REPORT OF THE JUDGE ADVOCATE GENERAL OF THE NAVY TO THE AMERICAN BAR ASSOCIATION 2010 ANNUAL MEETING
Our Navy today is globally deployed, persistently forward, and actively engaged. More than 50,000 Sailors are on station around the world, including 13,000 Sailors on the ground in Central Command... Demand for the Navy forces is the highest it has been in recent years, and we are responding to this demand with more agility and flexibility than ever before.

Chief of Naval Operations Guidance for 2010

Our armed forces are extraordinarily engaged around the world and rely on the JAG Corps’ team of professionals to provide legal support for the full spectrum of joint military operations, including major combat operations at sea and ashore, asymmetric warfare, humanitarian and peacekeeping operations, and homeland defense. Our mission is simple – we provide legal solutions to our clients whenever and wherever required. Our clients are as diverse as our corps, ranging from senior military leadership to our servicemembers and their families. The Navy JAG Corps’ legal professionals are an integral part of America’s armed forces and the United States Navy.

Our civilian and military leaders have made it clear that winning the fight against asymmetric threats to our country requires that we change and adapt at a rapid pace. As the JAG Corps continues to meet our nation’s commitments around the globe, it is also developing a Corps capable of confronting the challenges of the future. Detailed in our strategic vision, JAG Corps 2020, is our view towards the future and how we can successfully confront the legal challenges of our clients that lie ahead. I published my 2010 guidance this year, which set goals, establish milestones, and identify prioritized actions that the JAG Corps must take to reach the vision in JAG Corps 2020 and ensure continued success for our community. We have made significant progress toward our vision, which you will find detailed throughout this report.

The members of the Navy JAG Corps – officers and enlisted, active and Reserve, and civilian employees – are committed to fulfilling a vital duty as legal experts for the United States Navy and the Department of Defense. Our more than 2,300 members have diverse backgrounds and talents but are all singularly committed to the Navy’s mission and our nation. The incredible work the JAG Corps has achieved is evident in the many accomplishments highlighted in this document. The American Bar Association can take great pride in the Navy Judge Advocate General’s Corps.

James W. Houck
Vice Admiral, JAGC, U.S. Navy
Judge Advocate General
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I. INTRODUCTION

A. Judge Advocate General

The Judge Advocate General of the Navy (JAG), Vice Admiral James W. Houck, provides legal and policy advice to the Secretary of the Navy (SECNAV) and the Chief of Naval Operations (CNO) on legal matters in the areas of military justice, administrative law, environmental law, ethics, claims, admiralty, operational and international law, national security litigation and intelligence law, general litigation, and legal assistance. The Office of the Judge Advocate General (OJAG) supports the JAG in exercising his responsibility to formulate and implement policies and initiatives pertaining to the provision of legal services within the Navy. The JAG directs a worldwide organization of 2,370 personnel including 833 judge advocate officers, 15 limited duty officers (law), 477 enlisted legalmen, 410 civilian personnel, 460 Reserve judge advocate officers, and 175 Reserve enlisted legalmen.

B. Naval Legal Service Command

Rear Admiral Nanette M. DeRenzi, commands Naval Legal Service Command (NLSC). NLSC provides prosecution and other command services to shore and afloat commands throughout nine Region Legal Service Offices (RLSOs). Defense counsel, personal representation, and legal assistance services are provided to individual Sailors through eight Naval Legal Service Offices (NLSOs). Additionally, Rear Admiral DeRenzi is responsible for the Naval Justice School in Newport, Rhode Island, and its two teaching detachments in Norfolk, Virginia, and San Diego, California.

II. Progress and Achievements: July 2009 – June 2010

A. Civil Law (OJAG Code 01)

1. International and Operational Law (OJAG Code 10)

The International and Operational Law Division continued to provide legal and policy advice and training on international and operational law issues to the Department of the Navy (DoN), the Department of Defense (DoD), and the national security establishment. The Division also played a leading role in supporting the DoD General Counsel, the Chairman of the Joint Chiefs of Staff (CJS) legal counsel, and staff judge advocates assigned to combatant commanders and maritime component commanders on issues such as humane treatment of detainees, piracy, direct participation in hostilities by civilians, unmanned surface and sub-surface vessels, international agreements, coastal states’ efforts to restrict freedom of navigation, and military activities in various maritime zones.

One Code 10 attorney was deployed during this period with Combined Task Force 151, a multinational naval task force conducting counter-piracy operations in the Indian Ocean, and served as the first U.S. Navy judge advocate providing legal counsel at sea to the Turkish admiral in command of the task force. Another Code 10 attorney is currently deployed for an
Code 10 attorneys provided advice to the SECNAV, the CNO, fleet commanders, and other Navy commands around the world in the drafting, negotiation, interpretation, and implementation of international agreements with foreign nations and international organizations. The Division worked closely with its DoD and State Department counterparts in implementing agreements on foreign basing and mutual support matters, such as submarine rescue, personnel exchanges, and status of forces agreements. These activities allowed U.S. naval forces to work more effectively with forces from other nations and to increase maritime domain awareness by sharing information, personnel, equipment, and facilities with friendly and allied nations abroad. The Division provided extensive legal analyses of complex issues related to the Kampala Review Conference for the Rome Statute of the International Criminal Court in support of the U.S. delegation. The Division oversaw monitoring of host nation adherence to foreign criminal jurisdiction procedures and gathered all required inputs from Navy commands on the exercise of criminal jurisdiction by foreign tribunals over U.S. personnel. The Division also served as the Navy’s representative to the State Department for international agreements, as required by the Case Act (1 U.S.C. § 112b).

Code 10 advised the Navy Staff and fleet commands on the sovereign immunity of warships and other naval vessels. The Division did substantial work with the State Department and other agencies concerning the status of time-chartered vessels by the Military Sealift Command. The Division continued to respond to Congressional inquires and requests for information from the public concerning the investigation of the 1967 attack on USS Liberty.

The Division supported the Navy Judge Advocate General in his role as DoD Representative for Ocean Policy Affairs (REPOPA) and actively participated in interagency ocean policy committee meetings, including representing DoD at the International Maritime Organization (IMO). The Division also provided support to the CNO and the Deputy JAG for their presentations at the 34th annual conference of the University of Virginia School of Law Center for Oceans Law and Policy, whose theme this year was the U.S. Interests in Prompt Adherence to the Law of the Sea Convention. Code 10 also advocated Navy and DoD positions at the IMO and in the interagency process on a wide range of issues such as the International Convention on the Safe and Environmentally Responsible Recycling of Ships; the MARPOL Convention, Annex V; the International Convention for the Safety of Life at Sea; the London Convention and the 1996 Protocol to the London Convention; and the Ballast Water Convention.

An important responsibility of the Division continued to be the publication and maintenance of the DoD Maritime Claims Reference Manual, which is the definitive guide to international maritime claims. The manual, which covers the maritime claims of 157 countries and territorial dependencies, is available at: http://www.dtic.mil/whs/directives/corres/html/20051m.htm (listed as DoD 2005.1M) and at: http://www.jag.navy.mil/organization/code_10_mcrm.htm.

The Division worked diligently to increase fleet-wide knowledge of international and operational law issues. Attorneys from the Division’s Center for Operational Law and Training (COLT) taught law of the sea, international agreements, and law of war classes for the Law of
Military Operations course at the Naval Justice School and the Naval War College in Newport, Rhode Island. They also taught law of war classes for medical personnel at the National Naval Medical Center in Bethesda, Maryland, and taught a law of the sea class at the National Defense University in Washington, DC. The Division also published periodic “OPLAW Advisories.” These advisories provided information on force protection, law of the sea, law of armed conflict, international agreements, and other operational and international law topics to judge advocates around the world.

Code 10 attorneys represented the Navy at meetings of the DoD Law of War Working Group and participated in the ongoing initiative to draft a DoD Law of War Manual. The Division conducted mandatory reviews in compliance with the law of armed conflict and domestic law for all weapons and weapons systems to be acquired by the DoN. Additionally, in coordination with the Staff Judge Advocate to the Commandant of the Marine Corps, the Division supported the Joint Non-Lethal Weapons Directorate by continuing to provide the legal analysis necessary to develop and field non-lethal weapons technology.

2. Admiralty and Maritime Law (OJAG Code 11)

The Admiralty and Maritime Law Division continued its global practice of advising the fleet and Navy leadership on admiralty and maritime law issues while operating the Navy’s admiralty claims and litigation office. The Division is responsible for admiralty and maritime law matters, including claims and litigation related to maritime torts, contract, salvage, international law, environmental law, and maritime legislation and regulations. Goals for 2010 include: continued emphasis on affirmative claim recoveries; returning recovered money to Navy commands; and streamlining claims adjudications for small/individual claimants, given their inability to absorb a loss or litigate a small claim. Internally, the Admiralty and Maritime Law Division is working to increase outreach to lawyers in the field, improve the training of lawyers in the Division, and to streamline filing procedures by taking advantage of automated systems. Admiralty outreach is provided through a comprehensive web-based Admiralty and Maritime Law Community of Practice and staff judge advocate training.

The Division’s administrative claims and litigation practice carried a total of approximately 377 cases. Affirmative cases included property damage from collisions to Navy vessels and allisions with Navy piers. Defensive cases included complex personal injuries, the death of an Israeli national who was riding as a passenger on a Navy-owned pleasure craft, property damage, shipyard worker injuries, contract matters, salvage, and environmental damage claims.

In the past 12 months, the Division recovered payment or services worth $2.6 million for damage caused to Navy vessels or property. Incidents included: a German container ship dragging its anchor through the degaussing range in Norfolk, Virginia; a Korean tanker losing control and alliding with a pier in California; a Singaporean tug alliding with a ship and damaging its torpedo tubes; and several cases involving tug damage to Navy ships. The Division continued to take advantage of legislation that allows for disbursement of admiralty claims receipts to Working Capital Fund assets that have suffered damage.
Additionally, the Division settled administrative claims against the Navy totaling $134,000. These include claims for minor collision damage, wake damage, loss of fishing gear to an unmarked Navy submarine cable, and personal injury.

Currently, the only significant pending case involves coral reef damage resulting from the grounding of *USS Port Royal* in the state of Hawaii’s territorial waters.

In addition to processing claims, the office supported litigation efforts of the Department of Justice (DoJ) Aviation and Admiralty Office. Code 11 support resulted in two favorable decisions in the Eastern District of Virginia. In one case, the court found that a Navy Sailor died because of joint negligence of the Navy RHIB and the tug and barge flotilla that collided on the James River and the joint tortfeasor is not able to seek indemnification from the Navy for damages paid (case on appeal to the Fourth Circuit). In another case, the Navy was not negligent when a forklift crushed a shipyard worker’s foot because the shipyard worker should have been more aware of the dangers on ship. In South Carolina, the District Court held that the Navy was liable for $1.2 million for its negligence that caused a 55 gallon drum to fall on a shipyard worker. Significant pending litigation matters include: an allision of a tug and barge flotilla with the Navy’s deperming station in Norfolk causing $1.6 million in damage; personal injury of a woman on a pier who was struck by a “monkey’s fist” (a knot at the end of a rope with a weighted a core) as a carrier returned from deployment; an injury to a shipyard worker when he had his hand crushed while painting in a submarine; and an injury to a shipyard worker who stepped in a hole in the flight deck of a destroyer.

The Division’s relationship with DoJ continued to provide our personnel with a unique opportunity to coordinate litigation strategy and to work directly with DoJ counsel in defense of the Navy in federal courts.

Division attorneys increased interaction with Department of the Army and joint commands advising on maritime personal injury, property damage, cargo, piracy, and sovereign immunity issues. Additionally, in the wake of the Deepwater Horizon incident in the Gulf of Mexico, the Division provided additional manpower to support the Navy’s Supervisor of Salvage.

The Division continually expands its environmental practice, continuing to participate in interagency working groups on implementation of the Sunken Military Craft Act and the interpretation of laws providing for the protection of sunken vessels, advising on the protection of sunken state craft of Germany, Japan, Spain, and the U.K., and resolving claims for natural resource damages. Division attorneys also worked closely with the Office of Legislative Affairs, Office of the Assistant Secretary of the Navy (Installations and Environment) and Military Sealift Command to coordinate the DoD position on legislation to protect coral reefs.

3. **Environmental Law (OJAG Code 12)**

The Environmental Law Division’s workload was dominated by two issues: (1) the Navy’s use of active sonar and alleged impacts to marine mammals; and (2) the President’s Interagency Ocean Policy Task Force. Code 12 personnel also began developing greater expertise in energy law issues given the Obama Administration’s focus on this issue. The administration’s focus on
energy resulted in the SECNAV adding an office dedicated to energy issues within the Office of the Assistant Secretary of the Navy for Installations & Environment. It is now designated the Office of the Assistant Secretary of the Navy for Energy, Installations and Environment (ASN(EI&E)). Based on the issues of sonar and alleged impacts to marine mammals, the Division continued working closely with the Office of the ASN(EI&E), the CNO, and the Naval Sea Systems Command to complete environmental planning documents for the construction of the Undersea Warfare Training Range on the east coast and the environmental impact statement/overseas environmental impact statement for one of two ranges used for research, development, testing, and evaluation.

Code 12 personnel also worked closely with the environmental planning staffs for the Atlantic and Pacific fleets as they finalize environmental planning analyses for training ranges and operating areas in the Gulf of Mexico, Alaska, the Pacific Northwest and the Marianas Islands. The completed planning efforts from 2009 resulted in federal regulations authorizing military readiness activities for a period not to exceed five years; therefore, Code 12 personnel participated in the Navy’s plans for the next generation of environmental planning analysis.

Code 12 personnel supported officials responsible for representing the Secretary of Defense (SECDEF) on the President’s Interagency Ocean Policy Task Force while shaping the Task Force recommendations through intense participation in each of the eight subgroups. The Task Force recommended a national policy for coordination of efforts to improve stewardship of the oceans, coasts, and the Great Lakes and an implementation strategy that identifies and prioritizes objectives of the national policy.

Finally, in light of the British Petroleum Gulf of Mexico spill, the U.S. Coast Guard requested more than thirty Navy oil skimmers from naval installations in the continental United States. Code 12 coordinated efforts with the CNO, Naval Installations Command, the U.S. Coast Guard, and the Environmental Protection Agency to establish an emergency interim rule that greatly increased our flexibility for spill responses. This flexibility provided Navy and other organizations with the ability to relocate the spill response equipment to the Gulf of Mexico in support of the cleanup efforts.

4. Administrative Law (OJAG Code 13)

The Administrative Law Division continued to support headquarters, the fleet, and field by addressing a high-volume of substantive legal inquiries and issues. The Division continued to push out a steady stream of news and information in SJAGrams and EthicsGrams on various administrative law topics useful to the daily practice of judge advocates worldwide. The specific accomplishments by the branches are detailed in the paragraphs below.

The Personnel Law Branch (Code 131) was responsible for ensuring the accuracy and legal sufficiency of every DoN document related to the officer promotion process. Code 131 processed and reviewed 492 Navy and Marine Corps officer promotion board reports and other military personnel law matters. Code 131 collaborated with attorneys from Headquarters Marine Corps, the Office of the Chief of Naval Personnel, the Office of the CNO, and the Office of the SECNAV on a broad spectrum of personnel law issues. The branch provided many written
opinions and legal comments on high visibility personnel law issues to include: drafting the precept for the second-ever joint selection board, the convening of a board to select the Legal Counsel to the CJS; reviewing multiple DoD and SECNAV instructions; reviewing and commenting on proposed legislation; assisting senior Navy leaders in preparing for Congressional testimony; and providing legal analysis and opinions regarding the recovery of the remains of a naval aviator shot down in Iraq in 1991.

The Standards of Conduct and Government Ethics Branch (Code 132) responded to more than 1,300 field calls and provided verbal and written opinions to headquarters and field attorneys on a range of subjects such as gift acceptance; outside employment; political activities; post-government employment restrictions; support to non-federal entities; government travel; use of government property, personnel, and assets; emerging media; and use of military seals, logos, and insignia. The branch managed the Public Financial Disclosure System for more than 330 Navy flag officers and responded to a media request from Army Times for the most recent copy of each individual’s Public Financial Disclosure Report. Additionally the branch managed the Confidential Financial Disclosure System for personnel assigned to the OJAG headquarters and reviewed all flag nominations packages. Code 132 developed and taught several standards of conduct programs to judge advocates and other ethics counselors. Code 132 also provided training to non-legal audiences including officers attending career transition seminars, public affairs personnel, flag officer staff members, and Reserve officers. Code 132 kept ethics counselors apprised of recent ethics law developments by drafting and distributing informational "Ethics-grams" focused on current issues in the standards of conduct arena including use of government resources for change of command and retirement ceremonies, foreign government employment for retirees, book deals, ethics counselor training and certification, and travel requirements. The branch remains closely aligned with the Navy General Counsel Ethics Program and continues to monitor compliance with the joint Ethics Counselor Certification and Training Program. Code 132 also continued to update and improve "The Ethics Compass" (http://ethics.navy.mil), a joint website that affords the public, all Navy personnel, and the Navy legal community access to ethics resource materials.

The Legislation, Regulations, Freedom of Information Act/Privacy Act (FOIA/PA), and Disability Law Branch (Code 133) coordinated OJAG review and comment on approximately 325 legislative items and almost 300 DoD and DoN regulations, directives, and instructions. Acting as the OJAG FOIA/PA coordinator, Code 133 reviewed, forwarded, and/or responded to approximately 25 FOIA/PA requests and provided advice to commands on the release of information to the media and other requestors of information. Additionally, Code 133 processed 45 disability appeals and combat-related disability certifications, and more than 80 Federal Register publications including CFR amendments.

The Command Authority and Investigations/Military Rights and Benefits/Military Affairs/Professional Responsibility Branch (Code 134) encompasses many areas of responsibility. One of the primary responsibilities is to review "complaints of wrong" filed against superiors (under Article 138, Uniform Code of Military Justice and Article 1150, U.S. Navy Regulations) and final appeals of formal equal opportunity complaints. The branch briefed 45 of those complaints to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) or Deputy Assistant Judge Advocate General (Administrative Law) for final action. The branch
drafted advisory opinions for the Board for Correction of Naval Records (BCNR) and managed
the Navy's professional responsibility program, including high visibility matters involving the
Office of Military Commissions Defense Counsel representation of detainee clients in federal
district court. The branch also reviewed and provided comment on over 30 legislative items and
regulations that affect military members' rights and benefits. In addition, the branch responded
to hundreds of questions and drafted detailed policy reviews for OJAG headquarters and field
legal offices on issues including the Naval Academy's admission policies, religious
accommodation, extremist activities, regulation of personal firearms, freedom of speech and
expression, application of the revised DoD "Don't Ask, Don't Tell" policy, and defense support
to civil authorities (natural and man-made disaster response).

5. **General Litigation (OJAG Code 14)**

The General Litigation Division provides litigation support for all civil cases except those
involving admiralty, common-law torts, and matters reserved to the Navy General Counsel.
Among its cases, the Division defends: constitutional challenges to federal statutes; attempts to
overturn Navy policies and programs; attacks on the legality of Navy/Marine Corps decisions;
assorted personnel claims to correct records or obtain pay; and FOIA/PA appeals. The Division
also defends servicemembers and former servicemembers who are sued for monetary damages in
their personal capacity for official actions that allegedly violate another person's constitutional
rights – so called "Bivens" lawsuits or constitutional torts.

The Division's attorneys defend a current caseload of more than 60 active cases in federal
district courts, courts of appeal, the U.S. Court of Federal Claims, and the Supreme Court of the
United States – with potential liability in the tens of millions of dollars. This past year has been
dominated by high-visibility, complex cases and pre-litigation support, including: a continuing
series of individual and class action suits by a few Navy chaplains alleging violations of the
establishment and free exercise clauses of the First Amendment; review of the constitutional
limitations on infusing diversity into the Navy's recruitment and promotion procedures; habeas
corpus petitions, including several former servicemembers collaterally attacking their courts-
martial; and, perhaps most visibly, assisting the DoJ with the Somali piracy prosecutions,
including assisting in the successful prosecution of the pirate who led the hijacking of the
Maersk Alabama container ship in the Indian Ocean.

Division attorneys located evidence and witnesses; wrote motions, memoranda, and other
court pleadings; conducted discovery and depositions; and assisted with oral arguments in
federal courts throughout the country. They successfully defended the Navy and Marine Corps
in the vast majority of cases they litigated.

Division attorneys and paralegals responded to approximately 800 requests for official
Navy/Marine Corps information for litigation purposes. These requests were subpoenas or other
written requests asking the Navy to release documents or approve witnesses in litigation not
involving the DoN. A decision was made in each case to determine whether such information
can be released.
The SECNAV’s authority to adjudicate administrative appeals under the FOIA and PA has been delegated to the Division Director for all cases not specifically required to be appealed through the Navy General Counsel. Over the past year, the Division completed approximately 200 FOIA/PA appeals. A dedicated FOIA paralegal, along with all Division and Reserve attorneys, ensure that these appeals are thoroughly and fairly adjudicated. Once a requester has obtained a FOIA/PA appeals decision from this office, the requester can seek relief in a federal court. If the FOIA/PA requester goes to federal court, the Division provides litigation support.

The Division reviewed proposed regulations and legislation related to litigation. It also reviewed, when requested, proposed departmental actions to assess the litigation risk of the proposed action. Additionally, the Division provided research and drafting support to the JAG for policy review on matters where litigation expertise is needed.

6. Claims and Tort Litigation (OJAG Code 15)

The Claims and Tort Litigation Division has worldwide responsibility for the adjudication of tort claims under the Federal Tort Claims Act, the Military Claims Act, and the Foreign Claims Act. The Division is also responsible for actions under the Federal Claims Collections Act, the Medical Care Recovery Act, and the Third Party Payers Act, which allow for the pursuit of affirmative claims on behalf of the United States against third-party tortfeasors and insurers for damage to government property and for the recovery of medical costs paid on behalf of active duty members, dependents, and retirees. The Division further administers payments under the Military Personnel and Civilian Employees' Claims Act, which compensates military and civilian employees for loss, damage, or destruction of personal property occurring "incident to service." For claims that result in litigation, the Division provides litigation support to the United States Attorneys.

During the period of July 2009 through June of 2010, the Division processed more than 15,900 claims against the United States and approximately 40,000 affirmative claims against liable parties on behalf of the United States. Collections on affirmative claims for this period totaled more than $20.3 million. In addition, there are currently 191 tort cases in litigation.

The Division has resolved almost all of the administrative claims submitted by residents of the island of Vieques, Puerto Rico. More than 8,400 claims have been filed against the Navy, seeking in excess of $4.2 billion for alleged adverse health affects resulting from the Navy’s use of the island for military training between 1941 and 2003. All cases filed with the Federal District Court of Puerto Rico have been dismissed based on the discretionary function exception of the Federal Tort Claims Act. An appeal is pending before the First Circuit Court of Appeals.

Claimants continue to file claims pertaining to the contamination of groundwater at Marine Corps Base Camp Lejeune, North Carolina. Since 2000, 2,182 administrative claims have been filed under the Federal Tort Claims Act, seeking in excess of $37.7 billion. Five lawsuits have been filed in federal court. Two of these suits were dismissed; one under the discretionary function exception and another under the Feres Doctrine. Three cases are presently in litigation. All administrative claims are being held until the Agency for Toxic Substances and Disease Registry (ATSDR) concludes all ongoing scientific studies. The ATSDR has been studying
Camp Lejeune for more than a decade to determine if any link exists between exposure to solvents in the water and any disease or illness in children born to mothers who were exposed to the water while pregnant. In 2007, Congress tasked the National Academy of Sciences (NAS) to study whether any scientific evidence linked exposure of chemicals in the water to any diseases or illnesses, and to evaluate ATSDR’s studies to determine if additional studies would be useful. In June 2009, the NAS released a comprehensive review of all evidence to date, concluding that there is no scientific evidence linking exposure to the solvents in Camp Lejeune’s water to any adverse health effects.

In May 2010, Code 15 deployed its Disaster Response Team (DRT) to Naval Support Activity (NSA) Millington, Tennessee to respond to the extensive damage to the base caused by flooding of approximately 200 housing units. Code 15’s DRT was on-scene within days of the flood, coordinating with the local commands, the base housing office and the insurer of the privatized housing units to ensure that the residents received prompt compensation for their losses. In the week that followed the flooding, more than 200 families received payment to cover immediate needs and were assisted in submitting claims to replace/repair their damaged property.

7. Legal Assistance (OJAG Code 16)

The Navy-Marine Corps Legal Assistance Program seeks to enhance the readiness of active duty and Reserve members of the Navy and Marine Corps by providing legal services regarding personal civil legal matters. The program ensured legal readiness through the provision of quality legal services that also promoted morale and welfare for our servicemembers and their eligible family members.

The Navy’s Legal Assistance Program provided advice in a multitude of substantive areas including, but not limited to, the following: wills; powers of attorney; health care directives; living wills; advice on beneficiary designations (life insurance, death gratuity, retirement accounts, etc.); family law/domestic relations; landlord/tenant; consumer law; and immigration and home ownership issues. Legal assistance was provided everywhere the Navy has a presence, at home and abroad, whether at sea or in a combat zone. Services were offered to all branches of military service, eligible family members, overseas DoD civilians, and retirees.

The OJAG Legal Assistance Division continued its close relationship with the ABA’s Standing Committee on Legal Assistance for Military Personnel (LAMP) this past year. LAMP sponsored meetings served to facilitate discussion and integration of ideas among Navy legal assistance practitioners and other U.S. government agencies supporting military members, e.g. DoJ and Department of Homeland Security. In addition, the Navy-ABA partnership has led to the continued success of the ground-breaking ABA Military Pro Bono Project. It has developed into an outstanding legal-service innovation that is matching Navy legal assistance clients stationed around the globe with civilian attorney volunteers across the country. The ABA Military Pro Bono Project has resulted in 90 cases being referred through the project providing servicemembers savings exceeding $400,000 in legal fees.
Meeting the legal needs of wounded warriors remains a focal point for the Navy’s Legal Assistance Program. Considerable efforts were expended meeting the challenges associated with identifying the necessary personnel needed to meet the legal needs of wounded, ill, and injured servicemembers. The Division developed the JAG Corps Safe Harbor Legal Assistance Outreach Program that addressed the legal needs of our most seriously wounded, ill, and injured Sailors and their families. The program ensured that our most severely wounded, ill, and injured Sailors were provided access to legal assistance services through personal visits to medical treatment facilities or other locations where medical care was provided, even in their personal residences. In addition, the program created crucial partnerships between the Navy’s Safe Harbor care managers and legal assistance providers to ensure wounded, ill, and injured servicemembers well as their care-takers in limited situations, would have direct access to legal assistance resources at moments notice. In addition to the Safe Harbor program, the Division continued to work to develop workable solutions to resource counsel assigned to advise and assist servicemembers who are undergoing physical disability evaluation proceedings. Through a concentrated effort with the Marine Corps and other divisions within OJAG, five additional attorney positions were identified to meet the legal needs of wounded, ill, and injured servicemembers facing the disability evaluation system.

The Navy’s Tax program enjoyed another successful year. In 2010, Navy Legal Assistance Offices reported the preparation of more than 61,000 federal and state returns throughout 61 Volunteer Income Tax Assistance Program (VITA) sites. More than 82,000 man-hours were dedicated to VITA, which saved our Servicemembers more than $7 million in tax preparation fees. The returns produced over $80 million in federal refunds for servicemembers and their families. 2010 was the first year since 2003 where the number of returns did not decline from the previous year. The Navy tax program continued its self-service program to provide clients the opportunity to prepare their own tax return under the supervision of VITA personnel. The self-service program is one of the ways the Navy is seeking to improve its Legal Assistance Program by examining innovative methods to improve efficiency in the delivery of legal assistance services. Additionally, the Navy continued its close relationship with the Internal Revenue Service through active participation on the Armed Forces Tax Council, discussing ways to improve services to customers across all uniformed services.

Finally, the Division continued to develop a best practices model for delivery of services by reviewing current legal assistance practices such as standard operating procedures, work documents, and legal assistance attorney training. This review resulted in the recent development of new will worksheets, a standardized training program for new legal assistance attorneys, and a comprehensive annual inspection program of all legal assistance offices.

8. Information Operations and Intelligence Law Division (OJAG Code 18)

The Information Operations and Intelligence Law (Code 18) was established October 1, 2009 to provide legal and policy advice and support in the areas of information operations, intelligence law and cyberspace matters to the JAG, DoN, DoD, and greater national security establishment. To meet new client requirements for information dominance expertise, OJAG consolidated all information operations, intelligence and cyber functions into Code 18.
Code 18 provided direct support to active duty and civilian legal advisors involved in DoN information operations and intelligence matters and coordinated related operational law concerns with international and operational law OJAG counterparts. Code 18 worked closely with DoD and DoN General Counsel for Intelligence, CJS legal counsel, joint-assigned Navy judge advocates, legal staffs at Fleet Cyber Command / TENTH FLEET and associated Network Warfare activities, staff judge advocates assigned to the CNO staff, and judge advocates in the fleet to provide operational advice and advance the law on issues such as: classification of network capabilities in cyberspace; the collection, dissemination and staffing of intelligence; the employment of information operations capabilities; review and oversight of Special Access Programs; and development of irregular warfare legal constructs. Code 18 was and still is an active participant in legal review of joint staffing to revise the standing rules of engagement on such matter as what constitutes an “attack” in cyberspace, what capabilities should or should not be considered “weapons” within the law of armed conflict.

Code 18 is composed of three active duty officers and is complemented by a new, dedicated Information Operations Division within the Reserve International Law Unit manned with two senior officer and two junior officer billets. This core of four information operations and intelligence law Reserve judge advocate experts are augmented by a greater community of more than 20 Reservists who hold civilian positions among the interagency intelligence community. These subject matter experts provided reach back and mentorship to active duty judge advocates.

Code 18 also served as the JAG Corps manager for the ever-evolving information operations, intelligence and cyber law Community of Practice. Working closely with fellow service JAG Schools, Code18 rapidly developed education and training initiatives to meet client requirements for high quality and effective legal counsel. By working cooperatively with the George Washington University School of Law, Code 18 developed a unique "Cyber Law and Policy" course that will be offered in the fall 2010. Code 18 continued to explore the feasibility of a first-ever "cyber specialization" within the existing ABA graduate law (LL.M.) programs at George Washington University School of Law. Code 18 and the Naval Justice School coordinated military legal training with the Army and Air Force JAG Schools to increase interservice collaboration and shared delivery of information operations, intelligence law and cyber law courses. This included cataloging DoD and interagency forums, spanning both legal and non-legal cyber and intelligence matters, to which we are now sending Navy judge advocates. Code 18 conducted a zero-based review of every information, intelligence, and cyber Navy judge advocate billet at joint, fleet, and shore commands to benchmark and forecast long-term requirements for legal support, and worked to identify key personnel possessing basic to advanced information dominance skills to help inform detailing decisions.

The rapid pace and proliferation of issues in the cyber domain validate the requirement for a sustained information operations and intelligence law capability within our Navy JAG Corps. Code 18 continues to establish the path for professional development and legal guidance in this dynamic area of law.
B. Military Justice (OJAG Code 02)

1. Criminal Law Division (OJAG Code 20)

The Criminal Law Division (Code 20) continued to provide military justice policy and litigation advice to the JAG, the DoD, and to individual judge advocates around the world. Code 20 has primary responsibility within OJAG for the formulation and administration of criminal law policy and procedures. The Division staffs all amendments to Secretarial and JAG regulations implementing the UCMJ, including changes to Chapter 1 of the Manual of the Judge Advocate General (JAGMAN).

Code 20 reviewed legislative and regulatory proposals affecting military justice. Specifically, the Division represented the Navy on the Joint Service Committee (JSC) on Military Justice, which conducts an annual review of the Manual for Courts-Martial (MCM) and is the principal vehicle for staffing amendments to the UCMJ. The Code 20 Division Director has chaired the JSC since January 2009 – a post that will continue until January 2011 when the responsibility rotates to another branch of service. The following are examples of some of the proposals generated by the JSC during the 2009 annual review:

- An amendment to Article 47, UCMJ, that would permit military counsel representing the United States and Article 32(b), UCMJ, Investigating Officers to issue Subpoenas Duces Tecum in order to allow review of documentary evidence prior to trial.

- An amendment to Article 48, UCMJ, that would extend the bases under which military judges could punish contempt of court to include circumstances of indirect or constructive contempt.

- Creation of an enumerated Article 134, UCMJ, Child Pornography Offense.

Code 20 reviewed the decisions of military appellate courts and staffed JAG certification of cases decided by the Navy-Marine Corps Court of Criminal Appeals (NMCCA) for review by the Court of Appeals for the Armed Forces (CAAF). The Division staffs requests for Secretarial designation as a general and special court-martial convening authority and for Secretarial substitution of administrative discharge for punitive discharge under Article 74(b), UCMJ. Code 20 coordinated court orders and warrants of attachment and provided written opinions to the Bureau for Correction of Naval Records (BCNR). The Division Director sat as a voting member of the Naval Clemency and Parole Board and participated in command inspections pursuant to Article 6, UCMJ. The Division also conducted legal review of courts-martial under Articles 69(a) and (b), UCMJ, and reviews requests for new trials forwarded under Article 73, UCMJ. Code 20 provided a representative to the ABA’s Standing Committee on Armed Forces Law (SCAFL).

One of Code 20’s missions is providing advice to judge advocates throughout the fleet. In an average month, the Division answered more than 200 military justice related inquiries. The Division also worked closely with the Marine Corps Judge Advocate Division, coordinating responses to various naval military justice inquiries. Moreover, Code 20 provided guidance to the field through the publication of community-wide informational newsmailers and e-mails.
targeted specifically to litigation attorneys on topics of interests to litigators and staff judge advocates involved in military justice. Recent newsmailers have included a primer on charging possession or use of Spice and Salvia Divinorum, guidance on advising defendants regarding sex offender registration requirements in light of the Adam Walsh Act, and notice of a new requirement for commanders to consult with a judge advocate in any sexual assault case.

Over the past 10 years, the DoN has witnessed a reduction in the number of felony (general court-martial) and misdemeanor (special court-martial) cases. The following statistics for the past five years show a continuation of that trend. Conversely, the number of disciplinary actions processed at lower-level fora (summary courts-martial and Article 15, UCMJ, non-judicial punishment) has taken an upward turn since 2007.

### Military Justice Statistics for the Navy and Marine Corps

<table>
<thead>
<tr>
<th>FY</th>
<th>End Strength</th>
<th>GCM</th>
<th>SPCM</th>
<th>SCM</th>
<th>Total Courts</th>
<th>NJP</th>
<th>Total Discipline</th>
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<td>35,666</td>
</tr>
</tbody>
</table>

**Key**
- GCM: General Courts-Martial
- SPCM: Special Courts-Martial
- SCM: Summary Courts-Martial
- NJP: Non-Judicial Punishment

To enhance the quality of litigation in the Navy JAG Corps notwithstanding the diminished opportunities for judge advocates to gain litigation experience, the JAG Corps created the means to develop a small cadre of highly-trained litigation experts who will devote the majority of their careers to courtroom litigation. Instituted in May 2007, the Military Justice Litigation Career Track (MJLCT) is designed to identify, develop, and retain judge advocates with significant military justice knowledge and litigation skills. Expected benefits include litigators who are more capable of prosecuting or defending complex high-visibility cases, better mentorship for junior litigators, better development of senior officers tasked with formulating criminal law policy, and more judge advocates available to provide non-military justice support to the fleet (as a result of increased efficiencies leading to a need for fewer litigators). The MJLCT will also help to develop senior officers capable of playing a substantial role in fora where policy of national or international importance is discussed, influenced, or developed.

Litigators may apply for acceptance into the community as a military justice specialist upon demonstration of trial advocacy proficiency and potential. Those specialists who have distinguished themselves while serving in litigation leadership billets may apply to be designated
as a military justice expert. Applicants are competitively selected by boards composed of senior litigators within the MJLCT community. This year, the MJCLT community welcomed 10 new members as specialists and advanced one specialist to expert. The community now includes 54 members, which should increase to roughly 70 attorneys when fully manned. The follow-on challenge is to guarantee that MJCLT officers are appropriately utilized by ensuring they are assigned to senior litigation billets.

The JAG recognized that the MJCLT program will not survive absent significant upgrades to training programs. Accordingly, Code 20 hired two GS-15 civilians with extensive trial advocacy experience. Between them, they have tried more than 200 cases, many of which dealt with sexual assault or child sexual abuse. Upon their arrival, they immediately began a complete military justice review designed to assess and correct deficiencies in the community. They continue to enhance military justice litigation by providing training and litigation support to judge advocates world-wide.

Code 20 also served as the home for the Military Justice Community of Practice. As part of the Community of Practice effort, the Division maintained a web page with links to hundreds of military justice documents including sample motions, voir dire questions, mock cross-examinations, charging tips, and other helpful court-martial forms, all organized in searchable, subject matter gears. The web page contained a chat room where judge advocates could share ideas or solicit advice on tough questions. The web page also served as a training resource, with weekly courtroom advocacy tips and pre-loaded training on every stage of the trial process. Since its inception, this web page has averaged in excess of 300 hits per week. In 2008, the web page was expanded to include links and short briefs about all CAAF opinions and authored NMCCA opinions, allowing field practitioners to track criminal law developments in real-time. One of the 2009 additions to the web page is a series of links to audio-recorded litigation training sessions presented by Code 20’s two civilian litigation experts and by various other experts in subject matters of interest to military justice litigators. Another Community of Practice project currently underway is the development of an electronic military justice brief bank expected to launch in 2011.

2. National Security Litigation Division (OJAG Code 30)

The National Security Litigation Division served as the Judge Advocate General’s central point of contact for national security litigation and litigation involving classified information. Code 30 also reviewed proposed legislation and regulations pertaining to national security matters and interacted with other agencies in the intelligence community on these and other issues.

Code 30 provided specialized training to judge advocates of all services involved in litigating national security cases or cases involving classified information. The Division’s annual Classified Information Litigation Course was co-sponsored by the Naval Justice School who approved it for continuing legal education credits. The litigation course was the only course of its kind in the armed services and was widely-attended by judge advocates from all armed services. In addition to this course, Code 30 has participated in teaching and presenting several other courses throughout the last year including: Advanced Staff Judge Advocate, Perspective
Executive Officers and Perspective Commanding Officers, Legalmen courses at Naval Justice School; graduate-level and judiciary courses at the Army JAG School; and others.

The Division provided extensive investigative and litigation support equally to commanders, staff judge advocates, prosecutors, and defense counsel. Litigation support included processing security clearance requests for courts-martial personnel, coordinating requests for classification reviews of classified evidence, and coordinating the exercise of the non-disclosure privilege under Military Rule of Evidence 505. The number of cases involving or potentially involving classified information significantly increased as a result of the ongoing military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom. The Division assisted in a number of related national security cases involving the compromise of thousands of classified documents over an extended period of time.

The Division maintained an extensive library of resources and exemplars that was used in its support and training missions. The Primer for Litigating Classified Information Cases was used throughout the DoD and provided detailed guidance on handling the investigative, pre-trial, trial, and post-trial stages of national security case and other cases involving classified information. Document exemplars were also provided for every stage of investigation and litigation.

Code 30 also managed the personnel and information security programs for the Office of the Judge Advocate General and the Naval Legal Service Command. Division personnel assisted fleet office security managers with issues in these areas and served as a conduit of information, updates, and assistance that ensured subordinate commands were in compliance with regulations. Division personnel ensured secure communications technology was up-to-date and operational for OJAG offices.

3. Appellate Defense Division (OJAG Code 45)

The Appellate Defense Division represents Sailors and Marines before the NMCCA, the CAAF, and the U.S. Supreme Court. The Division also represents select appellants before the Naval Clemency and Parole Board. From July 2009 through June 2010, the Division filed initial pleadings in 695 cases, including 152 briefs, and orally argued 12 cases at NMCCA. The Division petitioned 79 cases to CAAF, resulting in 11 initial CAAF briefs. The Division orally argued twelve cases before CAAF. It also petitioned the Supreme Court in six cases.

In addition to providing appellate representation, the Division provided training and assistance to trial defense counsel to improve the quality of defense representation throughout the entire Navy and Marine Corps. The Division’s experienced appellate defense attorneys provided requested training to trial defense attorneys in both a classroom environment and one-on-one over the phone on a wide range of topics. This interaction continues to improve the overall quality of trial practice and has strengthened the link between trial and appellate defense counsel. The Division’s experienced appellate attorneys routinely reply to short-fused questions from trial defense counsel and assist in preparing and filing extraordinary writs.

The Division continued its internal training program that includes bringing brief writing and appellate advocacy experts to conduct in-house training seminars for Division personnel. The
Division also maintained a rigorous three-tiered moot court program that leveraged the experience and expertise of all of the Division’s attorneys.

4. Appellate Government Division (OJAG Code 46)

Code 46, under Article 70, UCMJ, has sole responsibility for appellate military litigation within the DoN and is tasked with representing, supervising, and conducting all government appellate litigation before the NMCCA and CAAF. The Director, Code 46, determined those cases in which review should be sought by the Government at the NMCCA and CAAF, and the positions the Government should take before those Courts. The Division's attorneys, Director, and Deputy, participate in preparing the briefs, appeals, and other papers filed by the Government in those Courts. The Director conducted oral arguments before the Courts. Those cases not argued by the Director personally were assigned either to the Deputy or to Code 46 counsel.

As the representative of the United States, the Division reviewed all cases decided adversely to the Government in the lower courts to determine whether they should be appealed and, if so, what position should be taken. Moreover, the Director determined whether the Government should participate as an amicus curiae, or intervene, in cases in any other appellate court, including those of the other military services. Code 46 is tasked by statute and regulation with ensuring the uniformity of the United States' legal position before military courts, as well as advising the other services as to the DoN’s position on other services' responses to petitions of certiorari, and government petitions for certiorari, to the Supreme Court. Closer coordination, in part due to the use of a joint government appellate website spearheaded by Code 46, with the other service appellate divisions enhanced the practice of appellate litigation allowing the sharing of ideas, cases, briefs, and discussion forums.

Code 46 has augmented its delivery of legal advice to trial counsel through its robust and longstanding Trial Counsel Assistance Program (TCAP). Given the concentration of expertise and its role in the development of military justice, Code 46 provided legal services to Marine and Navy judge advocates across the globe by responding to hundreds of questions from the field relating to trial issues and appeals. In addition, when trial issues "percolate up" the military justice system, TCAP ensured the issues were neither waived nor surrendered by inconsistent or inaccurate positions by trial counsel in the field. TCAP within Code 46 also furthered the communication between the trial and appellate counsel allowing closer coordination during government interlocutory appeals.

This past year represented a continued lower caseload, but another extraordinarily active year in appellate military law development. Code 46 conducted routine and useful coordination with the Air Force, Army, and Coast Guard in presenting a unified front in litigating this CAAF term's "lesser-included offense" litigation. That Government position, which presented CAAF with a laundry-list of the remaining issues to be resolved, resulted in extraordinarily useful and focused opinions from CAAF squarely resolving most of the remaining issues surrounding lesser-included offenses and closely-related offenses, which had been unresolved and murky since the earlier Medina and Miller opinions. Code 46 likewise worked with the other services' appellate divisions to unify a position on Article 120(e), UCMJ, successfully certified Code 46's litigation
position to CAAF, resulting in preservation of the constitutionality of Article 120(e), the military
rape statute, including hundreds of convictions under that statute in the different military services.
Code 46 successfully litigated *U.S. v. Bush* at CAAF, garnering a CAAF opinion distancing itself
from the "public perception of prejudice" caselaw in post-trial delay cases. Code 46 also
successfully litigated *U.S. v. Campbell*, developing multiplicity law favorably in accord with
broader federal caselaw in a CAAF opinion ruling that guilty pleas waive all multiplicity
arguments save charges that are facially duplicative. Code 46 also successfully litigated to
conclusion the final appeals in the Aviano Ashby and Schweitzer prosecutions. In all, Code 46
filed approximately 190 briefs, answers, and ex writs before NMCCA and CAAF, conducted 24
oral arguments, and filed a total of approximately 680 pleadings before those courts.

Code 46 also spearheaded the transition to "electronic records of trial" designating Camp
Pendleton, California, as the test bed for electronic processing of trial records. As the field
activities and Code 46, in coordination with our service court, expand their technological
capabilities, the intent is to have all of the larger installations processing a majority of their cases
electronically.

Finally, Code 46 has pushed the envelope of technology, leveraging Web 2.0 and Cloud
Computing technologies to both transition internally to a paperless office, and also to make its
work product, TCAP discussion board, a new Military Justice Wikipedia, and routinely updated
Military Justice Blog, instantly available to all trial counsel and appellate government from all
military services. All tasking and workproduct, including briefs, are processed entirely
electronically. Since the start of this project in 2009, the Reserve unit supporting Code 46 has
been able to participate directly and immediately Code 46's work for the first time in the unit's
history. Likewise the new joint government website, updated daily and accessible only to
prosecutors and appellate government counsel from all services, has vastly increased
collaboration and uniformity by attorneys who represent the United States in front of military
courts, and made the United States' position, pleadings, and resources broadly available to
counsel in the field.

5. Defense Counsel Assistance Program (DCAP)

This year, we stood up a new Defense Counsel Assistance Program (DCAP). DCAP is a
resource center in the Office of the Judge Advocate General entirely separate and distinct from
Code 20 and Appellate Defense. DCAP provided a full spectrum of privileged and confidential
trial advice, resourcing and expert witness assistance, training, and other defense bar services for
counsel in the field. The DCAP was and will continue to be a resource for defense counsel
through every phase of court martial litigation.

In the near future, the Navy JAG Corps will also establish a separate and distinct Trial
Counsel Assistance Program (TCAP). Until TCAP stands up as a separate office, the trial
counsel assistance program will continue to be staffed out of Code 20. TCAP and DCAP are two
important steps the Navy JAG Corps is taking to enhance the quality of litigation services. These
offices will augment the growth and expertise of the Military Justice Litigation Career Track by
improving the quality of practice, by providing an experienced reach-back of technical expertise,
and by providing additional career choices for litigation career track officers.
C. Judiciary (OJAG Code 05)

In September 2009, Captain Daniel E. O’Toole was invested as the first Assistant Judge Advocate General, Chief Judge, Department the Navy, a position authorized by the SECNAV in December of 2008. The Chief Judge oversees the worldwide DoN “Judicial Enterprise.” As such, he has administrative supervisory responsibility over both the trial and appellate judiciaries. He is the reporting senior for the Chief Judge of the Navy-Marine Corps Trial Judiciary, and the Chief Judge and judges of the NMCCA, both active and reserve. As the senior supervisory jurist, the Chief Judge monitors the timeliness and productivity of the trial and appellate judiciaries, obtaining resources needed to maintain fair, impartial, and timely disposition of courts-martial through trial, post-trial and appellate proceedings. In addition, the Chief Judge oversees inquiries into judicial misconduct or incompetence, serves as the Chairman of the Judicial Screening Board, and is responsible for the initial qualification and continuing legal education of the judiciaries.

The Chief Judge is the community sponsor and capstone position for the recently instituted Military Justice Litigation Career Track. As such, the Chief Judge is the principal strategic planner for processes by which the Navy JAG Corps will identify, develop and retain litigators with a view towards service in the judiciary. Finally, the Chief Judge discharges other duties as assigned by the JAG, consistent with judicial independence.

Presently, Captain O’Toole also serves as the Acting Chief Judge of the U.S. Court of Military Commission Review (USCMCR). The USCMCR is an intermediate appellate court composed of judges from all services. The court reviews all military commission cases resulting in a finding of guilty.

1. Navy-Marine Corps Court of Criminal Appeals (OJAG Code 51)

This year the NMCCA reduced its average number of active duty appellate judges to nine after the successful elimination of a backlog of cases pending Article 66, UCMJ, review. The Court is expected to maintain this level of judicial staffing throughout fiscal year 2010.

The NMCCA’s formal law clerk pilot program initiated in 2006 continued to be a tremendous success. We have “graduated” nine clerks, who have been assigned as appellate Government or appellate defense counsel, and a few have already rotated back to the fleet. Currently there are four clerks in the program and assigned to the court.

The NMCCA decided and released more than 775 decisions between July 2009 and June 2010. These decisions addressed a wide array of complex and interesting legal issues, including the following: the Court determined that it could not review a conviction under Article 66, UCMJ, where the Government charged the appellant with possessing 22 videos containing child pornography and the members found him guilty of possessing four such videos without identifying the particular videos; held the military judge erred when he permitted proceedings to continue after a detailed defense counsel ceased representation of the appellant without either the appellant’s knowing release or a finding of good cause by the military judge; ruled on the existence and application of a reporter’s privilege in military jurisprudence under the First Amendment and Military Rules of Evidence; determined that the compelled disclosure of a civilian
arrest was an incriminating testimonial communication whose constitutionality was unchanged by considerations of military necessity; held that Article 120, UCMJ, did not violate an individual's due process rights by requiring him to disprove an element of the offense before he could raise a defense to the charge.

After the decision in United States v. Moreno, 63 M.J. 129 (C.A.A.F. 2006), both the Navy and Marine Corps Reserve provided surge support, as well as funding for full-time support from the Navy Reserve Law Program, assisting the Appellate Defense Division in eliminating a backlog of cases. On October 1, 2005 there were 32 cases six months or older pending initial pleading. By October 1, 2006 that number was down to six. On June 30, 2010 there were no cases six months or older pending initial pleading. The following chart documents the decrease in case processing times that the NMCCA has sustained since 2006.

The following chart indicates the total number of cases pending review and where the cases are in the appellate process.

<table>
<thead>
<tr>
<th>Total Number of Cases Pending Review</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Appellate Defense Division</strong></td>
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<td>30 Jun 2010</td>
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<tr>
<td><strong>Appellate Government Division</strong></td>
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<tr>
<td>answer not yet filed</td>
</tr>
<tr>
<td>30 Jun 2006</td>
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<tr>
<td>30 Jun 2007</td>
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<td>30 Jun 2010</td>
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<tr>
<td><strong>NMCCA</strong></td>
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<td>30 Jun 2007</td>
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<td><strong>TOTAL PENDING REVIEW</strong></td>
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<td>30 Jun 2007</td>
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<td>30 Jun 2008</td>
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<tr>
<td>30 Jun 2009</td>
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<tr>
<td>30 Jun 2010</td>
</tr>
</tbody>
</table>
The NMCCA has continued to schedule an increased number of oral arguments and to participate in affirmative outreach programs, including participation in a moot court competition sponsored by the Navy JAG Corps in Jacksonville, Florida.

Two NMCCA judges, Captain Eric E. Geiser and Captain Eric C. Price, were appointed by the SECDEF and continue to serve as appellate judges on the USCMCR. A third appellate judge has been nominated to the USCMCR, but not yet appointed.

The court continued to submit for posting all published and authored decisions to West Publishing and LEXIS. These decisions were also posted on the Navy JAG website (www.jag.navy.mil). Additionally, the NMCCA maintained a Knowledge Center within the Navy JAG Corps’ Military Justice Community of Practice on Navy Knowledge Online (NKO).

Finally, the new Navy-Marine Corps Appellate Law Center, in which the Court is located, boasts a state-of-the-art dual purpose courtroom, the latest in courthouse security, and overlooks Leutze Park at the center of the Washington Navy Yard.

2. Navy and Marine Corps Trial Judiciary (OJAG Code 52)

The Navy-Marine Corps Trial Judiciary (NMCTJ) underwent a code number change in view of the new OJAG structure that established the position of Assistant Judge Advocate General, Chief Judge of the Department of the Navy (CJON), further enhancing the independence of the judiciary by reporting to a supervisory jurist. NMCTJ continued to perform its mission of providing certified military judges to preside over all general and special courts-martial within the naval service and to perform such other judicially related functions as may be assigned under the direction of the CJON. The NMCTJ utilized the talents of approximately 24 active duty Navy and Marine Corps judge advocates, as well as 16 Reserve Navy and Marine Corps officers who have been certified as military judges. The use of “terms of court” ensured the routine recall of the Reserve judicial cadre. Visiting judges regularly performed training for resident counsel after all cases for a term of court were completed.

The NMCTJ once again hosted the annual Interservice Military Judges Seminar providing advanced judicial skills training for 110 military judges (IMJS) at the National Judicial College located at the University of Nevada, Reno, Nevada. Hosting the annual IMJS training is shared with the U.S. Air Force Trial Judiciary on an alternating-year basis. The NMCTJ also remained partnered with the Naval Justice School in providing military judges to preside over moot courts for each Basic Lawyer Class. Both the Naval Justice School and the NMCTJ continued to recognize this effort as a key means to enhance trial advocacy skills of young counsel. The NMCTJ also assigned trial judges to serve as Moot Court Appellate Judges in the Annual Navy JAG Corps National Moot Court Competition at Naval Air Station, Jacksonville, Florida.

The NMCTJ continued its support of the Navy-Marine Corps efforts in Iraq and Afghanistan by routinely supplying a military judge to the theater Marine Corps Commander. The talents of these experienced officers contributed significantly to our efforts in fighting overseas contingency operations. Finally, NMCTJ has two Navy judges assigned to serve as judges at the Office of Military Commissions.
D. Operations (OJAG Code 06)

1. The Executive Administration (OJAG Code 60)

OJAG Code 60 continued its critical work this year by providing key administrative support and oversight in a variety of administrative roles, including fitness report and military award processing, roster and records custodian, flag correspondence drafting, message traffic monitoring, facilities upkeep, package routing support, correspondence and instruction control and collateral duty oversight. Most recently, Code 60 assumed its role as lead division for the implementation and use of the JAG Taskers system, a new, electronic web-based application that permits correspondence and task management through all levels of the Office of the Judge Advocate General and Naval Legal Service Command. Through comprehensive business rules, exhaustive training evolutions and constant troubleshooting, Code 60 has been at the forefront of introducing 21st century business management tracking methods into the practice of Navy JAG Corps organizations.

2. Military Personnel Division (OJAG Code 61)

The primary focus areas of the Military Personnel Division (Code 61) are the recruitment, retention, assignment, and career progression of Navy judge advocates. Within these focus areas, Code 61 is also responsible for implementing the Judge Advocate General’s diversity initiatives.

Code 61 managed the recruiting program and budget for the JAG Corps headquarters and 18 NLSC commands spanning more than 105 law schools and multiple national diverse legal/law student affinity groups. Some of the primary focus areas of the recruitment program included the accession process, student loan repayment program, and post graduate (PG) school program.

Overall, the number of applications to the Navy JAG Corps is up 39 percent over 2009. The JAG Corps Student Application Program (i.e., 2nd and 3rd year law students at ABA accredited schools) and Direct Appointment Lawyer Program (i.e., licensed attorneys with a juris doctorate (J.D.) from ABA accredited schools) continued to be the sources for the majority of officers for the Navy JAG Corps. The application process included an online application as well as interviewing with a panel of judge advocates. Selection for these commissioning programs was very competitive. The remaining officers assessed into the community come to us through the Law Education Program (LEP), which provided the Navy JAG Corps with a cadre of lawyers who already possess experience as a naval officer. These LEP officers transitioned to the Navy JAG Corps and became attorneys through a competitive selection board and received a fully funded law school education. The following chart reflects the number of officers who have been accepted in the Navy JAG Corps through the three accession sources in 2010, as well as one Reserve officer recalled to Active Duty.
The average school debt for Navy judge advocates is $108,000, with 79 percent of new accessions to the Navy JAG Corps possessing school debt. The Navy Judge Advocate Continuation Pay (JACP) was and still is an accession incentive program to address high student loan debt, and is a crucial recruiting and retention tool that is currently the only incentive pay/program for Navy judge advocates. The Navy JAG Corps continues to be committed to identifying or developing additional loan repayment programs.

To provide further growth and development of our attorneys, the Navy JAG Corps provided an opportunity for eligible officers (lieutenant through commander) to obtain fully funded formal education beyond their J.D. This program supported specific Navy requirements for specialized education in critical practice areas, including environmental law, international and national security law (includes cyber) and advanced trial advocacy. Of the officers enrolled in postgraduate legal education funded by the Navy, a majority obtain LL.M. degrees from ABA accredited civilian institutions throughout the country, with the remaining officers receiving their LL.M. degree from the Army JAG’s Legal Center and School located in Charlottesville, Virginia. The Navy JAG Corps’ goal is to provide every career officer the opportunity to obtain a Master of Law (LL.M). Critical to achieving this goal has been recent success in negotiating tuition discounts with Harvard, Columbia, University of Pennsylvania, Georgetown, and George Washington law schools for the 2010-2011 academic year.

The Navy JAG Corps’ recruiting strategy included increasing the number of applications from diverse candidates. In using the term “diverse,” we use the broadest definition to include race and gender, cultural upbringing, socio-economic background, education, and work experience. It is the richness of diversity in our Corps that strengthens our ability to identify challenges and implement legal solutions for our clients. Our recruiting initiatives have already produced increases in female and minority applications (see following figure) and Navy JAG Corps will continue to develop and utilize new and additional innovations to further increase interest from diverse applicants.
Code 61 managed the diversity program and budget for Navy JAG Corps. Officers with the qualities we seek can be found throughout all ABA accredited law schools. We aggressively recruited from all ABA accredited law schools, as well as attended regional and national minority legal job fairs/conferences/conventions (including the National Black Law Students Association (NBLSA) Annual Convention, National Bar Association Annual Convention, Hispanic National Bar Association Annual Convention, National Asian Pacific American Bar Association Annual Convention, Vault Legal Diversity Job Fair, African American, Hispanic, and Asian law students’ national conferences, and the ABA Council on Legal Education Opportunity Mid-Summer Professional Development Seminar and Career Fair). Over the past three years, Navy JAG Corps has been a sponsor of the NBLSA conferences. Our sponsorship and presence at these conferences has helped us tremendously in our recruitment of qualified African-American law students. The chart below illustrates the recruiting successes we have had at the NBLSA conferences. In a community our size, these numbers are significant.
The CNO understands U.S. demographic trends are changing and has mandated each Navy community proactively recruit and retain the most qualified diverse personnel. We are currently in our third iteration of our annual CNO Diversity Accountability Brief and continue to aggressively monitor our progress and, where warranted, make adjustments to our recruiting and retention strategy. Issues of diversity and personnel continued to be a strategic imperative for the U.S. Navy. It is as equally important for the Navy JAG Corps community as it enhances our ability to identify challenges and implement legal solutions for our commanders. Rapidly shifting U.S. demographics require proactive measures in recruiting and retaining the most qualified diverse personnel. As noted above, the Navy JAG Corps has been extremely successful in meeting this challenge.

Navy judge advocates practice law across a wide spectrum of issues, around the world. The JAG Corps has been a leader within the Navy in using quantifiable data to assess manpower needs to meet current and future requirements. The chart below illustrates the current military rank distribution of active duty judge advocates:

### Military Rank Distribution of Judge Advocates in the Navy

![Military Rank Distribution Chart]

Many judge advocates and legalmen are currently deployed in direct support of our operational forces. The following chart identifies the number of active duty judge advocates and legalmen currently providing legal services with units deployed to Iraq, Afghanistan, Guantanamo Bay, Djibouti, Kuwait, Honduras, and other locations.

### Deployments in Direct Support of Operational Forces

![Deployments in Direct Support Chart]
In May 2008, the Deputy SECDEF announced that military commissions were a “national priority.” Since this announcement, the requirement for active and Reserve judge advocates and legalmen has risen steadily and the Navy JAG Corps has responded. The Navy legal community is currently providing 17 judge advocates and 20 legalmen to augment the Office of Military Commissions. In the past year, officers served as prosecutors, defense counsel, and commission clerks, with legalmen providing critical paralegal support.

Our strategic Life/Work Balance group, which was created to focus on building a career force that is motivated and internally prepared to meet the long-term operational challenges of our Navy, continued to look objectively across the work force to evaluate policies with respect to recruiting, accessions, training, assignments, retention, mentoring, and communications. As part of our life/work balance initiatives, the Navy JAG Corps implemented a Telecommuting Program and will soon be implementing a Flex Hour Program and a Virtual Command Pilot Program that will offer qualified community officers an opportunity to work in high-impact positions while maintaining geographic stability to support personal and family needs. The Navy JAG Corps is also exploring the benefits of establishing a formal mentoring program that includes our officer, enlisted, and civilian employees. The goal is for mentorship to continue throughout the career life cycle of all of our employees.

The Navy JAG Corps provided and continues to provide tremendous opportunities for attorneys to practice law with the added benefit of serving their nation. For more information, please see the “Careers” section at www.jag.navy.mil.

3. Reserve and Retired Affairs (OJAG Code 62)

The Navy Reserve Law Program continued to provide critical operational support to prosecute overseas contingency operations while serving as a strategic reserve for the nation. Presently, the Navy Reserve Law Program consists of about 500 judge advocates and 189 legalmen serving either in pay assignments with the selected Reserve or serving in Voluntary Training Units and provide uniformed legal support for credit towards future retirement. Although each of the drilling reservists with the selected Reserve provides a minimum of 38 personnel-days of support to the Navy, many volunteered to serve for longer periods of time and together satisfied approximately 26 percent of the judge advocate and 40 percent of the legalman Manning requirements for individual augmentee assignments in combat zones this year.

Members of the Reserve legal community continued to contribute record-levels of active duty support and accounted for more than 7,500 personnel-days of work this year. As a testament to the quality and importance of their service, active component commanders continued to call for Reserve support and submitted requests for well over 10,000 personnel-days of Reserve judge advocate and legalmen services for the next fiscal year. In addition, more than 45 reservists from the legal community are serving in some form of mobilization or recall including a significant majority in overseas locations such as Iraq, Kuwait, Guantanamo Bay, Afghanistan, the Horn of Africa, and Bahrain. There are also approximately 35 Reserve judge advocates and legalmen presently serving on extended active-duty in the United States, including nine judge advocates who were mobilized to various locations around the country to provide
expanded legal services to wounded, ill and injured servicemembers in response to new Federal legislation.

The Deputy Judge Advocate General (Reserve Affairs and Operations) is aligning the expertise of Reserve judge advocates into three pillars of practice consisting of (1) military justice litigation; (2) command services and legal assistance; and (3) specialty practices in international law, environmental law, information operations, intelligence law, and admiralty law. This transformational initiative is the first major reorganization of the Reserve Law Program in decades and will draw upon Reserve component judge advocates' expertise in critical areas of law to advise and support general practitioners within the active component legal community. 207 senior officers in the Reserve Law Program have been assigned into a pillar with the rest of the eligible officers scheduled to be assigned by the end of calendar year 2010.

Finally, the Reserve judge advocate community recently held its annual Military Law Training Symposiums for its officers in Norfolk, Virginia and San Diego, California with the Military Law Training Symposium for its enlisted scheduled for July 2010. These symposiums provide an opportunity to update the community on the new developments within the Reserve Law Program.


Management and Plans has been heavily involved in the implementation of the Joint Basing Initiative (JBI) in Washington DC; Charleston, South Carolina; and Pearl Harbor, Hawaii, and San Antonio, Texas. As the JBI progressed, Code 63 worked closely with commands to determine services to be provided, locations of service and facility improvements, and optimum workload and staffing levels, using data from the Case Management and Tracking Information System (CMTIS) to capture the workload metrics and case data critical to JBI development.

We remained ever vigilant to improve courthouse security and meet industry security standards. Courthouse security measures address deterrence, detection, and limitation of risk. Most importantly, courthouse security measures focus on removing opportunities for violence especially that perpetrated with a weapon. In fiscal year 2010, the newly created position of Deputy Director Code 63, Future Plans officer, assumed oversight of the courthouse security program. In the process, a full-scale review of courthouse security was conducted. Looking forward, a new, more robust program based on consultations with United States Marshall Service courthouse security experts and RLSO commanding officers will include Commander Naval Installation Command (CNIC) assistance in evaluating CNLSC courtrooms. CNIC’s involvement will also assist with the proper manning, training and equipping of NLSC courthouses to provide the requisite courthouse security.

Code 63 continued to build on the previous year’s success in facilities improvements. This included an effort to monitor funding and installation of many additional courthouse and courtroom security enhancements, such as improvements to the physical structure of many facilities, to make them safe and secure environments in which to hold military justice proceedings.
Major ongoing facility improvement projects with projected completions within the next year include:

Building A-50 Green Roof Project onboard Naval Station Norfolk will be one of the Navy's first green roofs. A green roof is a roof of a building that is partially or completely covered with vegetation and a growing medium planted over a waterproof membrane. The roof, servicing Regional Legal Service Office (RLSO) and Navy Legal Service Office (NLSO) Mid-Atlantic, will have a doubled service life expectancy (40 to 50 years total), is anticipated to have a 60 percent reduction in annual rain runoff, and should return a 15-20 percent savings in annual power consumption.

Building 200 modernization onboard the Washington Navy Yard is well underway; the project was awarded at $66 million and is scheduled to complete November 2010. This will provide completely new facilities within an existing, 1940’s era structure for the TRIJUDACT, RLSO Mid-Atlantic, and NLSO North Central in addition to two other tenant activities. When complete, will be protected by state-of-the-art security protocols, will have a legal activity-wide electronic access control system, and be outfitted with a full smart courtroom suite.

Repair Building 730 “A”, at Naval Air Station Lemoore, was awarded at $16 million and is scheduled to complete in spring 2011. This will provide a completely new facility within in an existing structure for the TRIJUDACT, RLSO Southwest Lemoore Detachment, and NLSO Southwest Lemoore Detachment in addition to two other tenant activities.

Courtroom Renovation Building 56, project awarded at $3 million and scheduled to complete in fall 2010. Will provide a new hearing room with smart courtroom technology, more efficient facility layout, and enhanced security camera monitoring capability.

The OJAG and Naval Legal Service Command are committed to constant continuous process improvement (CPI) throughout all areas of legal service. Improvements in efficiency allow NLSC to continue to provide the highest level of legal support to the fleet while simultaneously providing direct support and personnel to the wars in Iraq and Afghanistan and the Office of Military Commissions. During this reporting period, the JAG Corps’s CPI Black Belt led three separate CPI projects aimed at eliminating or reducing inefficiencies in various processes. Two projects involved improving the provision of legal assistance and data collection and one project to improve pre-trial processing of court-martials. Prior to each project, team members completed white belt classes on line using NKO.

5. Fiscal and Resource Services (OJAG Code 64)

Code 64 oversaw review of FY 2009 National Security Personnel System (NSPS) pay pool results and identified areas of interest. The division managed transition of NLSC from the NSPS to an Interim Performance Management System (IPMS) on June 6. OJAG will be transferring to the IPMS on September 26. Code 64 evaluated the Civilian Community Management program and recommended creation of a Civilian Advisory Board. The Division implemented expanded civilian education and training program and reestablished OJAG Planning Board for Training. Code 64 worked several critical resources issues including increased focus on training for sexual
assault litigators; and support of the wounded, ill, injured program. The Division provided fiscal
support and advice related to Center for Naval Analyses JAG Corps Knowledge & Information
Management/Information Technology (KM-IM/IT) Strategic Plan working group. Finally, Code
64 was active in ensuring the necessary funding realignments related to the Joint Basing
Initiative were done.

6. Knowledge and Information Services (OJAG Code 65)

Code 65 continued the technical development of CMTIS. First deployed in October 2006,
CMTIS captures critical metrics to help the JAG Corps understand work load and personnel
resource requirements. CMTIS collects data in all areas of our trial and defense practices.
Modules have been developed to collect productivity data for legal assistance, personnel
representation, physical evaluation boards, and staff judge advocate services. It permits OJAG
and NLSC to track and manage cases and workloads across the Enterprise, utilizing one simple
application with specific modules pertaining to individual areas of practice. CMTIS is a broad,
inclusive system aimed at "one-stop shopping" to obtain information about individual courts-
martial as well as larger trends. CMTIS was enhanced to capture composite metrics and
supporting data. Business intelligence software was prototyped using CMTIS data. The
prototype consisted of an interactive dashboard created for JAGC leadership to have the ability
to monitor current case loads and services provided, so that resources can be allocated when and
where necessary. This technology will also provide a means for future business trend analysis.
Further business intelligence work is planned for the upcoming year. In the last year, many new
data fields were created to track every aspect of post trial processing and many new reports were
created for the users.

Recruiting application came online and can be accessed by way of the JAG public website
(www.jag.navy.mil). It allows for the electronic entry, collection, and submission of an
application to the JAG Corps. The automated process also allows for a standard flow of
information from recruiting to accessions and finally into the personnel application once an
applicant becomes a commissioned officer. In addition to automating the submission and
tracking of applications to the JAG Corps, the recruiting application provides for the
querying/reporting of the captured composite metric information based on race, ethnicity,
school(s), LSAT, sex, and recommendations on for a determined period of time and for
comparison year to year(s). In addition to OJAG reporting needs, Code 65 has been able to
provide information back to commands regarding the area of responsibility to analyze their
recruiting efforts.

Microsoft SharePoint Server was implemented this year for the International and Operational
Law Division, which provided a SIPR-environment with searchable access to OJAG’s library of
documents. It was a pain-staking effort since thousands of files had to be converted from an
archaic document management system to a file type and file structure useful under SharePoint.
The users have had very favorable comments about this new system.

The Navy Marine Corps Intranet (NMCI) contract expires at the end of this fiscal year. It
will be replaced by the DoN Next Generation Enterprise Network (NGEN). Code 65 has been
keeping abreast of the changes that will occur over the next few months and over the next several
years that will affect the JAG Corps. DoN has begun negotiations for the continuity of service (COS) contract to ensure there is no interruption of service at the end of the NMCI contract.

7. Naval Justice School

Headquartered in Newport, Rhode Island, with teaching detachments in San Diego, California, and Norfolk, Virginia, and a branch office in Charlottesville, Virginia; Naval Justice School oversees the formal training and education of Navy judge advocates and legalmen to ensure their career-long professional development and readiness. It provides comprehensive formal training and education to all sea service judge advocates and other legal personnel. It trains commanders and senior officers in the practical aspects of military law to enable them to perform their command and staff duties. Finally, Naval Justice School trains senior enlisted leaders and other officer and enlisted personnel to assist in the sound administration of military justice.

All Navy, Marine Corps, and Coast Guard judge advocate accessions receive instruction on the fundamentals of military law, military justice, legal assistance, and administrative law. From July 1, 2009 to June 30, 2010, Naval Justice School graduated four Basic Lawyer Courses (BLCs) with 158 new sea service attorneys. In August 2009, the traditional nine week BLC that covers legal assistance, administrative law, military justice, and trial advocacy skills training, was extended to ten. The former Basic Operational Law Training (BOLT) course, previously taught to our Navy and Marine Corps students as a separate course, is now part of the BLC curriculum. This instruction includes international law, the law of armed conflict, law of the sea, rules of engagement, and environmental law. During this week of instruction, Coast Guard students attend their own similar course of instruction, facilitated by local Coast Guard experts.

The revised Legalman Accession course serves as the cornerstone for the Navy JAG Corps’ paralegal professional development program. During this period, Naval Justice School completed three offerings of the course, providing 72 graduates with ten ABA-approved credit hours towards their paralegal degrees. In conjunction with Roger Williams University (RWU), Naval Justice School instructors serve as adjunct faculty for RWU. RWU awards credits for four courses completed in the first eight weeks of accession training: Legal Ethics, Introduction to Law, Emerging Technologies, and Legal Research and Writing. The remaining three weeks of the curriculum cover military-specific topics to prepare the students for their first tour as legalman.

During this year, as a result of the efforts of Naval Justice School with OJAG, a Legalman Paralegal Education Program (LPEP) was developed and announced. Starting with the Naval Justice School Class in September, our legalmen will embark on an education track leading to an Associates Degree in Paralegal Studies (AS-PLS) or its equivalent under LPEP. LPEP provides legalmen a government-funded, full-time education program, through the JAG Corps’ successful partnership with Roger Williams University.

Three offerings of the Marine Corps Legal Services Specialist Course graduated 79 Marines. This nine-week course provides junior enlisted Marines with the skills and training necessary to
support legal offices throughout the Marine Corps. It also must follow Training and Education Command's curriculum requirements for Marine Corps students.

The Marine enlisted instructors at Naval Justice School were heavily involved in implementation of instruction in the closed-mask capture of courtroom proceedings and transcription via speech recognition technology to support the Marine Corps' strategic decision to shift from stenographic court reporting to speech recognition court reporting. During this reporting period, two courses were held with 16 Marines graduating this 11-week course. Additionally, 20 experienced stenographic court reporters completed the three-week retraining to use the redictation method. Furthermore, the enlisted instructors conducted the first iteration of the nine-week Legal Services Court Reporter Course, designed to train existing Legal Services Specialists to function as court reporters. Nine students successfully completed this course. In order to conduct this course, Naval Justice School allocated, and the Marine Corps renovated, new classroom space. The new space includes state-of-the-art technology, accounts for the anticipated increase in student population, and provides a workspace that is easily modified to support a variety of instructional uses.

In support of overseas contingency operations, Naval Justice School provided three offerings of the Iraq Pre-deployment Legal Training Course, which transformed in March 2010 to become the Iraq-Afghanistan Pre-deployment Legal Training Course, to prepare 50 judge advocates and legalmen for individual augmentation (IA) deployments to Iraq and Afghanistan. As the most dynamic course at Naval Justice School, the program manager frequently updates the course to keep it aligned with current operations. Many instructors either have prior IA experience or will deploy as an IA during their tour at Naval Justice School, which provides an experienced cadre of instructors to coordinate and teach the course. They are supplemented by guest instructors who have recently redeployed from IA assignments.

The Naval Justice School provided some new course offerings this reporting period. The first was a Legal Assistance Course, a week long course, instructed by seasoned and experienced legal assistance practitioners and subject matter experts. This course presents both basic law and current developments in areas of interests to military legal assistance attorneys. This course was developed in response to The Judge Advocate General’s Legal Center and School’s (TJAGLCS) request that the Navy develop a course, in light of the TJAGLCS’ decision to only offer one Legal Assistance Course, vice the usual two. The second new course was a revised offering of the Staff Judge Advocate (SJA) course. After an in-depth review by subject matter experts, it was determined that there were several areas in need of improvement and change to this curriculum. While traditionally held in Newport, Rhode Island, the SJA course was exported to the NJS detachments for attendance at fleet concentration areas. During this reporting period, the SJA course, with a more hands-on, practical style of instruction, was held in Norfolk, Virginia. Another new course, also offered in fleet concentration areas, is the Legalman Mid-Level Course. This course’s curriculum is a merging of two previous NJS courses. In addition to professional training, this course supports leadership and development of our enlisted and civilian force.

The Naval Justice School training and education plan includes professional development courses for sea service judge advocates and enlisted and civilian legal professionals to maintain
their competency in the core capability areas for legal services. During this period, Naval Justice School provided continuing legal education to military attorneys and legal professionals assigned around the world. More than 502 judge advocates and DoD civilian attorneys received CLE to satisfy their licensing requirements, and 233 enlisted and civilian legal professionals received advanced legal training.

Continuing Legal Education courses offered in 2009/2010 included:

- Effective Courtroom Communications
- Prosecution Trial Enhancement Training
- Litigating National Security Cases
- USMC Trial Advocacy
- Defense Trial Enhancement Training
- Advanced Staff Judge Advocate Course
- Family Law Course
- Law of Naval Operations
- Computer Crimes
- Law of Military Operations
- Staff Judge Advocate Course
- Defending Complex Cases
- Prosecuting Complex Cases
- Estate Planning Course
- Coast Guard Judge Advocate Course
- Legal Assistance for Paralegals
- Legalman Research and Writing
- Senior Legalman Course
- Legalman and Legal Services Specialist Mid-Career Course
- Paralegal Research and Writing Course
- Staff Judge Advocate Legalman Course
- Coast Guard Legal Technician Course

Naval Justice School continues to pursue the requirements for offering these and other courses through distance learning options.

Naval Justice School offers two leadership courses for Navy judge advocates. The one-week Leadership Training Symposium is held in Washington, DC for officers selected for promotion to O-4. The course combines presentations from senior leaders with specialized leadership development training in areas such as ethical decision-making and the Myers-Briggs® Type Indicator. The two-week NLSC Prospective Commanding Officer/Prospective Executive Officer Military Justice and Leadership Course provides a refresher on military law and military justice topics in conjunction with briefs from subject matter experts on key leadership and management issues, including personnel, budget processes, and transformational initiatives. As part of the leadership curriculum in the course, Naval Justice School has worked extensively with Dr. Alfred Pierce and CAPT Rick Rubel, USN(Ret) to produce an ethical decision-making module that assists the students in implementing ethical-decision making training at their new commands.
Training and education for Reserve judge advocates and legalmen are critical parts of the Naval Justice School mission. All continuing legal education courses are open to Reservists. During this reporting period, Naval Justice School conducted two Reserve Lawyer Courses, one Law of Naval Operations for Reservists Course, and Reserve Legalman Phases I, II, and III Courses, all specifically targeted to Reserve audiences.

Naval Justice School provided legal instruction to over 2,331 officers and enlisted non-legal personnel in resident courses and almost 21,138 servicemembers in non-resident courses. Resident courses included multiple offerings of the Senior Officer Course, Legal Officer Course, Senior Enlisted Leadership Course, and Legal Clerk Course. Non-resident instruction was provided in Newport at the Defense Institute of International Legal Studies, Naval War College, Command Leadership School, Surface Warfare Officers School Command, Naval Chaplains School, Officer Development School, Officer Candidate School, the Senior Enlisted Academy, and the Submarine Officers Advanced Course in Groton, Connecticut. All instruction was focused on the command's role in the administration of military justice, administrative law, and operational law.

**D. Legalmen**

After nearly four years of intense development, the Navy approved the Legalman Paralegal Education Program (LPEP). This ground-breaking initiative has resulted in the establishment of a professional requirement that every legalman earn an ABA-accredited Associate's Degree in Paralegal Studies or its equivalent. Beginning in September 2010, the first group of Sailors will begin this new education process.

Paralegal education is the first step to lifelong learning and development for enlisted Sailors serving in the Navy JAG Corps. Paralegal education develops career-relevant competencies through the paralegal degree major courses, and broader practical skills through the education process such as analytical reasoning, critical reading and writing, and formulating legal solutions to problems.

In a time of constrained resources, the demands for legal services from our clients continue to increase. Legalmen must now operate with a broad base of legal knowledge in order to provide legal solutions across an array of issues facing military commanders, senior leaders and servicemembers. Future demands require legalmen to perform as paralegals rather than military legal clerks. Legalmen need education to provide them with essential skills such as problem solving, legal analysis, critical thinking, and legal writing, research, and communication.

The LPEP provides government-funded, full-time education to meet minimum occupational standards for Sailors serving in the legalman career field. Through paralegal education, legalmen will develop professional competencies to meet the demands of increased responsibility, changing mission areas, and more complex legal services. These competencies will prepare legalmen to perform functions and tasks currently performed by attorneys, thereby increasing the availability of attorneys to meet fleet demands in emerging mission areas. Increased paralegal competency will also result in fewer man-hours spent by fleet commanders.
and their non-attorney legal officers in managing legal issues that fall within identified paralegal function or task areas.

Additionally, we continued improving other professional development tools available to our legalmen. A military-specific training program was created to ensure that every legalman meets minimum skill requirements in their current and future job assignments, regardless of location or type of duty. This task-based training will ensure each legalman is qualified to support mission requirements in diverse and worldwide operational settings.

Our legalmen, both active and Reserve, continued to provide outstanding support to conflicts around the globe. To date, approximately 280 legalmen have deployed as individual augmentees to Iraq, Afghanistan, Kuwait, Horn of Africa, Honduras, and Guantanamo Bay, Cuba. In addition, approximately 100 of our paralegals proudly served at deployed commands such as aircraft carriers, amphibious assault ships, and Seabee battalions; all of which deploy to the Arabian Gulf and other areas. Legalmen also serve with the United States Office of Military Commissions in support of the prosecution and defense of foreign detainees being held at Guantanamo Bay, Cuba.

E. Strategic Planning Office (SPO)

The SPO is composed of four judge advocates charged with the implementation and execution of transformation throughout the JAG Corps. The Navy JAG Corps strategic plan, *JAG Corps 2020*, is the vision and roadmap for continuous transformation in our community, keeping the JAG Corps agile, adaptable, and indispensable to the naval, joint, and combined forces of the future.

During the course of the past year, the SPO team assisted with the creation, development and dissemination of the JAG’s Guidance for 2010. Within the strategic plan *JAG Corps 2020*, the JAG’s Guidance for 2010 sets the JAG Corps’ goals, establishes 2010 milestones for reaching those goals, and identifies the prioritized actions that must be taken in 2010 to ensure the continued future success of the JAG Corps legal community. In order to accomplish our mission in the future, JAG’s Guidance for 2010 outlines the following formula:

- Recruit and retain the right people;
- Prepare our people for success;
- Assign the right people to the right places;
- Do it all efficiently.

While assisting in the execution of the prioritized actions in each of the above areas, the SPO explored new business practices and technologies to help us work smarter. The following is a sampling of the JAG Corps’ transformation accomplishments in the past year:

New Legalman Selection Process - This February we instituted a new process for conversion to legalman as set forth in JAG Instruction 1440.1E. This process enables us to select the right Sailors who possess the unique qualifications needed to be successful in the JAG Corps now and in the future. By recruiting and selecting the right people, we are shaping our Corps to ensure we
can accomplish our mission and the many challenges that face our Nation, our Navy, and our fellow servicemembers.

Retention Metrics - Over the past year, the JAG Corps provided a survey to all members who were voluntarily separating or leaving the JAG Corps on issues that may affect retention. With the assistance of an expert consultant in the field of workforce management, the SPO team will continue exploring issues from job satisfaction to life/work balance to diversity. JAG Corps leadership is using the feedback to guide additional initiatives.

Postgraduate School - The JAG Corps continues to focus on giving every judge advocate the opportunity to attend postgraduate school by increasing the number of billets at both civilian law schools and the Judge Advocate General's School of the Army. The JAG Corps is continuing its efforts to maximize the diversity of geographic locations and programs of study. Current programs include environmental law, trial advocacy, and international law with plans to expand opportunities in emerging areas such as information operations law and intelligence law. Judge advocates also have the opportunity to earn a Master's Degree in National Security Studies as a resident student at the Naval War College.

Military Justice - In its third year, the Military Justice Litigation Career Track has continued to identify judge advocates for the specialist and expert military justice litigation qualification. These newly minted specialists and experts are assigned to positions where they will litigate complex courts-martial and mentor junior litigators. In addition, the SPO team will continue to assist with developing recommendations for the effective, efficient practice of military justice.

Performance Tools - The design and use of metrics to measure the balance among quality, timeliness, and efficiency in a number of the JAG Corps' core capabilities is continuing. Some of the metrics have been used to review and compare the efficiency and effectiveness of the RLSO and NLSO commands across the JAG Corps. As the JAG Corps implements the initiatives that bring us closer to our vision of JAG Corps 2020, we must constantly reassess our position on that journey. As part of our strategic process, we will reevaluate required metrics for accurate resource distribution, responses to external data calls, and managing JAG Corps personnel and workload. In addition, we continue to train a cadre of Lean Six Sigma champions throughout our community and teach them the utility and necessity of metrics.