investigations, processed over 1700 nonjudicial punishment actions, reviewed hundreds of government contract actions, drafted over 7500 civil law opinions, facilitated more than 250 labor and employment actions, and prepared nearly 3000 wills and more than 7400 powers of attorney for deploying and garrisoned service members. In addition to professional counsel, an enduring strength of the ARC is its experience and its ability to provide able leadership. During this reporting period, ARC judge advocates served over 5200 days in acting capacities as staff judge advocates, deputy staff judge advocates, and division chiefs. ARC paralegals served for over 2100 days as acting law office superintendents or as noncommissioned officers in charge of divisions and sections.

ARC Recruiting: Overall ARC judge advocate and paralegal manning is currently at 89 percent of its authorized strength. Recruiting continues to be one of our greatest challenges, but our Corps continues to recruit qualified attorneys and paralegals aggressively. For attorneys, we

emphasize our preference for individuals with both prior military experience and practical legal experience. Paralegal recruiting focuses on individuals with prior military experience, although some new TJAGCR paralegal recruits in the unit reserve and Air National Guard programs are new to the military. Our recruitment efforts are showing results: nearly 60 percent of judge advocates who left active duty joined the ARC, as did about a quarter of separating paralegals. Much work remains, however, especially in the IMA program, where nearly one-fifth of authorized judge advocate and paralegal positions are unfilled. Although a number of factors, including the current ops tempo, are combining to cause this IMA manning shortfall, we are redoubling our efforts to secure and retain the best and the brightest in the legal profession.

Revised Educational Requirements: TJAGCR saw significant changes to its educational requirements and training contributions in this reporting period. TJAG directed the abolition of the long-standing Reserve Forces Judge Advocate Course in favor of more-frequent attendance at the Annual Survey of the Law. Additionally, ARC judge advocates will now be required to attend an approved in-residence course at The Judge Advocate General’s School at least once every six years. These changes will permit ARC attorneys to maintain greater currency in Air Force practice, and will streamline educational efforts.

TRIALS Team: Even while receiving training from the active force, ARC attorneys and paralegals provide training in return. The TRIALS team (“Training by Reservists in Advocacy and Litigation Skills”) has provided advocacy training to active duty judge advocates worldwide for the past 11 years. The team, which counts unit reserve, IMA, and Air National Guard judge advocates among its 21 members, travels to approximately a dozen Air Force bases each year, providing an intensive two-day program focusing on all phases of litigation and advocacy. TRIALS training combines short lectures, demonstrations, and practical exercises to strengthen student trial skills, and highlights techniques ranging from motion practice to *voir dire* to cross-examination to argument. Students’ exercises are videotaped, and then instructors provide critiques. A military judge and a JAG School instructor accompany the team in providing this training. This reporting period saw the introduction of a new TRIALS scenario involving a case of wrongful sexual contact under the newly revised Article 120 of the Uniform Code of Military Justice.

JAG Corps Deployments



The JAG Corps continues to provide advice and legal services to deployed commanders worldwide. After experiencing steady increases in deployment requirements over the past six years, the Corps’ total number of deployment obligations has begun to stabilize, now averaging approximately 80 judge advocate and 35 paralegal taskings. Most of these deployments require 179-day and 365-day tours.

As military priorities shifted within the Central Command (CENTCOM) Area of Responsibility (AOR), so have our deployment types and locations. The Corps is now primarily engaged in the joint fight, advising commanders of every service and at every level of command. Within these command staffs, our judge advocates have almost exclusively become the commanders' preferred service providers for contingency contracting and fiscal law advice. In addition, we have experienced increased requests for more senior officers/non-commissioned officers and specialized attorneys to establish rule of law and enhance government legitimacy throughout Afghanistan. Moreover, we now provide a substantial number of judge advocates and paralegals to facilitate detainee operations in Afghanistan.



Support to these growing mission areas in Afghanistan coincided with a comparable drawdown of our legal services in Iraq. Our deployment taskings for detainee operations in Iraq have closed and our positions on command staffs in Iraq are expected to decrease by over 20 percent. However, the Corps will continue to commit judge advocates and paralegals to the inter-agency law and order task force in Iraq, as well as provide contract law attorneys. In Afghanistan, many JAGs fill contract law and detainee operations requirements.

Despite changes in our joint-service requirements, we continue to support our traditional Air Force missions at several deployed Air Expeditionary Wings (AEWs) and the Combined Air and



Space Operations Center (CAOC). Duty at our AEWs consists of providing full-spectrum legal services similar to those at an installation legal office in the United States or abroad. In addition, two judge advocates and a paralegal are deployed to provide defense legal services to our Airmen throughout Southwest and Central Asia. At the CAOC, four judge advocates advise the Deputy Combined Forces Air Component Commander and his staff on targeting, rules of engagement, law of armed conflict, and various other operational and international law issues.

Timely and precise legal counsel and services are vital to the success of our contingency operations. Accordingly, the demand for Air Force legal professionals in the deployed environment will not subside in the near term. We remain committed to providing our combatant commanders the most professional, highly trained, and operationally ready JAG Corps in the Air Force's history.

Operations and International Law Directorate

The Headquarters Air Force Operations and International Law Directorate (JAO) provides legal opinions, advice and staff support to USAF, DoD, and multi-service organizations on a wide spectrum of matters affecting world-wide military operations. In the past year JAO was involved in issues including civilians and contractors in deployed operations, rules of engagement,

detainee treatment, mobilization of Reserve and Air National Guard members, reviews of weapons for compliance with international law, and the deployment of Air Force personnel, aircraft and equipment.

Law of Armed Conflict (LOAC): JAO continued to serve as TJAGC's focal point on all areas related to LOAC. Advice and support to the field was provided on the roles of civilian security employees, the legality of deploying Airmen overseas who are younger than 18 years old, and on other LOAC topics. JAO also represented the Air Force on the DoD Law of War Working Group, and the Detainee Task Force sub-group, where numerous topics were addressed concerning detainee treatment policies, direct participation of civilians in hostilities, and interpretation of other aspects of international law.

JAO reviewed the legality of 17 lethal and non-lethal weapons systems to ensure compliance with U.S. treaty obligations, domestic law, and customary international law. Further, JAO continued efforts to revamp the Air Force training materials used to instruct service members on LOAC and to add specialized training for medical personnel and on detainee operations.

Doctrine and Publications: As the legal focal point for the development and review of joint, allied, multi-service, and Air Force doctrine and publications, JAO reviewed over 190 doctrine documents and similar publications relating to all aspects of air and space forces. JAO attorneys also drafted, and edited, chapters of the second edition of the Air Force Operations and the Law handbook, and provided comments on the Manual on Air and Missile Warfare being produced under the auspices of the Harvard University's Program on Humanitarian Policy and Conflict Research. JAO substantially revised an Air Force instruction on the handling of requests for political asylum and temporary refuge, and continued our involvement and contributions to a proposed Department of Defense Manual on the Law of War. Finally, a member of staff published an article discussing DoD space policy and integrated intersector partnerships in the Army/Air Force Integration Newsletter.

Domestic Operations: JAO supports the Air Force Crisis Action Team (CAT) and the Continuity of Operations Program for senior Air Staff leaders, continuously monitoring worldwide USAF operations and providing support as necessary. JAO members participated in a national-level continuity of government exercise, and drafted the headquarters Air Force JA Pandemic Influenza Disease Containment Plan. In addition, JAO reviewed dozens of planning and execution documents related to homeland security, domestic operations, support to civil authorities, and DoD participation in designated National Special Security Events.

International Affairs: As part of its world-wide responsibilities, JAO advised and coordinated on 211 foreign criminal jurisdiction cases while monitoring 70 foreign civil actions. JAO was heavily involved in the interpretation of Status of Forces Agreements (SOFA) and addressing complicated, and high profile, issues of national sovereignty and foreign criminal jurisdiction. Members of staff also participated in the development of the U.S. government position in relation to a number of SOFAs and other international agreements. JAO responded to numerous Presidential and Congressional inquiries on issues of foreign criminal jurisdiction and foreign civil litigation, and provided briefings on the administrative and technical staff status for Air Force members being assigned to seven U.S. embassies.

Air and Space Law: JAO represented the Air Force on working groups reviewing international agreements relating to Air and Space matters and in providing the DoD position to teams negotiating international agreements with other governments. JAO also participated over the year in preparations for, and attendance at, the Schriever X exercise on Space Operations.

Participation in Conferences and Presentations: JAO representatives frequently participated in conferences regarding international and operations law. Among these were the U.N. Peace Operations and the Law Symposium in New York City co-hosted by the Air National Guard, the annual meeting of the ABA sub-committee on national security, the Committee on the Peaceful Uses of Outer Space, the National Security, Energy and Climate Change Forum, and a video teleconference between scholars at Cambridge University, the Naval War College, and DoD experts on LOAC issues in Afghanistan. Members of staff also participated in the EUCOM and NORTHCOM legal conferences, traveled to Tajikistan to participate in a Defense Institute of International Legal Studies (DIILS) program, and provided presentations on cyber law to audiences throughout the Air Force.

Operational Deployment Support: JAO members serve as adjunct faculty for courses aimed at preparing personnel prior to deployments. In particular, JAO participated in eight advanced combat skills training courses at Ft. Dix, New Jersey, over the past year providing deploying judge advocates with in-depth understanding of the governing rules of engagement for the operation into which they deploy as well as aspects of the rule of law. As part of the Expeditionary Skills Working Group, JAO recommended changes to the curriculum to provide more operationally-focused instruction to deploying legal personnel. JAO staff also supports the annual training course and field exercise for judge advocate personnel known as “JAGFLAG,” and provides an advanced law of armed conflict briefing at the combined forces air component commanders’ course at the LeMay Doctrine Center at Maxwell Air Force Base, Alabama. JAO has also continued our partnership with the Air Force Judge Advocate General’s School to synthesize after action reports in Top Legal Lessons Learned documents for operations in Afghanistan and Iraq.

In addition to headquarters responsibilities, JAO personnel are subject to deployment as well with one staff member deploying to the transit center at Manas, Kyrgyzstan, and another preparing to deploy to Afghanistan.

Administrative Law Directorate

The Administrative Law Directorate (JAA) provides legal advice to the Air Staff, the Secretariat, and command and installation staff judge advocates on matters related to organization, administration, operation, personnel, and functions of the Air Force.

Total Force Enterprise: The integration of active, guard and reserve forces continues to present novel legal challenges, particularly in the area of Air National Guard and Reserve personnel performing duties other than statutory duties of organizing, administering, recruiting, training, and instructing the reserve components. JAA continues to work with the Air Staff, the General Counsel, the National Guard Bureau, States and operational commanders to integrate

regular Air Force and reserve components within the bounds of existing Title 10 and Title 32 authorities and to propose regulatory and statutory changes to advance this effort.

Homosexual Conduct Policy: The directorate oversees the administration of homosexual conduct policy Air Force-wide. As Congress considers a change to the statutory DoD homosexual conduct policy, JAA provided legal support for DoD officials testifying before the Senate Armed Services Committee and for the DoD effort to anticipate and prepare for the effects of a change in the law. JAA advised Air Force commands on the service position in response to the 9th Circuit's ruling in *Witt v. Department of the Air Force*, which would require justification for the application of the policy in each particular case. Within days of the release of the revised Department of Defense Instructions implementing new procedures for the existing homosexual conduct policy, JAA drafted a revised Air Force instruction that streamlined the review process and established training requirements.

Constitutional and Personnel Issues: JAA reviews a variety of constitutional and personnel matters to ensure compliance with legal and policy requirements. In that regard, JAA provides legal opinions on matters involving religious accommodation, the Establishment Clause, homosexual policy, officer administrative discharges cases, promotion propriety actions, diversity, equal opportunity and promotion board issues. The Directorate assisted in the implementation of new compensation authorities to promote retention in undermanned career fields, and in the implementation of force shaping actions to reduce the excess endstrength in specified grades.

Business Practices: The Air Force utilizes a variety of privatized housing programs to transition certain aspects of military family housing property management and ownership to private control. JAA advises commanders on Air Force command authorities and responsibilities, including law enforcement authority, over both military and civilian tenants in these projects. JAA also contributed to policies to more efficiently employ the services of retired senior military personnel, while ensuring compliance with Government ethical standards.

H1N1 Pandemic Influenza Response Planning: JAA served as the legal advisor to the Disease Containment Planning Group, the entity responsible for the Headquarters Air Force response to the H1N1 Pandemic Influenza outbreak. The Group provided subject matter expertise, and identified operational choke points affecting national security. JAA aided the Plans and Programs Directorate and other personnel in developing a plan to facilitate the protection of the Air Force workforce, and the sustainment of essential functions and services in a non-traditional work environment marked by potential significant absenteeism and disperse operations.

Information and Privacy Law: JAA provides training and legal advice to the Air Staff, Secretariat, and field offices on the Freedom of Information Act (FOIA), Privacy Act, and, in conjunction with the General Counsel, provides legal comment on proposed legislation and DoD regulations impacting privacy and FOIA issues.

Legal Support to the Inspector General: JAA continues to provide four attorneys to advise the Air Force Inspector General (IG) and his staff on senior level and special interest inquiries, ensuring the protection of rights as well as the thorough investigation of allegations of

wrongdoing. Three of these attorneys serve as legal advisors and investigating officers in cases involving allegations concerning Air Force senior civilian and military officials above the grade of colonel. Cases against senior officials have involved allegations of abuse authority, unprofessional relationships, and fraud, waste, and abuse involving government property and funds. The fourth attorney advises the IG's staff on all cases involving colonels and below that are investigated around the Air Force and forwarded to headquarters for final review. The Directorate authored a legal Guide to Inspector General Investigations to be used throughout the Air Force.

Training and Legal Education: JAA representatives participated in numerous conferences and training events. JAA attorneys have taught at national conferences held by Air Force functional communities, at the Air Force Judge Advocate General's School and at other legal conferences. Among the topics briefed were FOIA and Privacy Act, Officer Adverse Actions, Professional Responsibility, Rules for conducting Homosexual Conduct Inquiries, and ethical and fiscal issues related to Air Force open houses.

The Office of Professional Responsibility

The Office of Professional Responsibility (AF/JAA-PR) processes cases involving alleged professional responsibility violations, provides advice and counsel through informal and formal advisory opinions, publishes new developments in the area of professional ethics and standards and develops, disseminates and conducts professional responsibility training. The Division Chief serves as an advisor to TJAG's Advisory Committee on Professional Responsibility and Standards which includes as permanent members the heads of the Military Justice, Civil Law & Litigation, and Plans and Programs directorates.

From July 2009 through the end of June 2010, TJAG closed complaints that were raised involving both active and Reserve Component judge advocates. The office provided CLE-approved ethics training to hundreds of JAG Corps and Federal agency attorneys at various conferences and via interactive internet "webcast." This year, AF/JAA-PR also developed and presented a tailored professional responsibility lecture for senior paralegals.

The Air Force Court of Criminal Appeals

The U.S. Air Force Court of Criminal Appeals is an independent appellate judicial body authorized by Congress and established by The Judge Advocate General of the Air Force pursuant to his exclusive authority under 10 U.S.C. § 866(a). The Court hears and decides appeals of Air Force court-martial convictions and appeals *pendente lite*.

The Air Force Court rendered over 300 decisions during the last year, with five of those decisions written for publication. The Court maintained its strong pace of reviewing more cases than it received. This is especially noteworthy because the Court was reduced in size again, this time from seven to five active-duty judges.



The Court upgraded its courtroom technology by installing audio recording devices. The Court staff became the first in the military to operate such equipment in an appellate court setting. To complete the project, the Court established a website audio file section providing public access to the recordings of all Court arguments.

The Court continued its “Project Outreach” program by hearing oral arguments at University of Connecticut School of Law, Creighton University School of Law, University of Mississippi School of Law, Suffolk University Law School, and Hamline University School of Law. Argument was also heard at the continental United States Trial Advocacy Course at Charleston Air Force Base, South Carolina. The arguments were very well received at all locations and exposed Air Force members and the public to the appellate process of the military justice system. The argument at Creighton University School of Law set a record with 170 students in attendance.

Members of the Court went beyond their statutory responsibilities and used their judicial experience to assist the Air Force and Department of Defense in other areas. Four of the appellate judges served on the United States Court of Military Commission Review (USCMCR). The USCMCR hears appeals of cases convened under the Military Commission Act of 2006. The USCMCR not only hears cases for those Guantanamo defendants convicted before the tribunals but also hears appeals of issues taken prior to and during trial. Oral arguments were heard in the first two cases to make it through the trial level and up on appeal. Two judges from the Air Force Court sat on the panels who heard the oral arguments; one authored a portion of one of the opinions that was rendered by the USCMCR.

One of the Court’s judges with trial level judicial experience provided back-up support for the trial judiciary. Appellate judges also continued to conduct environmental impact hearings in accordance with the National Environmental Policy Act. The appellate judges presided over the hearings, allowing for federal receipt of public comment on any potential change in base mission that could impact the environment. One hearing was particularly involved with over five hours of comments from 50 speakers, including the state’s Attorney General and several state representatives. Finally, one of our judges, working with the Air Force Clemency and Parole Board, conducted a supervision violation hearing for an Air Force member on parole.

The Judge Advocate General's School



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 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

CAPSIL
Capturing Wisdom

captivitas -atis f. [capture]; collectively.
consilium -i n. (1) [wisdom, judgment].

Department of Defense. Within Air University, the faculty taught at Air War College; Air Command and Staff College; Squadron Officer School; Air and Space Basic Course; College of Aerospace Doctrine, Research and Education; School of Advanced Air and Space Studies; International Officer School; Officer Training School; Senior Noncommissioned Officer Academy; USAF First Sergeant Academy; Defense Financial Management and Comptroller School; the Advanced Personnel Officer Course; and the Chaplain Orientation Course.

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. Developed by the JAG School in 2008, CAPSIL provides the ability to access and share information and eLearning resources across TJAGC. The system has proven enormously successful, with more than 18,000 enrollments in CAPSIL learning centers and nearly 1 million user hits of CAPSIL resources since its launch.

CAPSIL offers a "one-stop shop" for standardized, easily structured training materials in a variety of formats to satisfy training needs. In the event legal offices create new or better training materials, CAPSIL provides a way to share them across the Corps. CAPSIL provides subject-specific forums that allow members of the JAG Corps to share resources on projects and issues. Whether planning for an air show or natural disaster response, users can work together in CAPSIL to disseminate information rapidly among many people. But, unlike e-mail, information exchanged through CAPSIL is stored and available indefinitely, and other users can access the information by a simple Google-like keyword search.

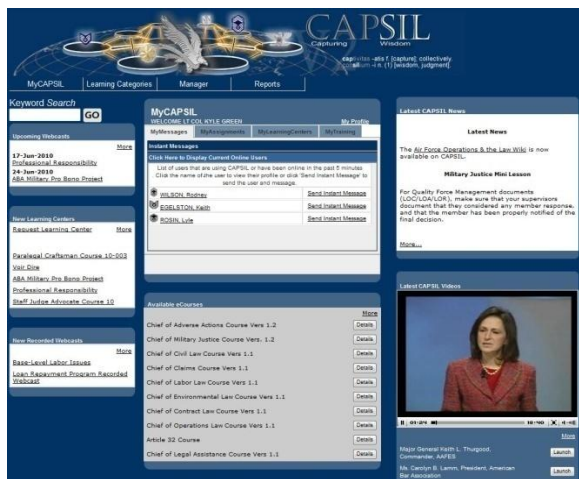
JAG School eLearning courses continue to evolve and expand. During this reporting period, the JAG School added additional courses in sexual assault prosecution and will soon release the "Virtual Law Office" paralegal learning series. The JAG School now offers more than 175 hours of eLearning material. Management and reports functions in CAPSIL allow legal office leadership to register individuals for the appropriate courses, establish dates for completion, and monitor each person's progress.

The school's live distance education program continued to grow dramatically this year. Using Defense Connect Online, a collaborative meeting platform available through the Air Force Portal, the school hosted 32 webcasts that were attended by more than 11,000 participants. Webcast topics ranged across the full spectrum of JAG Corps practice areas, including updates on evolving topics such as the Military Spouse Residency Relief Act and the DOD homosexual conduct policy, as well as leadership sessions with The Judge Advocate General and the Air Force General Counsel. Attendees were able to receive CLE credit for all eligible webcast presentations. Offices from Kandahar Airfield, Afghanistan, to Eielson Air Force Base, Alaska, attended live webcasts. In addition, links to more than 70 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 *FSC Action Officer Handbooks*, the school's publications provide guidance for the JAG Corps and Air Force leaders and practical and scholarly articles on current legal issues. Notably, a special cyberlaw edition of the *Air Force Law Review* provided the first scholarly publication in DOD focused on the complex legal issues in this emerging field.

Civil Law: The Civil Law Division is harnessing available technologies, including webcasts and eLearning, to reach a broader JAG Corps audience. This year, the Civil Law Division presented the annual Environmental Law Update Course entirely via webcast. Moreover, the Civil Law division offered 12 webinars covering general civil law topics (including legal assistance topics) to well over 2000 students from 478 legal offices worldwide.

In addition to offering extensive eLearning opportunities, personnel in the Civil Law division led the way by planning, organizing, and executing the first session of Gateway, a new mid-level career course for Air Force judge advocate majors. The first Gateway class of 32 students successfully concluded in early 2010.



The Civil Law Division teamed up with the JAG School's Operational and International Law Division to provide "in-person" contract and fiscal law training to Army financial management professionals at various Army posts in the continental United States. Civil Law faculty also organized and hosted the Career Service Officers Special Event. This highly successful event oriented law school career service officers on opportunities within the Air Force JAG Corps,

thereby promoting the Corps to thousands of law students across the country.

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 Craftsmen Course (PCC), and Paralegal Apprentice Course (PAC). Attorney and paralegal instructors co-taught lessons in multiple courses, including eight resident and off-site

specialty courses organized and directed by Civil Law Division faculty. The JASOC Civil Law Resource Guide was further revised and re-published to provide the most up to date primary source materials to better equip new judge advocates with the tools needed to succeed at their first base.

Legal Assistance: Legal assistance continues to be a critical component in the maintenance of our servicemembers' readiness, welfare, and morale. Between 1 July 2009 and 30 June 2010, the Chief of Air Force Legal Assistance oversaw Air Force attorneys advising more than 232,000 clients. Air Force legal assistance practitioners prepared 58,000 wills, 274,000 powers of attorney, and notarized more than 442,000 documents during the reporting period.

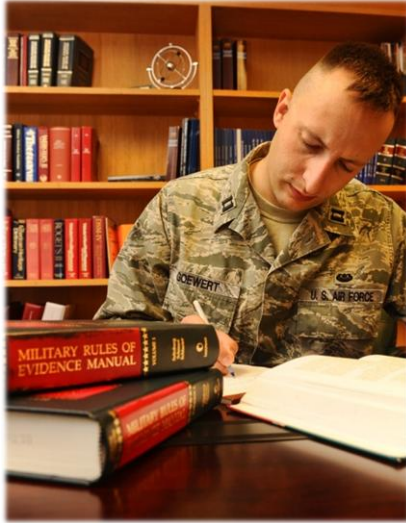


The bulk of legal assistance provided by Air Force judge advocates to individual military members involves estate planning and family law, but legal assistance covers a broad range of other areas as well. With that in mind, the JAG School continues to find new and better ways to educate judge advocates on legal assistance topics. The recent development of CAPSIL, bringing guest speakers to every legal office through webcasts, and strengthening our programs with the Air Force Legal Assistance Website is aiding this effort significantly.

The school continued conducting legal assistance webcasts, reaching hundreds of live viewers during this period. In the past year, there were seven Webcasts dedicated to legal assistance topics—including Military Spouses Residence Relief Act, Consumer Law, and Immigration Law—with over 1,000 participants able to immediately use the information to assist their customers across the globe.

During the reporting period, the school also released the new Air Force Legal Assistance Website, <https://aflegalassistance.law.af.mil> which includes three key features. First, users have access to basic information on a wide variety of legal assistance topics. Second, users 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. Completed questionnaires are electronically transmitted to legal assistance attorneys through the website, expediting the later attorney-client meeting...saving the attorneys' and clients' time. Finally, the website contains an online customer feedback survey to help Air Force legal offices evaluate the quality of their legal services.

The legal assistance mission is headed by an officer in the grade of major attached to the school's Civil Law Division. Combining the legal assistance education and policy missions at the school streamlined the process of inserting new developments into training materials and lectures. The school continues to revise the JASOC curriculum to better prepare our newest judge advocates to assist servicemembers in the field.



Military Justice: The Military Justice Division organized and executed three Trial Advocacy Conferences: one each at Yokota Air Base, Japan, Kapaun Air Station, Germany, and Charleston, South Carolina. These conferences updated more than 300 practicing trial counsel, defense counsel, and paralegals on evolving aspects of military justice trial practice. This year’s conferences also emphasized proper utilization of expert consultants and witnesses. During these conferences, students heard from several noted civilian attorneys who spoke on topics ranging from cross-examination to high-profile cases to recent appellate arguments on *Rape, Sexual Assault, and Other Sexual Misconduct*, Article 120, Uniform Code of Military Justice. Through “Project Outreach,” students at the Charleston, SC conference attended Air Force Court of Criminal Appeals oral arguments on a pending case. Students at each conference

also had the rare opportunity to have open and candid discussions with several military trial judges.

This year, Congress provided funds to the Department of Defense to create training for prosecutors in the area of sexual assault. In collaboration with members from each Service’s JAG Corps, the Military Justice Division participated in the initial planning group to create a computer-based training valued at over one million dollars. The division then contributed significant portions of training material upon which the interactive case-based program will be founded.

Operations and 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. In addition, the division worked to publish a searchable electronic *wiki* version of the book which makes primary source material available directly through links in the text. This new resource simplifies legal research and allows judge advocates to provide legal advice in a more timely and efficient manner.



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.

Division members also directed the Task Force 134 course which prepares judge advocates and paralegals to assist Iraq in rebuilding its judicial, correctional, and law enforcement systems

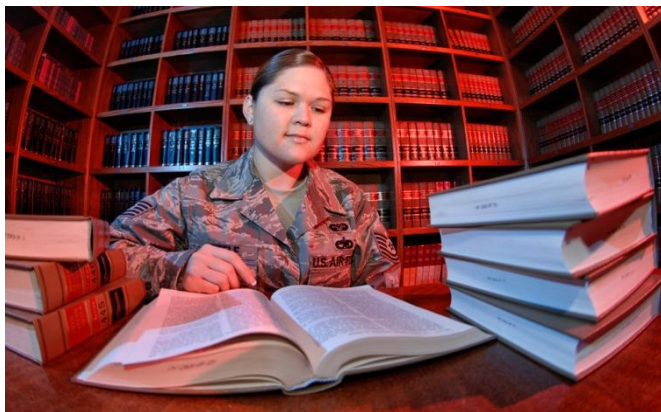
while ensuring due process for detainees. In addition, the Operations and International Law Division also led the Pacific Joint Operations Legal Exercise preparing judge advocates and paralegals at bases throughout the Pacific for the legal challenges of joint operations.

Reaching into the civilian legal academic community, the Operations and International Law Division conducted another elective course on Military Law at the University of Alabama School of Law, where JAG School faculty provided instruction on several aspects of military legal practice. The course provided law students with a sense of the breadth, depth, and unique qualities of legal issues faced by attorneys practicing in the military services. The feedback from the course was again overwhelmingly positive.

Finally, the Operations and International Law Division completed its first year advising the Air Force Doctrine Center. In that capacity, the division helped shape current and future Air Force doctrine through education on legal aspects of information operations, cyberspace operations, contingency planning, and other unique facets of Air Force operations.

Leadership: The JAG Corps Leadership Development Program continues to be used in all aspects of JAG Corps education and training. The School collects, creates, and publishes weekly leadership lessons in TJAG's Online News Service. And it continues to weave leadership education and development into many of its substantive courses. The Paralegal Apprentice Course and Paralegal Craftsman Course each have officer mentors, while each Judge Advocate Staff Officer Course has a senior non-commissioned officer mentor. These mentors help guide and teach students about leadership from a different perspective. Similarly, the newest judge advocates work directly with the paralegal students on discharges, non-judicial punishment, and witness interviews, giving both the officers and enlisted direct, hands-on experience.

Paralegals: Since our last report, the training curriculum and the faculty structure for our paralegals have gone through some momentous modifications. The curricula for our Paralegal Craftsman Course and our mid-level Career Development Course have been rewritten. The



course materials are current to today's legal support requirements and are delivered using recent technological advances. The Paralegal Apprentice Course was rewritten to incorporate a focus on foundational paralegal training that new paralegals can build upon throughout their careers. These updates include emphasizing legal research and writing at the outset of paralegal training and then building upon those skills through the rest of the course. The ABA approved our recent Interim Report continuing the ABA's approval of the

Community College of the Air Force Associates in Applied Science Degree program.

The structure of the paralegal faculty has also seen a dramatic change. Historically, there was a distinct division between paralegal training and training for judge advocates. To increase

paralegal utilization within the JAG School, paralegals have been integrated into all of the various divisions. The school now has paralegal instructors teaching in appropriate areas in attorney courses and attorneys teaching in appropriate areas in paralegal courses.

Academic Development: In August 2009, the JAG School hired its first Academic Director and stood up the Academic Development Division. 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 1200 classroom hours and reach more than 15,000 students each year.

The Academic Development Division has been in the forefront of developing the curriculum for Gateway, the JAG Corps' new leadership course for mid-career judge advocates, and reviewing existing curriculum to ensure lessons reflect sound principles of Instructional Systems Development. The Academic Development Division is also organizing 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.



The Academic Development Division conducted the JAG School's first in-house teaching methodologies course for new faculty. This training had previously been done outside the JAG School. With its own teaching methodologies course, the JAG School now can teach all new faculty at once with a curriculum focused on legal subjects. Furthermore, the division has initiated a faculty development program for existing faculty, promoting enhanced expertise and professional enrichment.

Trial Judiciary Division

Mission Update: The Air Force Trial Judiciary has 18 active duty trial judges, 7 reserve trial judges, and one noncommissioned officer, and one civilian employee assigned worldwide. The Chief Trial Judge, the Deputy Chief Trial Judge, and one non-commissioned officer are assigned to the USAF Trial Judiciary, Bolling Air Force Base, District of Columbia.

Military judges preside over all general and special courts-martial tried in the Air Force. They also serve as investigating officers in accordance with Article 32, UCMJ; as legal advisors for officer discharge boards and other administrative boards; as hearing officers in parole violation hearings; and preside at public hearings held to consider draft environmental impact statements.

From 1 July 2009 through 30 June 2010, Air Force trial judges presided over 582 general and special courts-martial.

Recognition: Colonel Dawn R. Eflein, the Chief Trial Judge, was awarded the Judge Advocates Association William K. Suter Distinguished Service Judicial Award for her dedicated and exceptional service as a military judge. Lt Col 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.

Publications: Lieutenant Colonel Le Zimmerman published an article in the Reporter entitled “*The Trial Script: Everything You Didn’t Even Know You Didn’t Know*”.

Teaching: Air Force judges served as ambassadors for military justice in both Air Force and Army classrooms. Colonel Eflein and Lieutenant Colonel Kate 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 Air Force 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.

One Air Force military judge, Lieutenant Colonel Tom Monhein deployed to Iraq where he served a six month tour. Air Force judges have presided over a total of 14 cases in the AOR, including trials in Iraq, Afghanistan, and Qatar. Currently, three trial judges have been detailed to the military commissions in Guantanamo Bay, Cuba.

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.

The Judiciary Directorate

The Judiciary Directorate (JAJ) oversees the administration of military justice throughout the Air Force from the investigation stage through appellate review. JAJ also provides guidance to The Judge Advocate General (TJAG) as well as the Secretary of the Air Force (SECAF) on all matters pertaining to military justice policy and develops and advocates the Air Force position on military justice legislation and executive orders.

JAJ accomplishes its mission through its five divisions: Appellate Defense (AJAJ), Trial Defense (AJJD), Government Trial and Appellate Counsel (AJJG), Military Justice (AJJM), and Clemency, Corrections and Officer Review (AJJR). The directorate is also responsible for Air Force court reporting.



Appellate Defense Division: The Appellate Defense Division (AJAJ) carries out the statutory duty of The Judge Advocate General to

provide representation for Airmen at all stages of the criminal appellate process. The Division 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 the submission of written briefs as well as conducting oral arguments before the Air Force Court of Criminal Appeals (AFCCA), the United States Court of Appeals for the Armed Forces (CAAF), and the United States Supreme Court.

In addition to representing appellants before the various appellate courts, Appellate counsel also provide military justice expertise to field judge advocates by working closely with trial defense counsel and clients in preparation of strategy and development of tactics in cases tried throughout the Air Force.

At AFCCA, the Division filed 287 briefs consisting of 162 “merits” briefs (no legal errors raised), 125 “issues” briefs (legal errors identified) and also conducted 15 oral arguments. At CAAF, the Division filed 128 supplemental “merits” briefs, 116 supplemental “issues” briefs, 15 grant briefs, and conducted 18 oral arguments.

Appellate defense counsel contribute to “Project Outreach,” sponsored by CAAF and the AFCCA, by conducting oral arguments before audiences at Creighton University, Omaha, Nebraska; University of Connecticut, Storrs, Connecticut; University of Mississippi, Oxford, Mississippi; Suffolk University, Boston, Massachusetts; Hamlin University, St. Paul, Minnesota; Charleston Air Force Base, South Carolina; Vanderbilt University, Nashville, Tennessee and Fort Campbell, Kentucky. The “Project Outreach” program assists in educating military personnel and the civilian community about the fairness and professionalism of the military justice system.

The Trial Defense Division: The Trial Defense Division (JAJD) is responsible for the provision of comprehensive defense services to all Air Force members. Area Defense Counsel (ADCs) represent military members globally in criminal investigations and proceedings under the UCMJ, to include: 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.

The Trial Defense Division is comprised of a Chief, Paralegal Superintendent, 3 Chief Senior Defense Counsel and their respective Defense Paralegal Managers (DPMs), 18 Senior Defense Counsel (SDCs), 83 Area Defense Counsel (ADCs) and 72 Defense Paralegals (DPs) stationed at 68 installations worldwide. At the macro-level, defense services are managed by the Chief and three Chief Senior Defense Counsel, each responsible for oversight of a regional Area of Responsibility (AOR)—Eastern/Europe, Central, and Western/Pacific. For each AOR, the DPM manages paralegal services and training. Within each AOR, there are six geographically aligned regions led by an SDC. The SDC billets are selectively filled by a major or senior captain with prior experience as a defense counsel. Each SDC supervises the defense services provided by 4-

5 ADC offices within their region and is responsible for litigating complex cases, providing attorney/paralegal training and mentoring, and professional responsibility oversight.

The primary point of service for most defense related services remains the base-level ADC office, which is selectively staffed by an experienced judge-advocate and defense paralegal team. This organizational framework establishes an independent supervisory and command chain that separates defense services from the influence of commanders who exercise court-martial convening authority and other disciplinary authority over their clients.

Additionally, three defense counsel are assigned to the Air Force Judge Advocate General's School (AFJAGS) at Maxwell Air Force Base, 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.

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.

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 orientation courses held annually at AFJAGS, Maxwell Air Force Base, Alabama. A separate SDC Leadership Course was held in May 2010 at Bolling Air Force Base, District of Columbia, focusing on the leadership and management skills required of these defense positions. The next SDC Leadership Course will be held in August 2009. JAJD also participated in three Trial Advocacy Conferences sponsored by AFJAGS: one in Germany, for all European defense personnel; one in Japan, for all Pacific defense personnel; and one in Charleston, South Carolina, for all defense personnel assigned to the continental United States.

The Government Trial and Appellate Counsel Division: The Government Trial and Appellate Counsel Division (JAJG) provides the United States with trial and appellate services, thereby promoting and preserving good order and discipline in the United States Air Force. JAJG lawyers are assigned as either appellate counsel or senior trial counsel, though the Division emphasizes a "one team, one fight" approach, with significant cross-feed between the appellate and trial functions.

Appellate government counsel zealously represent the United States in appeals of the Air Force's most serious court-martial convictions, with the goal of ensuring that such convictions are upheld on appeal. In this capacity, appellate government counsel act as the defenders of the military justice process, arguing to uphold actions by investigators, trial counsel, trial defense counsel, military judges, staff judge advocates, convening authorities, appellate courts, and nearly every other party involved in the military justice process.

Appellate government counsel research and draft legal briefs and present oral argument at the AFCCA, CAAF, and, together with the Solicitor General, before the Supreme Court of the United States. In the last year, the Division filed 130 Answers to Assignments of Error, 202 miscellaneous pleadings and presented 16 oral arguments at AFCCA. At CAAF, the Division filed 127 Waivers to Supplemental Briefs, 5 Answers to Supplements to Petitions, 21 Final Briefs, 2 briefs in cases certified by The Judge Advocate General (TJAG), 51 miscellaneous pleadings, and presented 18 oral arguments.

Appellate government counsel contributed to “Project Outreach,” sponsored by CAAF and AFCCA, by conducting oral arguments before audiences at various law schools and military installations. These arguments helped educate attendees on the fairness and professionalism of the military justice system and provided excellent recruiting opportunities.

Appellate government counsel were very engaged representing the Air Force in more than 10 government appeals under Article 62 of the UCMJ, and they met quarterly with their counterparts from the other military services to share information and legal strategies. Appellate counsel also spent countless hours diligently processing the death penalty appeal of *United States v. Witt*.

Appellate counsel also provide their expertise to trial practitioners and field judge advocates on the full range of military justice issues. In addition, appellate government counsel educate senior trial counsel and field JAGs on the process for pursuing interlocutory appeals and coordinate closely in cases where such appeals are considered.

Senior Trial Counsel (STC) provide strategic coverage for the prosecution of the Air Force’s most serious crimes anywhere in the world, ensuring prosecution expertise at the trial level, and mentorship to base level trial counsel. STCs also serve as government representatives in administrative discharge boards, investigations, and other proceedings, as resources allow. Sixteen STCs are assigned at twelve installations worldwide. Additionally, there are three Instructor/Litigators at AFJAGS. Each Instructor/Litigator spends approximately 1/3 of their time litigating courts-martial, and 2/3 of their time instructing other judge advocates on all military justice matters.

Over the last year, STCs tried 166 general courts-martial (GCM)—more than 80% of all GCMs tried in the Air Force. STCs also participated in 308 special courts-martial, Article 32 pre-trial hearings or other proceedings.

JAJG counsel—both appellate and trial—continue to be intensely involved in advocacy training, serving as adjunct faculty for several advocacy courses and the KEYSTONE Worldwide Leadership Summit, as well as publishing training materials. JAJG counsel produce a highly-regarded newsletter containing appellate updates along with timely and relevant articles for military justice practitioners across the Air Force. The Division also launched an extensive learning center page on the AFJAGS CAPSIL site that is loaded with trial and appellate resources, and it established regular web chats with Air Force trial practitioners across the globe

to discuss key current trial and appellate issues. JAJG also continued to fulfill its obligation to support war-fighting commanders by deploying one attorney to Iraq.

The Military Justice Division: The Military Justice Division (JAJM) develops and oversees the overarching policy for Air Force military justice actions and provides assistance and guidance to field offices on policies and procedures affecting ongoing cases and investigations. To facilitate this effort, JAJM is divided into seven branches: Policy and Precedent, Joint Service, Justice and Court Activities, Relief and Inquires, Appellate Records, AMJAMS (Automated Military Justice Analysis and Management System)/Special Interest/FOIA (Freedom of Information Act), and Central Witness Funding.

The Policy and Precedent Branch publishes Air Force instructions (AFI) on military justice practice and procedure, including AFIs 51-201, *Administration of Military Justice*, 51-202, *Nonjudicial Punishment*, and 51-1001, *Delivery of Personnel to United States Civilian Authorities for Trial*; issues policy letters on military justice; and publishes the world-wide convening authority order.

The Justice and Court Activities Branch is responsible for processing many of the actions required to support field offices, including resignations in lieu of court-martial; requests to recall members of the Air Reserve Component for disciplinary action and to deliver members of the Air Force to civilian authorities; administers the Victim and Witness Assistance Program; and provides general guidance on military justice issues. During the past year, the Branch also coordinated a cross-organizational effort to develop the first service-wide public court-martial docket.

The Relief and Inquires Branch provides advisory opinions to the Air Force Board for Correction of Military Records; reviews courts-martial on behalf of The Judge Advocate General under Article 69a, UCMJ; applications for modification or set aside under Article 69b, UCMJ; petitions for new trial under Article 73, UCMJ; and responds to inquires on military justice issues from the White House, members of Congress, the Secretary of the Air Force and other high level officials.

The Appellate Records Branch is the custodian for Air Force Records of Trial. This Branch docket and processes appellate cases and provides guidance on post trial processing of courts-martial. The AMJAMS/Special Interest/FOIA Branch provides current statistical data on military justice and handles policy related issues concerning AMJAMS. AMJAMS is the military justice management information system operated by The Judge Advocate General's Corps. AMJAMS, first implemented worldwide in 1974, today provides web-based, real time statistical and management information on the administration of military justice and tracks Air Force courts-martial and nonjudicial punishment actions. This Branch provides a monthly report to senior leaders and also processes all military justice related FOIA requests.

The Central Witness Funding Branch funds and manages travel for specified witnesses required for Article 32 investigations and courts-martial.

The Joint Service Policy and Legislation Branch represents the Air Force on the Joint Service Committee on Military Justice, reviews the Manual for Courts-Martial and the Uniform Code of Military Justice for appropriate changes to create effective and efficient practices for administering military justice, and reviews proposed legislation for impact on military justice.

AMJAMS data reflects that the Air Force conducted 738 courts-martial (204 general courts-martial, 384 special courts-martial and 150 summary courts-martial) from 1 July 2009 to 30 June 2010, an increase of 10 courts-martial from the number of courts-martial conducted during the same period the year before (728). The courts-martial rate per thousand members (RPT) for 1 July 2009 to 30 June 2010 was 2.22, a decrease of 0.01 from the courts-martial RPT for the same period the year before (2.23 courts-martial per thousand).

Additionally, the Air Force processed 6,788 nonjudicial punishment actions from 1 July 2009 to 30 June 2010, a decrease of 112 nonjudicial punishment actions from the number of nonjudicial punishment actions processed during the same period the year before (6,900). The nonjudicial punishment RPT for 1 July 2009 to 30 June 2010 was 20.44, a decrease of 0.67 from the nonjudicial punishment RPT for the same period the year before (21.11 nonjudicial punishment per thousand).

Corrections and Officer Review Division: The Clemency, Corrections and Officer Review Division (JAJR) is responsible for making clemency recommendations on court-martial cases to TJAG and the Secretary of the Air Force and serves as counsel to the Air Force Security Forces community on corrections matters including the Air Force Return to Duty Program.

JAJR serves as TJAG's representative on the Air Force Clemency and Parole Board. The board reviews cases of long-term prisoners, i.e., those with approved sentences of a year or more, for clemency, parole, and mandatory supervised release. The board also considers whether to revoke parole when conditions of parole are violated, reviews the applications of members for entry into the Return to Duty Program, and approves those who have completed the program for actual return to duty. The board took approximately 825 actions in 2009, including 104 parole decisions, and 40 mandatory supervised release actions. The Air Force's parole revocation rate is extremely low, and hovers around 10%.

The Air Force's Return to Duty Program is located at Lackland Air Force Base, Texas. JAJR has advocated the program within the JAG Corps, and provided 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 two years, the program has seen a ten-fold increase of participants and graduates. Approximately 50% of the Return to Duty entrants have graduated. Statistically, 90% of Return to Duty graduates continue on in their careers and eventually either separate honorably from the Air Force after their commitment, or gone on to retirement.

Court Reporting: JAJ manages court reporter support through the Joint Docketing System, For The Record voice recognition software and web-based data storage. Through use of these systems, JAJ's six Enlisted Court Reporters, as well as 79 civilian court reporters at bases worldwide, travelled to support 108 courts-martial, 27 administrative boards, and 9 accident investigation boards and 8 other proceedings during Fiscal Year 2010. By uploading audio files,

court reporters can accomplish their missions much more efficiently by allowing multiple court reporters to transcribe testimony while another court reporter records live testimony. As overseer of AF court reporting, JAJ also uses these systems to equitably distribute the workload amongst its total force court reporter assets.

Claims and Tort Litigation Division

The Claims and Tort Litigation Division (JACC) spent the past year serving as "ground zero" for the reorganization of The Judge Advocate General's Corps that began in 2007, as specific



components of the Division completed or progressed in expanding, contracting, reorganizing, and relocating to better meet the needs of the Air Force as an institution and its Airmen, employees, and families as individuals. The Division placed special emphasis this year on increasing the training provided to attorneys and paralegals in the field, enhancing the use of the internet in particular and information technology in general to capture lessons learned and provide real time worldwide reachback expertise, and employing the concept of attorney-paralegal teams to improve the Division's responsiveness in accident investigations in the field as well claim adjudications at home. All in all, JACC made huge

strides this year toward realizing the visions of the recent past and laid a strong foundation for completing that process in the near future.

Claims Service Center (CSC): Since its stand-up on 1 March 2007, the CSC has been in a nearly constant state of change. The Full Replacement Value (FRV) moving system mandated by Congress in 2007 is changing the way DoD moves household goods. This change has driven a decline in certain portions of the CSC's claims workload because many claims are now filed directly with the carrier. Additionally, most summer 2010 moves will take place within the Defense Personal Property System (DPS), the web-based system used to automate household goods moves for the future. Members will be required to file their Loss/Damage Reports and claims within DPS directly with their Transportation Service Provider (TSP). Finally, the CSC is fully civilianizing its workforce. This transformation is currently taking place and should be completed within the next 12 months.

In the first 8 months of this fiscal year, the CSC processed over 1,606 personal property claims and paid over \$1.5 million dollars in household goods and related claims. The CSC call center remains the focal point for all Airmen who have issues regarding household goods damaged during a military move, responding to over 11,000 calls between October 2009 and June 2010. The CSC also collects money from negligent moving companies through administrative offset or administrative litigation, if necessary. It has collected over 96% of what it asserted this year for a total of over \$1.5 million dollars collected.

Accident Investigation Board Field Support Center (AIBFSC): Established in September 2007, the AIBFSC consists of six judge advocates and six paralegals whose primary responsibilities are to serve as Legal Advisors and Recorders on Aerospace Accident

Investigation Boards (AIBs) (for mishaps involving aircraft, unmanned aerial systems, missiles, or space crashes) and Ground Accident Investigation Boards (GAIBs) (for duty-related ground accidents) for the Air Force worldwide. The AIBFSC Legal Advisors provide expert advice to AIB/GAIB members and help ensure the board's report complies with applicable laws and regulations.



Legal Advisors advise AIBs/GAIBs on a variety of subject matter areas, such as the Uniform Code of Military Justice, Freedom of Information Act, Privacy Act and Arms Export Control Act. The AIBFSC paralegals primarily serve as Recorders to senior officers acting as accident Board Presidents during aircraft and ground investigations.

Between investigations, the AIBFSC broadens its ability to support AIBs/GAIBs worldwide by organizing and training reserve JAGs and paralegals, develops and refines resource materials on its Air Force Portal Community of Practices webpage, and serves as the primary reach back for AIB members in the field.

Tort Claims Field Support Center (TCFSC): The TCFSC is responsible for providing training and expert guidance to installation-level legal personnel who adjudicate tort claims, and provide legal advice to senior Air Force officials on tort law matters. TCFSC experts reside in the Aviation and Admiralty Law Branch, Foreign Claims Branch, General Torts Branch and Medical Law Branch.

Aviation and Admiralty Law Branch (AALB): As its name implies, the Aviation and Admiralty Law Branch resolves tort claims and litigation arising from aviation and admiralty activities of the Air Force, Air Force Reserve and Air National Guard. In the aviation arena, the vast majority of the claims are for property damage involving low over-flights, sonic booms, and aircraft crashes onto private property, but there are a number of claims for death and personal injury as well. The Branch applies admiralty law when processing and litigating claims arising over or in navigable waters. When an aviation or admiralty case cannot be settled administratively, the Branch supports the Department of Justice in defending any litigation that ensues. The Branch also manages the release of information in civil litigation in which the United States is not a party, including gathering and preserving evidence and locating and preparing witnesses for deposition and/or trial, while at all times maintaining strict neutrality in the proceedings.



In addition to its claims and litigation roles, the Aviation and Admiralty Law Branch also advises the Air Staff on all issues related to Air Force aviation and admiralty activities, including release of mishap information, protection of the military safety privilege, friendly fire investigations,

public use of Air Force aviation and admiralty assets, aerial demonstration flights, disposal of wreckage and surplus equipment, the Civil Air Patrol, and tort liability implications of research and development programs. The Branch also promulgates and oversees the policies and procedures for legal investigations of Air Force aerospace mishaps, ensuring Accident Investigation Boards (AIBs) gather facts and prepare publicly-releasable reports in compliance with statutory and regulatory requirements. In carrying out this responsibility, the Branch oversees the AIB process from initial notification of the crash and appointment of the AIB president through final public release of the report. In addition, the Branch maintains a public website containing executive summaries of all completed AIB reports. Aviation and admiralty law attorneys also teach AIB procedures at more than a dozen Safety/Accident Investigation Board President Courses presented at the Air Force Safety Center, Kirtland Air Force Base, New Mexico, and Air University, Maxwell Air Force Base, Alabama, plus additional courses at the invitation of Major Air Commands throughout the world.

Foreign Claims Branch (FCB): The Foreign Claims Branch adjudicates personal injury and property damage claims arising outside the United States under the Foreign Claims Act (FCA) and guides Air Force legal offices worldwide in likewise investigating and settling such claims. In addition, the Branch also provides advice to MAJCOMs and Numbered Air Forces on the application of the International Agreement Claims Act (IACA), seeks amicable resolution of third-party tort claims filed in connection with Foreign Military Sale (FMS) activities, and coordinates with the U.S. Army on stateside tort claims involving foreign Air Force personnel or property covered by a Status of Forces Agreement (SOFA) with the United States.

Generally, when tort claims arise abroad, the military service branch generating the claim bears responsibility for the claim. There is, however, a significant exception to this rule known as “single service claims responsibility.” With respect to certain countries, the Department of Defense has assigned claims responsibility to one military service branch alone, whether or not its members played any role in generating the claim. Based on current assignments, the Army retains responsibility for, among other countries, Afghanistan and Iraq, and the Air Force has responsibility for Algeria, Australia, Azores, Botswana, Canada, Cyprus, Denmark, Egypt, France, Ghana, India, Japan, Jordan, Lesotho, Libya, Luxembourg, Madagascar, Malawi, Mauritius, Morocco, Namibia, Nepal, Norway, Oman, Pakistan, Qatar, Saudi Arabia, South Africa, Swaziland, Tunisia, Turkey, United Kingdom, Western Sahara, and Zimbabwe. Given the global reach of today’s Air Force and the increasing number of exercises and deployments worldwide, all deployable Air Force legal personnel, whether stationed stateside or abroad, require a working knowledge of foreign customs and claims issues.

General Torts Branch (GTB): This Branch adjudicates, advises on, or provides litigation support for all tort claims that do not fall within the scope of one of the other branches. While many of the claims involve motor vehicle accidents, others arise from a variety of activities, including security and law enforcement, contractors and their employees, and non-appropriated fund instrumentalities, such as the base exchange and clubs. The General Torts Branch faces the challenge of working with tort laws and affirmative defenses in all jurisdictions, as well as unique issues relating to overseas claims. In 2009, the General Torts Branch adjudicated more than 260 claims with approximately \$150 million at risk. The Air Force as a whole adjudicated more than 1500 claims with more than \$270 million at risk.

In addition to the investigation and adjudication of administrative claims, the attorneys must support litigation against the United States relating to these claims. Litigation support includes drafting pleadings and motions, drafting responses to discovery requests, participation in settlement discussions, preparation of witness testimony, handling depositions, determining trial strategies and defenses, and handling appellate issues. Last year the General Torts Branch vigorously defended the United States against over 50 lawsuits with more than \$80 million at risk.

In addition to claims and litigation, the General Torts Branch is responsible for handling substitution and removal actions for Air Force members sued in their individual capacities for acts or omissions occurring within the scope of their employment, and for approving release of official testimony or information by the Air Force in third party litigation involving Air Force interests. The Branch is also responsible to provide training, guidance and support to all Air Force installations throughout the world on how to conduct tort claim investigations and adjudications.

The General Torts Branch also has responsibility for pro-government claims, seeking recovery from responsible parties for damages to Air Force-owned tangible property or real property.

Medical Law Branch (MLB): The Branch's primary duties are to investigate, adjudicate, and provide litigation support for medical malpractice claims. Branch attorneys have worked with the Surgeon General's (SG) office to streamline the expert medical review process, which has shortened the time required for investigating medical malpractice claims with timely final actions and settlements. The end result of this streamlined process is a dramatic reduction in the number of medical malpractice lawsuits. In addition, as members of the Medical Law Field Support Center (MLFSC), Branch attorneys provide guidance to both the legal and medical communities on policy issues involving patient privacy, training agreements, medical ethics, the regulation of physicians and other medical law issues. As members of the MLFSC, Branch attorneys have traveled world-wide to Air Force Medical Treatment Facilities to support adverse privilege hearings as legal advisors.

In addition to investigation and adjudication of medical malpractice claims, Branch attorneys support all litigation against the United States relating to these claims. Litigation support includes drafting pleadings and motions, drafting responses to discovery requests, participation in settlement discussions, and preparation of witness testimony, handling depositions, determining trial strategies and defenses, and handling appellate issues.

Branch attorneys have also provided significant input to the Department of Defense on two bills (H.R. 1478 and S. 1347) before Congress seeking to overturn the so-called *Feres* doctrine with respect to claims based on medical malpractice. If passed, it would overturn the 1950 Supreme Court ruling barring active duty members from suing the Government for money damages arising out of medical care received in military hospitals and clinics. The bill would allow military members to sue for malpractice arising both in the United States and in foreign countries (currently, the United States cannot be sued for *any* tort action arising in a foreign country). Moreover, the statute would be retroactive to January 1997.

The Medical Law Branch also publishes the *Medical Law Quarterly*, a publication targeting Risk Managers and Hospital Administrators, with whom they are working more directly in the investigation of medical malpractice claims. The newsletter is intended as an additional medical legal resource for both medical personnel and attorneys working with their local medical treatment facilities. Topics this year addressed varied subjects and legal issues including, for example, Mental Health and Confidentiality, Portability of State Licenses, Use of Genetic Information, and Duty to Warn.

Medical Law Field Support Center (MLFSC):

Established on 1 September 2008, the MLFSC combines the talents of thirteen Medical Law Consultants (MLCs) stationed around the world with the expertise of an experienced team of Medical Law Branch attorneys. The MLFSC is staffed with subject matter experts who are skilled in issues such as HIPAA, adverse privilege actions, informed consent, training affiliation agreements, bioethics, and medical research.



The MLFSC uses this expertise to provide “reach back” medical law support and counsel to legal offices and military treatment facilities in the field.

In addition, the field support center strengthens vital communication links between MLCs, the medical malpractice defense attorneys assigned to the Medical Law Branch, and experienced subject matter experts. Lessons learned from litigation quickly flow to the MLCs, enhancing their counsel to military treatment facility commanders and staffs. Technology is important as MLCs can request and receive real-time consultation and support services by phone, email, or VTC. MLCs leverage technology and their medical-legal expertise on a global scale to provide candid, independent, and timely medical-legal counsel to their clients.

Medical Cost Reimbursement Program (MCRP):

The MCRP oversees the recoupment of the cost of medical care rendered to Air Force beneficiaries (active duty, retired members, and their eligible dependents) as a result of injuries or illnesses caused by third parties. Amounts recovered are returned directly to the medical treatment facility (MTF) that rendered the care, or to the TRICARE Management Activity if the covered care was provided by a civilian facility. Last fiscal year \$14 million was collected and returned to MTFs and TRICARE by the MCRP. The eight MCRP Regional Offices are on schedule to collect and return over \$18 million this fiscal year.



Environmental Law and Litigation Division

The Environmental Law and Litigation Division (JACE) consists of 54 Air Force attorneys, 2 Law Office Managers, 1 administrative support person, and 5 paralegals operating at 13 locations across the United States. The division continues to handle all environmental litigation for the Air Force and advise clients and legal professionals throughout the Air Force on environmental issues. In its role as the Department of Defense Executive Agent for Environmental Law Education, the division developed and presented 3 courses during the period: the Basic Environmental Law Course at the Judge Advocate General School in Alabama, the Advanced Environmental Law Course held in the Washington DC Metro area, and the Environmental Update Course which is presented via distance education.

The areas of major concern confronting the Division continue to be the same. It is a constant battle to fight off encroachment and its negative impacts upon our installations and mission. In addition, the bed down of new missions and all the requisite planning associated with such actions plays a large role in the day-to-day activities on the Division. Other issues of growing concern are Green House Gasses (GHGs), Clean Air Act (CAA) conformity, and emerging contaminants such as perchlorate. Continued emphasis on environmental compliance, environmental training, and aggressive focused litigation support are likewise a major focus area for the Division. Many of the specific accomplishment in all of these areas are discussed below.

Environmental Law Field Support Center (ELFSC): The cadre of subject matter experts at the ELFSC has helped ensure consistency of legal advice and minimized the duplication of effort that existed under the old MAJCOM structure, receiving overwhelmingly positive feedback from its MAJCOMs and installation customers. A few of the highlights of the ELFSC accomplishments the first half of 2010 include critical CAA advice on potential F-35 bed-down locations, revisions to the Air Force process for tracking and closing EAs, crafting the Air Force's response to proposals for new critical habitat designations for endangered species, and continued progress in concluding federal facility agreements with the EPA.

Litigation Center: The Litigation Center handles all environmental and land use litigation for the Department of the Air Force. On occasion, the Litigation Center attorneys will also serve as lead agency counsel for the Department of Defense. The Litigation Center divides its cases among several attorneys, with well-defined areas of practice. These litigation practice areas include: Defensive Hazardous Waste, Affirmative Hazardous Waste, Environmental Torts, Third Party Sites, Land Use, and Administrative. The Litigation Center has focused some of its effort during this period on an Air Force working group that has been assembled to establish practices and procedures to comply with the critically important area of electronic discovery obligations. The Deepwater Horizon's oil spill in the Gulf of Mexico has been the subject of much energy and attention. The Litigation Center has taken the lead in the effort to gather and maintain important Air Force records, track response and clean-up costs, and identify potential witnesses for depositions to support claims for reimbursement.

Regional Counsel Offices: Our Regional Offices also continue to perform incredible things on behalf of the Air Force. Their role in shaping state legislative agendas and commenting on state regulatory programs is invaluable. Regional offices were active in representing AF interests in

Third Party Site and ACR programs. They also have the lead role in addressing both state and federal enforcement actions against the Air Force. This capability has been maximized with the ability to reach back and tap into the subject matter expertise resident in the ELFSC. Their efforts have contributed to new legislation in five states to protect Air Force missions from encroachment and increased the awareness of the FAA of the complications to Air Force missions that can be caused by wind farm projects.

Central Region: The issue of encroachment is of particular importance to many bases within the Central Region. JACE-CR conducted a review of various tools to protect bases from encroachment and identified a couple of state legislative proposals. JACE-CR began working with the other services and state legislators on legislation in five states that would protect military installations from encroachment. These efforts resulted in the successful efforts to secure invaluable encroachment legislation in Texas, Colorado, Nebraska, and Kansas. Further, Oklahoma passed landmark legislation that potentially provides a mechanism for the state to require wind turbine developers to obtain building permits from the state Aviation Safety Board prior to citing turbines.

Eastern Region: In the Eastern Region, one of the most important, complex issues affecting Air Force interests has continued groundwater allocation permitting and fees. Specifically, in coordination with regional counsel for the other services as well as installation, MAJCOM, and JACE attorneys, JACE-ER has continued to further DoD efforts to resolve issues about the applicability of New Jersey's groundwater withdrawal permits and fees to military facilities. Similar efforts are underway at addressing groundwater allocation restrictions in New York, Delaware, and other states across the region.

Western Region: The Western Region continued to provide advice on and participate in the development of strategies to respond to cutting-edge restoration and compliance issues at installations in the region. The WR is the legal lead on the analysis of 54 complex California provisions for acceptability as applicable or relevant and appropriate requirements (ARARs) under CERCLA. The WR led a negotiation meeting with California on in January 2010, including the preparation and research for the meeting. Successful conclusion to this effort will expedite ARAR determinations at existing restoration sites and assist in reaching the Air Force goal of remedy in place by FY12.

General Litigation Division

The General Litigation Division is comprised of over 80 attorneys and paralegals throughout the United States assigned under the Labor Law Field Support Center, Military Personnel Litigation Branch, Information Litigation Branch, and Utility Law Field Support Center. The Division represents the Air Force and its personnel in federal civil litigation and administrative proceedings world-wide involving military and civilian personnel issues, constitutional torts, labor law, information law and utility rates.

Labor Law Field Support Center (LLFSC): The highlight of 2009 for the LLFSC was winning the Air Force General Counsel's Alternative Dispute Resolution (ADR) Award for large organizations. The award recognized the LLFSC's use of interest-based ADR principles to

successfully negotiate settlement in over 180 labor and employment cases. Confronted with over \$12 million in potential liability, the LLFSC settled more than half of the cases with no cash payouts and settled the remainder for less than \$750 thousand. In addition, the LLFSC trained nearly 500 attorneys, civilian personnel, and equal opportunity professionals on ADR concepts and settlement philosophy in order to grow a cadre of ADR-savvy litigators and management representatives.

The LLFSC continued to have a main office at Arlington (Rosslyn), Virginia. It also has four regional offices. The LLFSC continued to support the vast majority of Air Force installations with 37 personnel at Rosslyn and 14 personnel in four regional offices located throughout the United States. After reorganization, the Rosslyn LLFSC office consists of the Special Actions Branch, the Federal Litigation Branch, the Administrative Litigation Branch (East), the Administrative Litigation Branch (West), and the Labor Law Branch. While each Branch at Rosslyn specializes in a specific area of employment and labor law, the regional offices handle all types of labor and employment law for bases supported by that regional office.

The LLFSC represents the Air Force in administrative litigation before the Merit Systems Protection Board (MSPB), the Equal Employment Opportunity Commission (EEOC) and the Federal Labor Relations Authority (FLRA), in all employment and labor-related Federal court litigation, and in other forums such as the Office of Special Counsel (OSC). LLFSC attorneys actively participate in the Federal court litigation of over 100 court cases each year, closing out 13 in 2009. Working closely with Assistant United States Attorneys, other members of the Department of Justice, and Air Force lawyers at various military installations around the world, the LLFSC handles all aspects of the cases, including drafting pleadings, conducting depositions, writing motions to dismiss/summary judgments, and trying cases. The LLFSC closed 46 cases before the Merit Systems Protection Board, 52 cases before the Equal Employment Opportunity Commission and 104 cases before the Federal Labor Relations Authority in 2008. During the last year, LLFSC attorneys defended Air Force interests in a number of cases, including alleged failure to bargain on changes in conditions of employment, alleged reprisal for protected activity, alleged wrongful removal based upon age, sex, and race discrimination, termination for unacceptable performance, discipline for various types of misconduct, and allegations of individual and class discrimination.

The LLFSC also advises policymakers at Headquarters Air Force, as well as labor and employment attorneys and labor specialists in the field, on every aspect of labor and employment law, including issues of labor management relations, collective bargaining, and adverse personnel actions. In 2009, LLFSC attorneys advised on the Joint Base initiative, Equal Employment Opportunity Policy, impact of Security Police civilian qualification requirements, and transition from the National Security Personnel System to the General Schedule system.

Finally, the LLFSC advises and trains labor lawyers, Equal Employment Opportunity managers, personnel specialists, and supervisors on labor and employment law principles. LLFSC attorneys also teach at labor and employment law seminars hosted by Federal agencies. The Federal Employee Labor Law Course (FELLC) was conducted at the Air Force Judge Advocate General's School this year while the Advanced Labor and Employment Law Course (ALELC) was conducted at Rosslyn, Virginia.

Special Actions Branch (SAB). This Branch works policy issues relating to disciplinary matters, MSPB matters, and EEO matters. The SAB handles OSHA issues, agency grievances, drug testing program issues, workers' compensation issues, and unemployment compensation issues. The SAB is responsible for the case management of all class action issues and litigation, both administrative and judicial. The SAB is also responsible for Office of Special Counsel issues and NSPS issues to the extent NSPS issues fall outside the Labor- Management Relations Statute. The SAB is responsible for the upkeep, organization, and implementation of the LLFSC database and on-line library as well as the LLFSC monthly Newsletter. The SAB is primarily responsible for all internal and external training, to include the Federal Employee Labor Law Course (FELLC) and the Advanced Labor and Employment Law Course (ALELC). Attorneys in the Special Actions Branch litigate cases as assigned.

Federal Litigation Branch (FLB). This Branch is responsible for litigation before Federal courts, to include appellate matters, on issues related to discipline, discrimination, the EEOC and the MSPB. Additionally, the FLB processes and advises on all EEO Acceptance and Dismissal Letters. The FLB Branch Chief may assign additional cases to regional office attorneys, as workloads require.

Administrative Litigation Branch East (ALBE). This Branch is responsible for EEOC and MSPB litigation before administrative tribunals for assigned installations. The ALBE is also responsible for advising installations regarding disciplinary and EEO matters. The ALBE is responsible for bases primarily in the eastern and central regions of the United States and throughout USAFE. However, there are a few exceptions. The ALBE Branch Chief oversees case management in the Eglin Regional Office.

Administrative Litigation Branch West (ALBW). This Branch is responsible for EEOC and MSPB litigation before administrative tribunals for assigned installations. The ALBE is also responsible for advising installations regarding disciplinary and EEO matters. The ALBE is responsible for bases primarily in the western portion of the United States and throughout PACAF. However, there are a few exceptions, most notably, the National Capitol Region (NCR). The ALBW Branch Chief oversees case management in the Scott and Los Angeles Regional Offices.

Labor Relations Branch (LRB). This Branch is responsible for matters relating to the Federal Labor Management Relations Statute (FLMRS), for example, Unfair Labor Practices, Representation Petitions, Negotiability Determinations and policy matters relating to these areas. The LRB is also responsible for grievance and arbitration issues. The LRB handles all litigation before administrative bodies and Federal courts on issues related to its assigned responsibilities.

Regional Offices: The Regional Offices represent the Air Force in all issues of labor and employment law which arise at bases for which they are responsible. Therefore, a Regional Office attorney may, and often does, litigate before the MSPB, EEOC, FLRA, and Federal court. LLFSC Regional Offices are located at Eglin Air Force Base, Florida; Randolph Air Force Base, Texas; Los Angeles Air Force Base, California; and Scott Air Force Base, Illinois.

Military Personnel Litigation Branch (MPLB): The Military Personnel Litigation Branch defends the Air Force against all Federal civil court challenges to Air Force personnel practices and programs. The Branch defends claims for military pay and benefits in the United States Court of Federal Claims, United States District Courts, and United States Courts of Appeal. Many of these claims are based on adverse personnel actions that resulted in the early termination of military careers and on applications for relief that were denied by the Air Force Board for Correction of Military Records. The Branch also defends Air Force personnel decisions challenged in the various federal district courts under the Administrative Procedure Act. While many of the complaints handled by the Branch involve individual personnel actions, several recent cases have challenged entire programs. The Branch continues to assist the Department of Justice with the defense of the homosexual discharge policy in 10 U.S.C. § 654 in light of the Ninth Circuit Court of Appeals' decision requiring the services to prove in each case that intruding into the service member's private life is justified because it is necessary to advance an important government interest, such as maintaining morale, discipline and unit cohesion. Two such cases are at trial in federal district court. The Military Personnel Branch also continues in the defense of a class action law suit in which Air National Guard members are seeking compensation for enrollment in correspondence courses. The Branch has taken the service lead for electronic discovery in a class action suit against the DoD involving all services' failure to properly provide adequate disability ratings for members returning from combat assignments with PTSD. This case currently tallies 1,600 plaintiffs with the potential that 4,000 many opt in to the class. Finally, the Branch responds to all Habeas Corpus petitions filed by Air Force members serving court-martial sentences, to include a number of petitions challenging DoD's mandatory supervised release program for military prisoners.

Information Litigation Branch (ILB): The Information Litigation Branch's practice has three main components. The Branch's first and most important responsibility is the representation of Air Force interests in Federal court cases involving information litigation, alleged Constitutional torts, and taxes impermissibly assessed against the United States. The information litigation segment includes cases brought under Freedom of Information Act (FOIA), the Privacy Act, the Right to Financial Privacy Act (RFPA) and related statutes. These cases involve the whole spectrum of possible claims, from failure to process FOIA requests in a timely fashion, to improper withholding of records and improper release of records protected by the Privacy Act. In "reverse" FOIA suits, attorneys defend Air Force decisions to release information over objection of a third party claiming a proprietary interest. The Branch defends "reverse" FOIA cases under provisions of the Administrative Procedure Act (APA), generally contending with the world's largest defense contractors. The Air Force continues to handle cases alleging Constitutional torts. In such cases, plaintiffs often allege several other causes of action and seek damages from both military members and civilian employees for actions taken in their personal capacities.

Second, the Branch reviews and processes all FOIA administrative appeals from throughout the Air Force and advises the Office of the Secretary of the Air Force on final actions in these appeals.

Finally, Branch attorneys provide guidance throughout the Air Force regarding requests for Air Force personnel to appear as witnesses concerning official matters in civil and criminal litigation

and requests for the release of official Air Force information outside of FOIA. The request may be for interagency use or for third party use, in Federal court, state court, or at an administrative hearing.

Utility Law Field Support Center (ULFSC): The ULFSC, formerly known as the Utility Litigation Team, represents the Air Force and other Federal Executive Agencies before state and local regulatory bodies in matters involving electric, gas, water, and sewage rates and service, and serves as the Air Force’s expert on utilities law. The ULFSC also provides advice to installations and Major Commands relating to utility services and payment of utility fees and taxes. A unique attribute of the ULFSC is its function as the Federal Executive “lead agent” in those regions where the General Services Administration (GSA) has delegated responsibility to the Air Force to represent all federal utility customers (currently 16 states). Additionally, the ULFSC is the legal half of the joint Judge Advocate/Civil Engineer Utility Rate Management Team (URMT) that provides advice and contract negotiation support for the same commodities. In that role, ULFSC attorneys advise installations and Major Commands on legal issues related to purchases of renewable energy and development of renewable power projects on Air Force installations and assist installations in negotiations with local utility companies for the provision of utility services.

During the last year, the URMT advised installations worldwide on renewable energy projects including wind power, urban waste, biomass and landfill gas projects, as well as photovoltaic and geo-thermal energy projects. The URMT also provides support to the Air Force's Energy Saving Performance Contracts and Utility Energy Service Contracts programs. These programs involve contracting with commercial operators to make improvements in infrastructure that will reduce energy use and then use the savings from the reduced energy use to pay for the improvements. In addition, the ULFSC provides legal support for the ongoing effort to privatize the Air Force's utility infrastructure and \$285M of energy conservation and utilities infrastructure projects per year. The ULFSC also provides direct support to the \$750M contingency contracting and sustainment, restoration, and modernization contracting programs co-located with the ULFSC at Tyndall AFB.

Commercial Law and Litigation Directorate

The 42 Air Force attorneys and paralegals currently assigned to the Commercial Law and Litigation Directorate (AFLOA/JAQ) defend Air Force interests in all facets of commercial litigation (contracts, intellectual property, privatization, bankruptcy, and surety), and provide advice to Air Force legal and acquisition professionals around the world.

The Directorate is divided into two Field Support Centers: Contract Law, which is primarily a “reach back” and training resource for legal and acquisition professionals at the installation, center, and major command levels; and Commercial Litigation, which represents the Air Force in the full range of actions and forums involving procurement and other commercial activities. These include:

- lawsuits filed in the United States Court of Federal Claims;

- appeals of contracting officers' final decisions filed at the Armed Services Board of Contract Appeals (ASBCA) and the United States Court of Federal Claims;
- appeals filed at the United States Court of Appeals for the Federal Circuit;
- requests for temporary restraining orders and preliminary injunctions filed in the United States District Courts and the United States Court of Federal Claims;
- bankruptcy cases involving Air Force contractors filed in the various bankruptcy courts throughout the United States; and
- bid protests before the Government Accountability Office (GAO) and Court of Federal Claims.

Contract Law Field Support Center (KLFSC): The KLFSC continues to establish itself as the JAG Corps Center of Excellence for all operational contracting issues. Routinely taking calls



from practitioners in the field, the KLFSC provides research assistance, offers suggested approaches, and generally seeks to guide base contract law attorneys who lack the experience to “fly solo.” In addition, the KLFSC acts as a clearinghouse for contract and fiscal law news and developments, passing information to the field through

the Online News Service and monthly conference calls with the Air Force Major Commands, Direct Reporting Units, and Air Staff acquisition counsel. Partnered with SAF/AQCA, the KLFSC is laying the groundwork for the Secretary of the Air Force and Chief of Staff of the Air Force Installation Acquisition Transformation initiative, which will provide significant Operations and Maintenance dollar savings as the Air Force seeks to strategically source many base support supplies and services. Anticipating additional personnel in fiscal year 2011 and beyond, the KLFSC will offer contingency contracting and enhanced operational contracting support for the field.

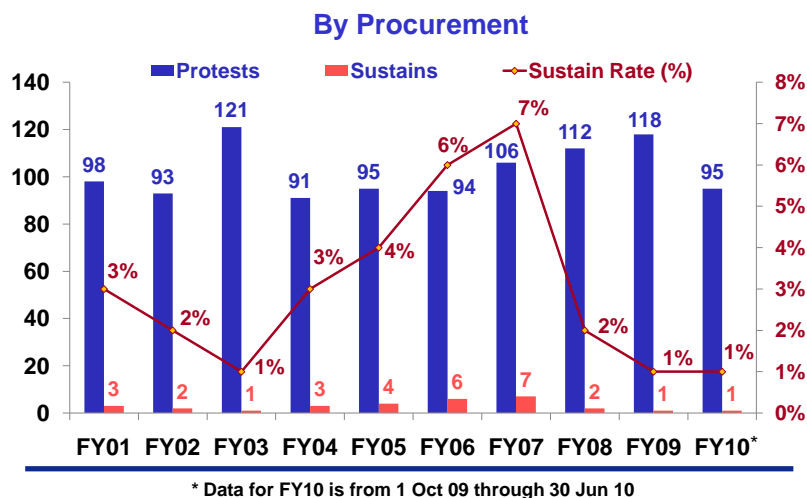
Commercial Litigation Field Support Center (CLFSC): In FY2010 through June 30, JAQ has closed 200 cases having total exposure of nearly \$168 million, of which the Air Force paid-out almost \$20.5 million. As of June 30, 2010, the Air Force had a total of 102 open cases in litigation, with more than \$830 million at risk. To provide representation in those cases, the CLFSC is divided into six branches. Each branch is responsible for a particular area of practice or forum:

Federal Court Branch: As of June 30, 2010, JAQ was defending ten government contract related cases in the Court of Federal Claims. The current cases are primarily bid protests filed in addition to or in lieu of protest actions filed at the GAO. Some of the cases are contract related claims against the Air Force filed with the court rather than the ASBCA.

GAO Bid Protests Branch: As of June 30, 2010, JAQ was defending seventeen active protests before the GAO. JAQ has closed more than 170 GAO bid protests thus far in FY2010, and

closed 183 during FY2009. During that timeframe, GAO has only sustained one protest against the Air Force each fiscal year.

GAO Bid Protest Sustain Rate U.S. Air Force Acquisitions



In addition to litigating bid protests at GAO, JAQ and other Air Force acquisition attorneys serve on multidisciplinary independent review teams, or “MIRTs.” The MIRTs function as a “red team” to identify potential grounds for bid protests prior to source selection in major acquisition programs. The MIRTs have helped identify potential grounds for protests in several major acquisition programs

Armed Services Board of Contract Appeals (ASBCA):

As of June 30, 2010, JAQ was representing the Air Force in 62 appeals before the ASBCA with approximately \$600 million at stake. The two most significant cases currently are the Redlands case and a launch services contract case involving a joint venture with two Department of Defense contractors.

In the ongoing Redlands litigation, the Appellant is seeking \$237 million in alleged damages arising out of performance of subcontracts for the 1965-1975 design, development, and production of the SRAM missile system, and pollution of underground water in the vicinity of Redlands, California. The alleged bases for the claims are contract indemnification provisions, never before litigated, that have also appeared in over 2,500 DoD contracts since 1958.

Another significant ASBCA appeal by a joint venture seeks \$273 million arising from its pre-existing contracts for launch of Global Positioning System (GPS) satellites. The Appellants have contended that the Air Force caused the Appellant to use a larger launch vehicle than it had anticipated because of growth in weight of the satellites.

The branch’s recent victories have included novel situations and rare legal conclusions. One rarity was a decision both on the merits and on reconsideration (comprising over 140 pages) finding a contractor to have been *grossly negligent as to amount to fraud* in its construction of military family housing, providing the backdrop for over \$25 million in Air Force claims. Another novel case involved the denial of an appeal from a satellite telephone service provider to a CENTCOM stationed unit. Appellant was seeking \$319,900 under its contract, notwithstanding a \$25,000 not-to-exceed price, following cloning of reception capability by a “fraudster.” The ASBCA Appeals branch also won a denial of an appeal of a claim by a former

provider of software for an Air Force remotely piloted vehicle. This claimant sought over \$2 million following the Air Force's decision to not exercise additional contract options.

Privatization and Leases Branch: The Air Force is in the process of privatizing a significant amount of military family housing and base utilities infrastructure in the United States, and currently has numerous projects in various stages of performance, competition for award, or design. JAQ is responsible for providing advice to the Air Force Office for Installations, Environment and Logistics, the Air Force Center for Engineering and the Environment, and major commands and installation legal counsel during project design and source selection phases of both the housing and utilities privatization processes. Additionally, JAQ handles all protests to GAO and works with the Department of Justice on litigation arising from privatization actions. Issues of particular note during this period included the American Eagle litigation and ensuing settlement, the effect of potential changes in impact aid to school systems serving housing privatized areas, property tax issues, issues concerning commanders' authorities in privatized areas, and resetting the privatized program based upon requirements and market analysis updates.

In addition, the Air Force is embarking on an extensive new program of leasing property located in underutilized areas of the installations to private entities for private uses in exchange for in-kind consideration which benefits both the Air Force as a whole, and the specific installations. JAQ is responsible for providing advice in drafting the generic documents to be used Air Force wide. JAQ is also responsible for providing advice concerning selection of private entities with respect to potential litigation risk, and handling protests and other litigation arising out of the leasing process. Issues of particular note concern advising on sole source awards to ensure proper justification in lieu of the competitive processes.

Furthermore, the Air Force is in the continuing process of converting property from expiring "801 leases" for family housing. These conversions involve potentially complex litigation. JAQ is responsible for providing legal advice concerning potential litigation risks and working with the Department of Justice on litigation arising from these conversions. Recent issues have involved multiple claims by private parties for damages in condemnation suits, as well as negotiations concerning carry over leases in preparation for housing privatization under the new privatization process.

Finally, the JAQ Privatization and Leases Branch is responsible for protests and other litigation concerning "A-76 procurement" and the new in-sourcing guidance that Congress has issued. Currently each new case is a case of first impression, and issues of particular note concern standing of various parties to bring suit and defining proper causes of action.

Intellectual Property Branch: The CLFSC Support Center adjudicates administrative claims and serves as agency counsel in defense of intellectual property infringement cases brought before the United States Court of Federal Claims, as well as appeals to the United States Court of Appeals for the Federal Circuit. The Air Force is currently defending 14 administrative claims and/or court cases alleging intellectual property infringement, with claims totaling nearly \$266 million.

Special Litigation Branch: This branch provides advice to legal offices in the field on how to deal with bankrupt government contractors as well as bankrupt Airmen. It also serves as agency counsel for the Air Force in litigation in bankruptcy courts and appeals of bankruptcy cases to the various Courts of Appeals throughout the United States. In addition, it serves as the primary JAQ point of contact for issues such as contractor frauds and remedies, *qui tam* cases, and *Touhy* requests for Air Force information and witnesses in cases related to contracting.

Conclusion

The Air Force JAG Corps delivers professional, candid, independent counsel and full-spectrum legal capabilities to command and the warfighter. Today's uncertain international security and evolving legal environment requires a balance-driven approach. We must overcome today's challenges while simultaneously preparing for tomorrow's. In support of these challenges and our mission, over the past year the Corps has steadily continued on the phased implementation of its multifaceted JAGC21 program. We have restructured how we provide legal services -- without diminishing the best aspects of valued client-attorney relationships. JAGC21 initiatives have revealed new opportunities and the Corps is committed to making the most of every one of them.