

FM 1-04

Legal Support to Operations



JUNE 2020

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HEADQUARTERS, DEPARTMENT OF THE ARMY

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LEGAL SUPPORT TO OPERATIONS

Contents

	Page
PREFACE	v
INTRODUCTION	vii
Chapter 1 JUDGE ADVOCATE GENERAL’S CORPS	1-1
Mission, Vision, and Principles	1-1
Role of the Army JAG Corps	1-1
Roles of JALS Personnel.....	1-3
Chapter 2 ARMY OPERATIONS OVERVIEW	2-1
Large-Scale Combat Operations	2-1
Anticipated Operational Environments	2-2
Joint Operations	2-3
Army’s Operational Concept.....	2-5
Army Components	2-7
Capabilities and Combat Power	2-11
The Operations Process.....	2-12
Targeting.....	2-15
Chapter 3 JUDGE ADVOCATE GENERAL’S CORPS SUPPORT TO OPERATIONS	3-1
Roles, Responsibilities, and Working Relationships	3-1
Duties and Responsibilities of the Office of the Staff Judge Advocate Personnel	3-1
Brigade Legal Section	3-4
The Office of the Staff Judge Advocate–Brigade Legal Section Relationship	3-6
U.S. Army Trial Defense Service.....	3-7
The Office of the Staff Judge Advocate–U.S. Army Trial Defense Service Relationship	3-7
Legal Support to Large-Scale Combat Operations	3-8
Legal Support to Capabilities and Combat Power	3-8
Legal Support to the Operations Process	3-9
Legal Support to MDMP	3-9
Targeting Process	3-13
Current Operations	3-15
Planning Considerations for Legal Support.....	3-17
The Judge Advocate General’s Corps Materiel Requirements	3-17
Chapter 4 LEGAL SUPPORT TO THE ARMY	4-1
Legal Function: Administrative and Civil Law.....	4-1

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Contents

	Legal Function: Contract and Fiscal Law.....	4-3
	Legal Function: Military Justice.....	4-4
	Legal Function: National Security Law.....	4-6
Chapter 5	LEGAL SUPPORT TO SOLDIERS AND FAMILIES	5-1
	Legal Function: Soldier and Family Legal Services.....	5-1
	Legal Function: Trial Defense Service.....	5-4
Appendix A	ARMY RESERVE LEGAL STRUCTURE AND ORGANIZATION	A-1
Appendix B	NATIONAL GUARD LEGAL STRUCTURE AND ORGANIZATION	B-1
Appendix C	JAGC COLLECTIVE TASKS, LEGAL FUNCTIONS, AND WARFIGHTING FUNCTIONS CROSSWALK	C-1
Appendix D	LEGAL ANNEX	D-1
Appendix E	LEGAL RUNNING ESTIMATE.....	E-1
	SOURCE NOTES	Source Notes-1
	GLOSSARY	Glossary-1
	REFERENCES.....	References-1
	INDEX	Index-1

Figures

Figure 1-1. Three Cs of the Army Legal Profession	1-1
Figure 1-2. Core legal competencies, legal functions, and legal tasks	1-2
Figure 2-1. The conflict continuum and the range of military operations.....	2-1
Figure 2-2. Cyberspace in the multi-domain extended battlefield	2-2
Figure 2-3. Combatant commander areas of responsibility.....	2-3
Figure 2-4. Notional large-scale combat joint phasing model.....	2-4
Figure 2-5. Army strategic roles and their relationships to joint phases.....	2-5
Figure 2-6. Corps area of operations within theater of operations	2-6
Figure 2-7. Army command relationships.....	2-10
Figure 2-8. Army support relationships.....	2-11
Figure 2-9. The elements of combat power and warfighting functions.....	2-12
Figure 2-10. The operations process.....	2-13
Figure 2-11. Steps of the military decision-making process	2-14
Figure 2-12. Integration of plans, future operations, and current operations	2-15
Figure 2-13. Targeting methodology.....	2-16
Figure D-1. Sample Annex F (Sustainment) format	D-1
Figure E-1. Sample legal running estimate.....	E-1

Tables

Table 3-1. Legal inputs and outputs to the MDMP.....	3-10
Table 3-2. Legal support to battle rhythm events.....	3-13
Table 3-3. Legal support demands during large-scale combat operations.....	3-16
Table C-1. Collective tasks, legal functions, and warfighting functions crosswalk	C-1

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Preface

FM 1-04 is the Army's manual for operational legal doctrine. This manual provides authoritative doctrine and practical guidance for commanders, judge advocates, legal administrators, and paralegal Soldiers across the spectrum of conflict. It outlines how The Judge Advocate General's Corps (JAGC) will be organized in accordance with the Army's modular force design. It also discusses the delivery of legal support to the modular force.

The principal audience for FM 1-04 is all members of the profession of arms. Commanders and staffs of Army headquarters serving as joint task force or multinational headquarters should also refer to applicable joint or multinational doctrine concerning the range of military operations and joint or multinational forces. Trainers and educators throughout the Army will also use this publication.

This manual does not address the law of armed conflict, The Hague Conventions, or the Geneva Conventions in detail. For a more comprehensive treatment of those areas, refer to FM 6-27, *The Commander's Handbook on the Law of Land Warfare*.

FM 1-04 applies to the Active Army, the Army National Guard/Army National Guard of the United States, and U.S. Army Reserve unless otherwise stated.

The proponent for this publication is the Future Concepts Directorate, The Judge Advocate General's Legal Center and School (TJAGLCS), U.S. Army. Send written comments and recommendations on DA Form 2028 (*Recommended Changes to Publications and Blank Forms*) directly to Commander, The Judge Advocate General's Legal Center and School, U.S. Army, ATTN: CTR-FC, 600 Massie Road, Charlottesville, VA 22903-1781. Send comments and recommendations by e-mail to usarmy.pentagon.hqda-tjaglcs.list.tjaglcsdoctrine@mail.mil. Follow the DA Form 2028 format or submit an electronic DA Form 2028.

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Introduction

This manual establishes a foundation for Judge Advocate General's Corps (JAGC) personnel to build upon to provide principled counsel and mission focused legal support to the operational Army. It establishes an understanding of the roles and responsibilities that JAGC personnel have both between different legal offices at different levels of command and between the legal section and the staff of the supported command; all in support of the commander and the Army.

The purpose of this manual is to assist commanders and judge advocates in assigning roles and responsibilities for legal support in the unique areas of operations encountered in this era of persistent conflict. This manual is not intended to provide detailed guidance on every situation that judge advocates will encounter in a deployed environment whether overseas or within the United States. That is not the goal. Just as Army leaders and forces must respond to a broad range of threats under conditions of uncertainty by exercising operational adaptability to accomplish missions, so too must judge advocates.

Operational adaptability requires judge advocates, legal administrators, and paralegal specialists to understand the situation in width, depth, and context, and then to assist the command by providing sound legal advice and support across the core legal disciplines. Every operation is different, and each one requires its own unique legal support. As such, commanders and judge advocates will have to work together to task-organize legal support for operations in a way that makes sense and helps accomplish the mission.

This edition of FM 1-04 provides doctrine on legal support across the range of operations and the provision of legal support in specific types or aspects of operations. The appendixes supplement the chapters of this manual.

Chapter 1 discusses the Judge Advocate General's Corps mission, roles, and principles, introduces core legal competencies and legal functions, and examines the role of legal services personnel.

Chapter 2 summarizes Army operations and provides guidance on their legal support. It addresses the shift from limited contingency operations to large-scale combat operations, the importance of the multi-domain battle concept, and joint operations. The chapter then discusses the Army operational concept, operational framework, and Army echelons and units. Finally, the chapter addresses the capabilities, combat power, and the operations process and planning that enable the Army to support joint operations.

Chapter 3 describes where Judge Advocate Legal Services (JALS) personnel are assigned supporting Army operations, discusses the roles and responsibilities of JALS personnel, outlines the primary doctrinal missions of the legal sections, and identifies resources necessary to provide legal support at various echelons.

Chapter 4 provides a detailed description of the four legal functions supporting the Army as an institution. They include administrative and civil law, contract and fiscal law, military justice, and national security law.

Chapter 5 discusses the core legal competency of providing legal support to Soldiers and Families and its subordinate legal functions and tasks. This chapter covers these topics with a focus on legal support during large-scale combat operations, rear detachment operations, and maintaining installation services.

Three appendixes supplement the chapters of this manual. Appendix A discusses the structure and organization of legal support within the U.S. Army Reserve. Appendix B describes legal support to the operational Army within the Army National Guard. Appendix C provides JALS personnel with a cross-walk of the JAGC collective tasks with the legal functions and warfighting functions. Appendix D provides a format for Tab C (Legal Support), Appendix 2 (Personnel Service Support), to Annex F (Sustainment) for Army operation orders. Appendix E discusses legal running estimates.

This manual continues to reflect judge advocates increasingly operating individually, or in smaller teams, in support of split-based operations, specialized operational cells, and headquarters required to run mobile, tailored forces. Judge advocates train and prepare to operate independently across the spectrum of conflict, standing by the commander's side. To succeed in today's operational environment, judge advocates are

master general practitioners effective in their roles as lawyers, ethics advisors, counselors, and rule of law practitioners. Judge advocates increase their knowledge as Soldiers and leaders. Judge advocates work proactively to promote the mission and serve Army personnel and their families.

Commanders, supported by staff judge advocates (SJAs), are responsible for training and supporting judge advocates and their subordinates to ensure robust legal support to operations. Training is conducted according to the Army's training principles including training for combat proficiency, under realistic conditions, to standard, and in accordance with appropriate doctrine. The training plan includes training that integrates and trains JAGC personnel with the units they support in various environments, settings, and exercises. Without active, realistic training, JAGC Soldiers will not develop the Soldier and lawyer skills needed to provide legal support to operations.

This version of FM 1-04 replaces the March 2013 version. It is a complete revision of the March 2013 publication and makes several substantive changes.

Chapter 1

Judge Advocate General's Corps

This chapter discusses the Judge Advocate General's Corps (JAGC) mission, roles, and principles, introduces core legal competencies and legal functions, and examines the role of legal services personnel.

MISSION, VISION, AND PRINCIPLES

- 1-1. **Mission.** The JAGC provides principled counsel and premier legal services, as committed members and leaders in the legal and Army professions, in support of a ready, globally responsive, and regionally engaged Army.
- 1-2. **Vision.** In an increasingly complex and legally dynamic world, the Army JAGC remains highly trained, values-based Corps of legal and Army professionals, who excel in the full range of operations, at home and abroad, against every threat.
- 1-3. **Principles.** Judge Advocate Legal Services personnel follow three guiding principles in the delivery of legal services to the Army identified in figure 1-1.

THREE Cs OF THE ARMY LEGAL PROFESSION
<p>Competence</p> <p>Army professional's demonstrated ability to successfully perform their duties to accomplish the Mission with discipline and to standard; Working ceaselessly to acquire and maintain the necessary legal knowledge and skill to provide our clients with accurate and timely legal advice and services.</p>
<p>Character</p> <p>Army professional's dedication and adherence to the Army values and ethics as consistently and faithfully demonstrated in decisions and actions.</p>
<p>Commitment</p> <p>The resolve of Army professionals to contribute honorable service to the nation, perform their duties with discipline and to standards, and strive to successfully and ethically accomplish the mission despite adversity, obstacles, and challenges.</p>

Figure 1-1. Three Cs of the Army Legal Profession

ROLE OF THE ARMY JAG CORPS

1-4. A *role* is the broad and enduring purpose for which the organization or branch was established (ADP 1-01). An organization can only have one role. The JAGC's role is to provide principled counsel and premier legal services to the Army. This role is fulfilled through the delivery of legal support to all echelons by judge advocates, civilian attorneys, legal administrators, paralegals, and civilian paraprofessionals to support Army operations. These individuals are collectively known as Judge Advocate Legal Services (JALS) personnel and they are responsible for providing legal services to the individual Soldier all the way to the Chief of Staff of the Army, across the continuum of conflict, and in any geographic location Soldiers deploy on behalf of our nation.

1-5. A *core competency* is an essential and enduring capability that a branch or an organization provides to Army operations (ADP 1-01). A *function* is the broad, general, and enduring role for which an organization

is designed, equipped, and trained (JP 1). The JAGC provides principled counsel and premier legal services to the Army through two core legal competencies:

- Legal Support to the Army.
- Legal Support to Soldiers and Family Members.

1-6. Legal Support to the Army. This competency includes all legal support provided to the Army as an institution, to include commanders and staffs of individual organizations, and features the following legal functions: Administrative and Civil Law, Contract and Fiscal Law, Military Justice, and National Security Law. Figure 1-2 illustrates many of the major legal tasks subordinate to applicable legal functions.

1-7. Legal Support to Soldiers and Family Members. This competency encompasses all legal services provided to the Soldier and/or to Family Members, to include the legal functions of Soldier and Family Legal Services and Trial Defense Service.

<i>Core Legal Competency Legal Support to the Army</i>	<i>Core Legal Competency Legal Support to Soldiers and Families</i>
Legal Function Administrative and Civil Law Legal Tasks <ul style="list-style-type: none"> ● Environmental Law ● General Statutory, Regulatory, and Policy Compliance ● Government Ethics and Standards of Conduct ● Investigations ● Labor Law ● Army Institutional Claims ● Real Property Law 	Legal Function Soldier and Family Legal Services Legal Tasks <ul style="list-style-type: none"> ● Claims by Soldiers and Department of the Army Civilians ● Medical Evaluation and Disability Law ● Soldier and Family Legal Assistance ● Special Victim Counsel Program
Legal Function Contract and Fiscal Law Legal Tasks <ul style="list-style-type: none"> ● Fiscal Law ● Contract Law 	Legal Function Trial Defense Service Legal Tasks <ul style="list-style-type: none"> ● Courts-Martial ● Adverse Administrative Actions ● Non-Judicial Punishment Actions
Legal Function Military Justice Legal Tasks <ul style="list-style-type: none"> ● Courts-Martial ● Adverse Administrative Actions ● Non-Judicial Punishment Actions 	
Legal Function National Security Law Legal Tasks <ul style="list-style-type: none"> ● Constitutional Law ● Cyberspace Law ● Intelligence Law ● International Law ● Operational Law ● Special Operations Support 	

Figure 1-2. Core legal competencies, legal functions, and legal tasks

ROLES OF JALS PERSONNEL

1-8. Judge Advocate. No matter the level of command to which they are assigned, judge advocates have several roles. They are counselors, advocates, and trusted advisors to commanders, staffs, and individual Soldiers. They are commissioned officers, leaders, and managers who practice law in each of the six legal functions.

1-9. Legal Administrator. The legal administrator is an Army warrant officer with specialized training and expertise in law office operations and management. They receive specialized training to support the staff judge advocate's management of a legal office. With responsibilities generally focused on resource management, personnel management, security management, force management, knowledge management, and systems integration, they support the staff judge advocate in leading and managing legal offices throughout the Army.

1-10. Paralegal Soldier. Paralegal Soldiers are highly trained professionals who are both technical experts and professional Soldiers. In addition to receiving technical instruction, paralegal Soldiers receive training in leadership and Soldier skills at every level of the Noncommissioned Officer Education System.

1-11. Civilian Attorney. Civilian attorneys serve as leaders and subject matter experts often providing valued continuity in the delivery of legal advice. Their professionalism and service facilitates uninterrupted legal support across the Army regardless of operational tempo.

1-12. Civilian Paraprofessional. Civilian paraprofessionals provide critical subject matter, technical, and administrative support to the Army's legal offices across the globe. Paraprofessionals serve in a variety of roles including paralegal, court reporter, legal technician, legal assistant, claims technician, government information specialist, and other areas of expertise. Regardless of their specific role, all civilian paraprofessionals utilize their expertise to support the Army's legal operations.

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Chapter 2

Army Operations Overview

This chapter summarizes Army operations and provides guidance on their legal support. It addresses the shift from limited contingency operations to large-scale combat operations, the importance of the multi-domain battle concept, and joint operations. The chapter then discusses the Army operational concept, operational framework, and Army echelons and units. Finally, the chapter addresses the capabilities, combat power, and the operations process and planning that enable the Army to support joint operations.

LARGE-SCALE COMBAT OPERATIONS

2-1. Shifting Paradigm. The Army has focused intensively for the last fifteen years on limited contingency operations in regions across the globe. This focus has reduced the Army's ability to execute large-scale combat operations against a peer threat. Conducting operations continuously in the crisis response and limited contingency operations range on the conflict continuum dictated training, personnel, and logistics planning and execution to meet immediate needs (see figure 2-1). During that fifteen year period, other nations have increased military strength and postured as regional threats. The Army is pivoting back to preparing for large-scale combat operations in order to counter these threats in different regions of the world. The JAGC must be prepared to provide the legal support required to support Army formations executing large-scale combat operations.

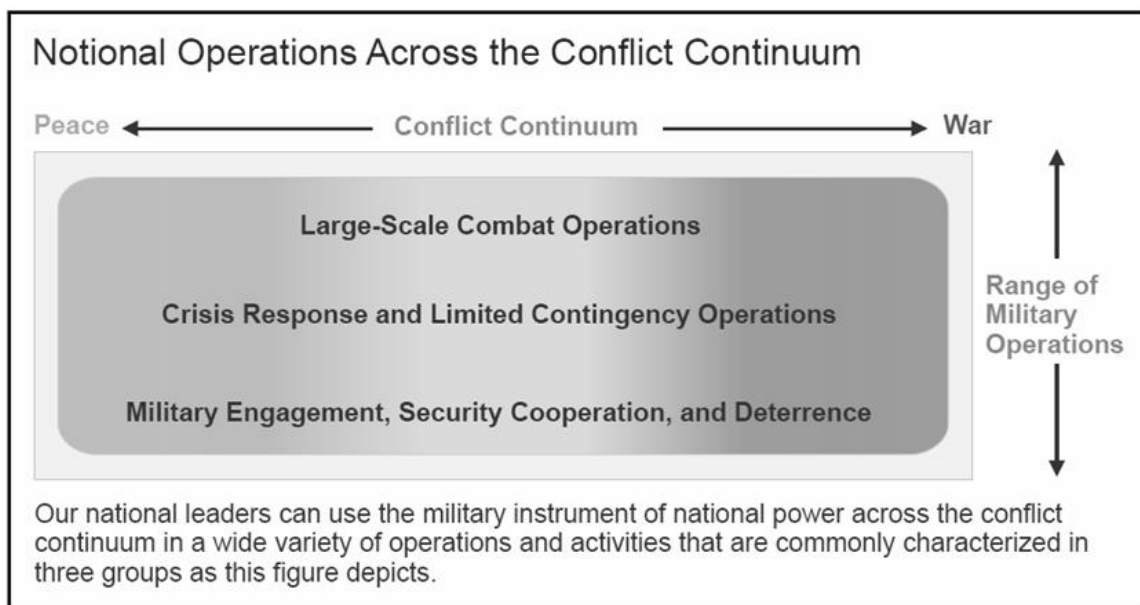


Figure 2-1. The conflict continuum and the range of military operations

2-2. Challenges to the Army. Conflicts in Afghanistan and Iraq were largely stability operations, with small-scale offensive operations at the company level waged against an enemy at a disadvantage in every domain. Peer actors, however, will operate with long-range precision fires, integrated air defense systems, robust ground maneuver elements, and electronic warfare in all domains simultaneously. Some of these

capabilities, known as anti-access and area denial (known as A2AD), can deny the Army the ability to project force or operate within the theater of operations. The Army must be prepared to contest the enemy across all domains to isolate or destroy the enemy’s systems to gain access to the theater of operations, exploit advantages with focused combat power, and defeat the enemy. The challenges facing the Army will require continuous efforts within the JAGC to maintain competence and expertise in key legal functions.

ANTICIPATED OPERATIONAL ENVIRONMENTS

2-3. The *operational environment* is a composite of the conditions, circumstances, and influences that affect the employment of capabilities and bear on the decisions of the commander (JP 3-0). An operational environment (known as OE) encompasses physical areas of the air, land, maritime, space, and cyberspace domains; as well as the information environment (which includes cyberspace); the electromagnetic spectrum (known as EMS), and other factors (FM 3-0). See figure 2-2.

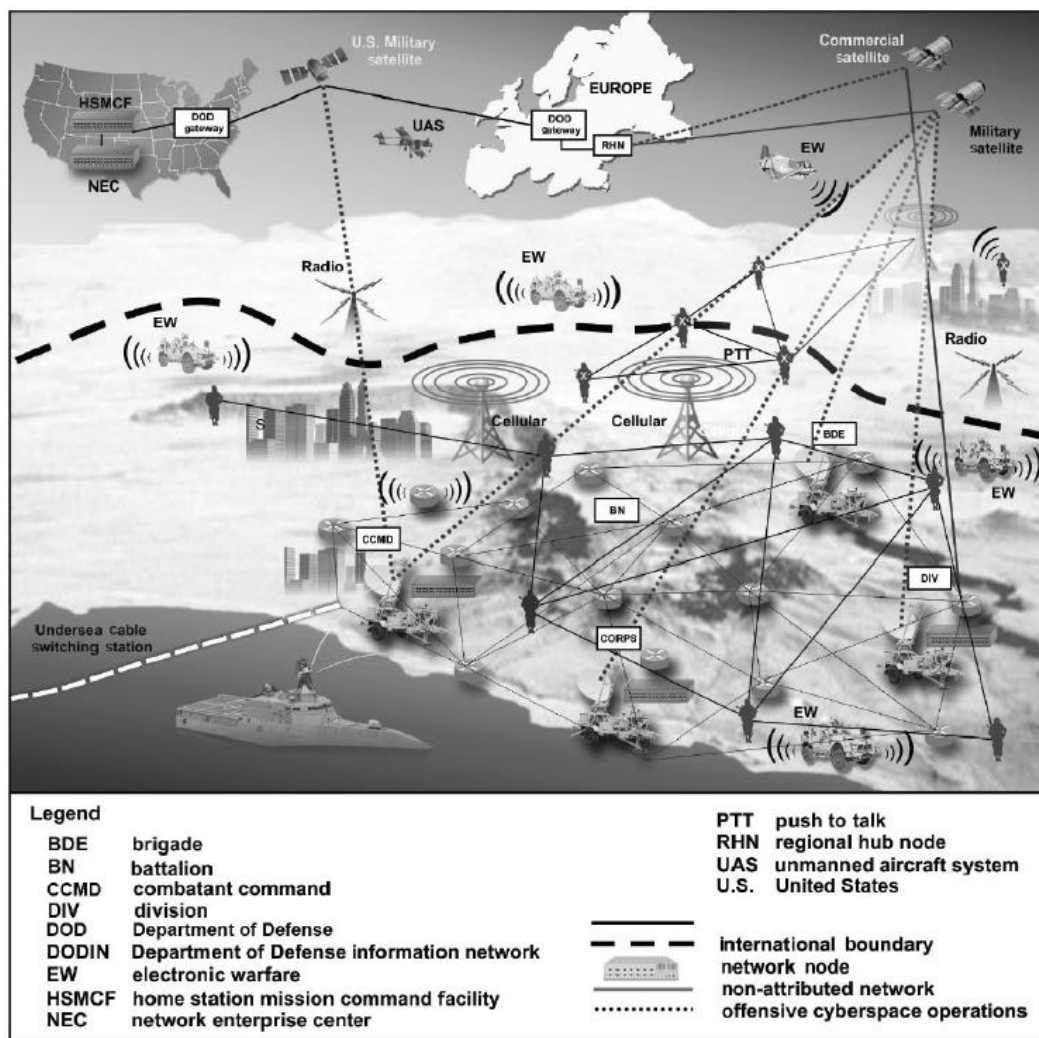


Figure 2-2. Cyberspace in the multi-domain extended battlefield

2-4. Commanders must understand the domains, and the capabilities of friendly and enemy forces in each, in order to identify windows of opportunity during operations to converge capabilities for the best effect. The use of capabilities in multiple or all domains to create effects against targets is known as multi-domain battle.

2-5. Judge advocates and paralegals must also understand the domains and associated capabilities to operate in each and effectively advise the command on the application of law and policy. Understanding is inherently complex given the rapid expansion and development of the space, cyberspace, and electromagnetic spectrum domains and their impact on the information environment. Operations in the information environment will leverage the capabilities in the space, cyberspace, and electromagnetic spectrum domains to create effects in the physical environment and vice versa.

JOINT OPERATIONS

2-6. Joint operations are military actions conducted by joint forces, which include the Navy, Marine Corps, Air Force, and in some instances, the Coast Guard. Those service forces are employed in specific command relationships with each other to integrate joint capabilities. JALS personnel work in joint headquarters at multiple echelons and must understand the capabilities of the other services and develop relationships with sister service personnel to effectively deliver legal support to the joint force.

JOINT FORCE STRUCTURE AND SUPPORT

2-7. In accordance with U.S. law and Department of Defense (DOD) regulations, the Secretary of Defense manages the employment of forces among geographic combatant commanders (GCCs) based on policy, requests, requirements, and assessments in a process called Global Force Management (JP 3-35). The Secretary of Defense directs the Service Secretaries to assign or allocate forces to GCCs. Each military service is led by a civilian secretary who, along with the service military chief, is primarily responsible for organizing, training, equipping, and managing forces for assignment and allocation to the GCCs (FM 3-94). The assignment and allocation establishes the command relationship and authority between the command and unit.

2-8. GCCs command forces to confront emerging or current threats within their designated areas of responsibility (JP 3-0). (See figure 2-3.) Units assigned or allocated to the GCCs are then assigned to a joint force commander in the area of responsibility and normally task organized into subordinate task forces to execute large scale or other combat operations (JP 3-0). Additionally, GCCs are supported by each of the services through a component command which is permanently aligned to the GCC. This headquarters exercises varying degrees of authority over their service's assigned units and fills various command roles, such as joint force commander or land component commander. United States Army Central Command (ARCENT) and United States Army, European Command (USAEUR) are examples of Army component commands permanently supporting GCCs (FM 3-94).

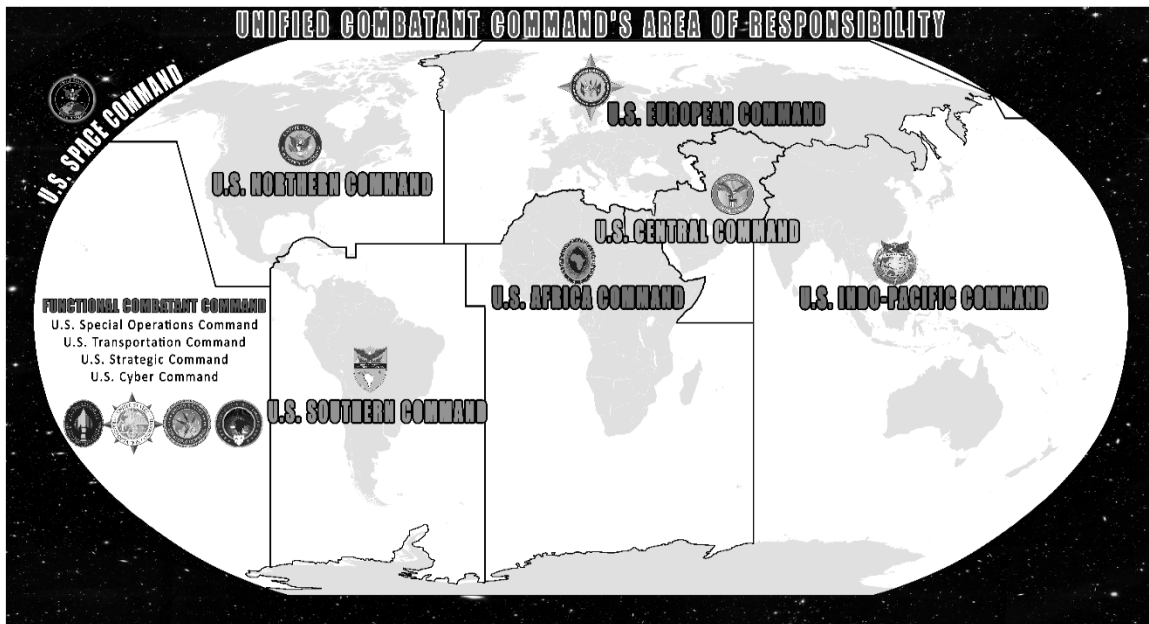


Figure 2-3. Combatant commander areas of responsibility

2-9. The Secretary of the Army and Chief of Staff of the Army execute their responsibilities to organize, train, equip, and manage Army forces for assignment to the GCCs through United States Training and Doctrine Command (TRADOC) and United States Army Forces Command (FORSCOM). TRADOC develops the Army's doctrine and manages individual and standardized training. FORSCOM ensures the training readiness of individuals and units and manages equipment and maintenance to support the force stationed in the continental United States.

PHASES OF JOINT OPERATIONS

2-10. In the context of large-scale combat operations, military activities or actions occur in six general groups and phases. Phases in large-scale combat operations are depicted in the figure 2-4 as sequential, but understand that they may not occur in order or have clear transitions between them. The six phases of joint operations are: shape (0), deter (I), seize initiative (II), dominate (III), stabilize (IV), and enable civil authorities (V) (JP 3-0). Understanding these phases allows JALS personnel to prepare and deliver timely and effective legal services required by Army units based on the operations more likely to be executed during a phase.

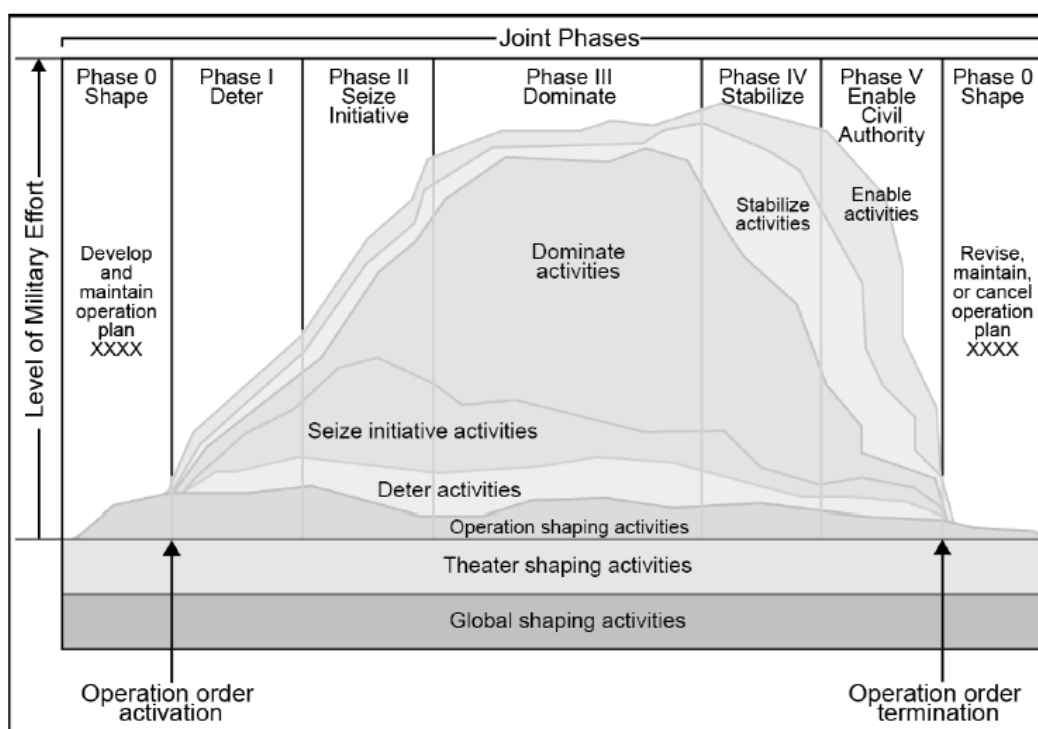


Figure 2-4. Notional large-scale combat joint phasing model

2-11. *Shape* (Phase 0). Shaping operations are actions done to set conditions for future operations, dissuade or deter adversaries, assure friends, and establish various relationships for mutual gain. Military engagement and security cooperation are examples of shaping operations.

2-12. *Deter* (Phase I). The goal of deterrence operations is to prevent an adversary from undesirable actions through posturing of friendly capabilities and demonstrating the will to use them. Mobilizations and initial deployment into theater are actions common during the deterrence phase, as well as reconnaissance, enhancement of logistic capabilities and establishment of anti-access and area denial (known as A2AD) capabilities.

2-13. *Seize the Initiative* (Phase II). In seize the initiative phase, joint forces decisively use capabilities to conduct reconnaissance, maintain security, perform defensive and offensive tasks at the earliest possible time to force the enemy to culminate offensively, setting conditions for decisive operations. This may include forcible entry into the theater or operations to deny the enemy initial objectives.

2-14. *Dominate* (Phase III). The focus for the dominate phase of joint operations aims to break the enemy’s will to resist or in noncombat situations, control the operational environment. This is generally achieved through overmatch of the enemy’s capabilities at the right time and place or executing stability tasks to achieve strategic goals, based on the nature of the enemy and the operational environment.

2-15. *Stabilize* (Phase IV). This phase of operations is characterized by the shift from sustained combat operations to stability operations. Reestablishing local political, economic, and infrastructure stability in an interagency setting are common to this phase.

2-16. *Enable Civil Authority* (Phase V). In this phase, the joint force supports legitimate civilian governance. The goal is to help the local civil authorities regain the ability to govern and administer to the needs of the population. Accomplishment of these goals concludes joint operations.

2-17. *Transitions*. A transition marks a change between phases or between an ongoing operation and execution of a branch or sequel. The need to move into another phase normally is identified by assessing that a set of objectives has been achieved or that the enemy has acted in a manner that requires a major change for the joint force. The activities that predominate during a given phase rarely align with neatly definable breakpoints. Nonetheless, transitions between phases must be well planned so the force can properly execute the required changes in command or support relationships and priorities of effort. In some instances, a transition will be rapid and unexpected, but necessary based on unanticipated critical changes. Failure to transition could result in the loss of momentum, missed opportunities, and failure to accomplish the mission. See figure 2-5.



Figure 2-5. Army strategic roles and their relationships to joint phases

ARMY’S OPERATIONAL CONCEPT

2-18. The Army’s mission is to organize, train, and equip its forces to conduct sustained land combat to defeat the enemy ground forces and seize, occupy, and defend land areas (FM 3-0). The Army accomplishes this mission with support to the joint force in four strategic roles: shape operational environment, prevent conflict, conduct large-scale combat operations, and consolidate gains (FM 3-0).

2-19. *Decisive Action*. The Army operational concept is based on decisive action, which is the continuous, simultaneous combinations of offensive, defensive, and stability or defense support to civil authorities’ tasks to seize, retain, and exploit the initiative to shape the operational environment, prevent conflict, consolidate gains, and win our Nation’s wars as part of unified action (ADP 3-0). The simultaneity of offense, defense, and stability tasks may only be achieved at certain echelons due to the amount of combat power required to execute a specific task during large-scale combat operations. JALS personnel serve at nearly every echelon and must remain cognizant of their unit’s mission to provide effective legal support.

OPERATIONAL FRAMEWORK

2-20. An *operational framework* is a cognitive tool used to assist commanders and staffs in clearly visualizing and describing the application of combat power in time, space, purpose, and resources in the concept of operations (ADP 1-01). The framework provides an organizing construct for visualizing and

describing operations by echelon in time and space within the context of an area of operations (AO), area of influence, and area of interest.

GEOGRAPHIC DIVISION OF THE AREA OF OPERATIONS

2-21. Subordinate echelons to the land component command are assigned AOs to conduct operations and the subordinate corps in turn designates deep, close, support and consolidation areas to describe the physical arrangement of force in time, space, and purpose in that area. The land component commander, the echelon above corps, will designate the joint security area and strategic support area. JALS personnel will be allocated to command nodes throughout the areas shown in figure 2-6 to provide timely and responsive legal support to operations.

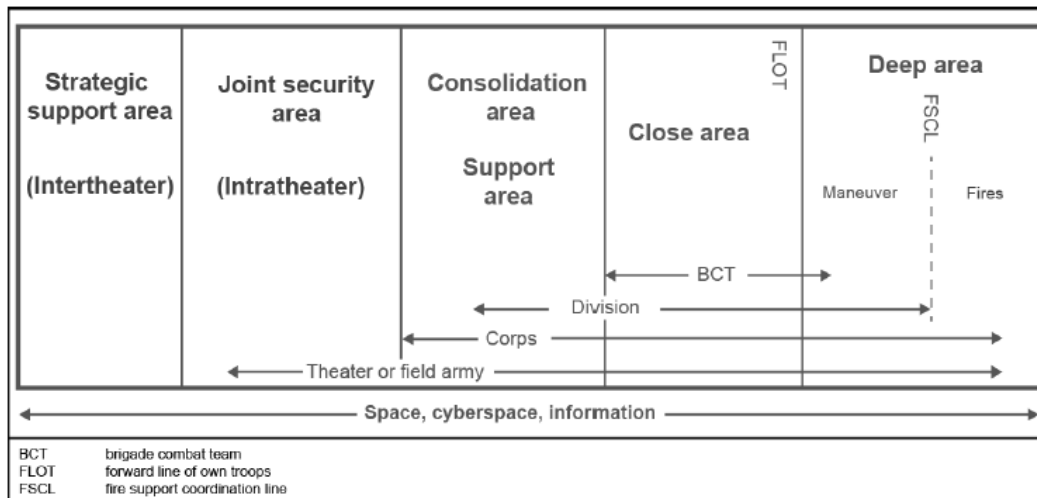


Figure 2-6. Corps area of operations within theater of operations

2-22. Close Area. This is the portion of the commander’s AO assigned to subordinate maneuver forces (ADP 3-0). This is the area where combat power is concentrated at the right time and place and to exploit success. Higher echelons provide capabilities to maneuver elements in the close area to ensure success of subordinate echelon maneuver. The forward line of own troops (known as FLOT) is located in the close area and used as a control measure by commanders to signify the most forward location of friendly force formations (FM 3-0).

2-23. Deep Area. This area is not assigned to a subordinate echelon (ADP 3-0). Operations in this area seek to disrupt or prevent the enemy’s maneuver elements from committing timely or coherently. Additionally, operations in this area may seek to destroy or prevent enemy long-range cannon, rockets, or missile fire from creating effects in the close area. The fire support coordination line (known as FSCL) is a fire control measure located in the deep area and established by the land or amphibious force commander to support common objectives within an area of operation (FM 3-0).

2-24. Support Area. This is the portion of the AO designated for position, employment, and protection of base sustainment assets required to sustain, enable, and control operations (ADP 3-0). This is ultimately where most of the unit’s sustaining operations occur.

2-25. Consolidation Area. This is the portion of the AO occupied by maneuver forces executing security and stability tasks necessary for freedom of action in the close area and to support continuous consolidation of gains (ADP 3-0). The designation of a consolidation area may result from friendly forces advancing, a level of control has been or needs to be established, and large-scale combat operations have ceased.

2-26. Joint Security Area. This is a specific surface area designated by the joint force commander as critical because it facilitates protection of joint bases and supports various aspects of joint operations. Land forces receive their support from the joint security area while in the theater of operations. This area is generally not contiguous with an area actively engaged in combat (JP 3-0).

2-27. Strategic Support Area. This is area that land forces receive support from outside the theater of operations. The strategic support area can be any area from the theater of operations and bases in the continental United States. This area includes the air and seaports that support the flow of forces and statement to the theater of operations.

DESIGNATION OF OPERATIONS: PROVIDE PURPOSE AND ESTABLISH PRIORITIES

2-28. Operations in the AO are designated as decisive, shaping, or sustaining:

- Decisive Operations. These are operations that directly accomplishes the mission and the commander's intent (ADP 3-0). The entire operation is designed around the decisive operation, which may be executed by more than one subordinate unit.
- Shaping Operations. These are operations that set or establish conditions for the decisive operation with effects on the enemy, other actors, or terrain (ADP 3-0). The overall operation may have multiple shaping operations and involve any combination of forces and capabilities.
- Sustaining Operations. These are operations that generate or maintain combat power in support of decisive or shaping operations (ADP 3-0). Sustaining operations focus on friendly forces but are inseparable from decisive or shaping operations.

2-29. Commanders also designate which units are executing main and supporting efforts to ensure prioritization of resources in the AO:

- Main Effort. The unit conducting the mission at a given point in time most critical to overall mission accomplishment is the main effort (ADP 3-0). This designation temporarily prioritizes resources in the AO to that unit. The commander may shift the designation throughout the operation as planned or as circumstances change.
- Supporting Effort. The unit conducting the mission that supports the success of the main effort and mission accomplishment is the supporting effort (ADP 3-0). Minimal resources are allocated to the supporting effort for mission accomplishment.

2-30. Designations of efforts and operations may indirectly impact the delivery of and kinds of legal services for the unit. They may also directly impact certain legal tasks, such as support to the rule of law or support to detention operations, if those operations receive priority over others.

ARMY COMPONENTS

2-31. By law, the Army is structured with one Regular Army and two Reserve Components: The Regular Army, the Army Reserve, and the Army National Guard of the United States (ADP 1). The Regular Army consists of professional Soldiers in units of all types necessary for prompt employment of land power. The Army National Guard is comprised of citizen Soldiers and performs both a state military mission under Title 32, United States Code (USC), and an operational reserve mission for the Regular Army under Title 10, USC. The unit structure and equipment in the Army National Guard is identical to that used in the Regular Army. The Army Reserve is also comprised of citizen Soldiers but performs only a federal military mission under Title 10, as individuals or units. The Army Reserve provides individual augmentees for headquarters and units, half of the Army's sustaining units, and one-fourth of the Army's mobilization base-expansion capability.

2-32. The Army JAGC relies heavily on the Reserve and National Guard Components to provide legal services to the Army at large. Of approximately 4,500 Army judge advocates, nearly 2,700 were in the Reserve or National Guard in fiscal year 2017. Of the approximately 3,600 paralegals, over 2,000 were in the Reserve and National Guard in the same fiscal year. JALS elements and personnel in the Army Reserve and Army National Guard are vital to the JAGCs ability to support rear-detachment operations, mobilization of Guard and Reserve units, forward deployment of units to a theater of operations, and direct support to large-scale combat operations. Army doctrine, as well as JAGC doctrine, applies equally to all components. (See Chapter 3, Appendix 1, and Appendix 2 for further discussion of the structure and support of the JAGC Army Reserve and Army National Guard Components.)

ARMY ECHELONS AND UNITS

2-33. As discussed earlier in the chapter, the Army provides the GCCs (for example, CENTCOM) a mix of headquarters, units, and capabilities to conduct joint operations as part of the theater campaign plan (FM 3-0).

2-34. Army headquarters and commanders may serve in various roles in the joint force. Many Army commanders hold roles simultaneously, such as land forces component commander, Army service component commander, senior ARFOR commander (see paragraph 2-36 for the description of an ARFOR), and joint forces commander (FM 3-94). The designated roles of the Army commander are significant for JALS personnel because roles determine the commander's legal authorities and responsibilities within the joint force. JALS personnel must also pay close attention to the relationships and responsibilities assigned to supported commands because they dictate the extent of legal support required to adjacent and attached units. (See paragraphs 2-41 through 2-43.)

2-35. Theater Army. The senior Army headquarters in the GCCs area of responsibility is the theater army (FM 3-0). This echelon is comprised of the commander, staff, and all Army forces assigned to the GCC. It is responsible for the command of forces and direction of operations (operational responsibility) and equipping, sustain, training, discipline, and personnel matters (administrative responsibilities) of assigned Army units. The composition of the theater army will vary based on the needs of GCC.

2-36. Corps. This echelon of command coordinates and integrates divisions and separate brigade operations to achieve positions of relative advantage across multiple domains in order to destroy or defeat an enemy and achieve the overall purpose of the operation (FM 3-0). The corps commander synchronizes the employment of joint capabilities in conjunction with Army decisive action. The corps receives capabilities from the theater army to conduct operations. All joint task forces that include Army forces have an ARFOR. The ARFOR is the Army component and senior Army headquarters of all forces assigned or attached to a combatant command, subordinate joint force, joint functional command or multinational command. When a corps serves as the ARFOR, it is responsible for the administrative and logistic support to all Army forces assigned to those organizations by the theater army. The ARFOR may have administrative control (ADCON) and be responsible for internal administration and discipline, training within the joint operations area, and reporting requirements.

2-37. Division. This is the highest tactical unit of execution. The divisions' primary role is as a tactical headquarters commanding brigades in decisive action tasks (FM 3-0). During large-scale combat operations, the division operates as a formation and not only as a headquarters. The task organization of a division varies based on the operation but a division is generally assigned two to five brigade combat teams (BCTs), a division artillery brigade (known as a DIVARTY), and various enabling capabilities. Division commanders may be designated ARFOR deputy commanders and assume ADCON (logistics, medical, and administration) for attached units.

2-38. Brigade Combat Teams. The modular BCT is the Army's primary combined arms, close-combat force and principle ground maneuver unit of a division (FM 3-0). BCTs have organic combined arms capabilities in maneuver battalions, field artillery, reconnaissance, and sustainment units. Capabilities can be supplemented or augmented for specific missions. There are three types of BCTs: armored, infantry, and Stryker.

2-39. Multifunctional Brigades. These units provide a variety of functions to support operations and are normally attached to a corps or division, but may be under a joint or multinational headquarters (FM 3-0). Multifunctional brigades include combat aviation brigades, expeditionary combat aviation brigades, field artillery brigades, sustainment brigades, and maneuver enhancement brigades.

2-40. Functional Brigades. These units provide only a single function or capability to support operations and can be attached at the theater army, corps, or division echelon (FM 3-0). Functional brigade task organizations vary extensively, but common types include air defense artillery brigades, civil affairs brigades, engineer brigades, military police brigades, and military intelligence brigades.

COMMAND AND SUPPORT RELATIONSHIPS

2-41. Army Command Relationships. Command relationships define superior and subordinate relationships between commanders. They identify the degree of control of the gaining Army commander and the type of

relationship often relates to the expected longevity of relationship between the headquarters involved and identifies the degree of support the gaining and losing commander provide. See figure 2-7 on page 2-10. These relationships consist of the following:

- **Organic:** Those forces that are assigned to and forming an essential part of a military organization as listed in the table of organization for the service. This relationship is established through organizational documents. Temporary task-organized units return to the control of the organic headquarters at the completion of the mission.
- **Assigned:** Placement of unit or personnel in an organization where such placement is relatively permanent. The headquarters controls and administers the units or personnel for the primary function
- **Attached:** Placement of a unit or personnel in an organization where such placement is relatively temporary.
- **Operational Control:** Authority to perform functions of command over subordinate forces involving organizing and employing commands forces, assigning tasks, designating objectives, and giving authoritative direction necessary to accomplish the mission.
- **Tactical Control:** Authority over forces that is limited to the detailed direction and control of movements and maneuvers within the operational area necessary to accomplish mission or tasks assigned.

If relationship is:	Then inherent responsibilities:							
	Have command relationship with:	May be task-organized by:	Receive sustainment from:	Are assigned position or an area of operations by:	Provide liaison to:	Establish/maintain communications with:	Have priorities established by:	Can impose on gained unit further support relationship of:
Direct support ¹	Parent unit	Parent unit	Parent unit	Supported unit	Supported unit	Parent unit; supported unit	Supported unit	See note ¹
Reinforcing	Parent unit	Parent unit	Parent unit	Reinforced unit	Reinforced unit	Parent unit; reinforced unit	Reinforced unit; then parent unit	Not applicable
General support-reinforcing	Parent unit	Parent unit	Parent unit	Parent unit	Reinforced unit and as required by parent unit	Reinforced unit and as required by parent unit	Parent unit; then reinforced unit	Not applicable
General support	Parent unit	Parent unit	Parent unit	Parent unit	As required by parent unit	As required by parent unit	Parent unit	Not applicable

Note: ¹ Commanders of units in direct support may further assign support relationships between their subordinate units and elements of the supported unit after coordination with the supported commander.

Figure 2-8. Army support relationships

2-43. Administrative Control. *Administrative control* is the direction or exercise of authority over subordinate or other organizations in respect to administration and support (JP 1). Administrative control is not a command or support relationship; it is a Service authority. It is exercised under the authority of and delegated by the Secretary of the Army, and is synonymous with Army’s title 10 authorities. Commanders of an Army Service component command (ASCC) exercise ADCON over Army units assigned or attached to the combatant commander and operating in the theater of operations. Although ADCON generally includes jurisdiction to exercise military justice, practitioners should always consult their local FM 6-27 supplement to verify.

CAPABILITIES AND COMBAT POWER

2-44. Large-scale combat operations require the continuous generation and application of combat power for extended periods. Combat power is the total means of destructive, constructive, and information capabilities that a military unit or formation can apply at a given time (ADP 3-0). Those capabilities must be integrated, synchronized, and converged with the commander’s objectives to achieve unity of effort in sustained operations. Capabilities of combat power are conceptualized as elements: leadership, information, command and control, movement and maneuver, intelligence, fires, sustainment, and protection. The last six of those elements are the warfighting functions. See figure 2-9 on page 2-12.

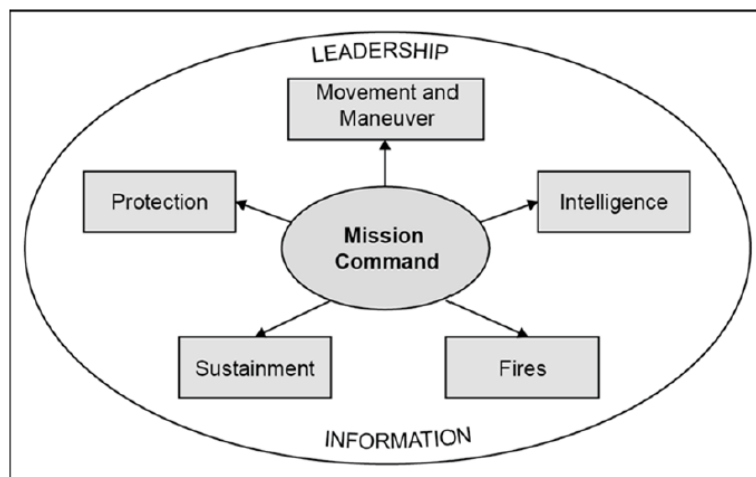


Figure 2-9. The elements of combat power and warfighting functions

2-45. The *warfighting function* is a group of tasks and systems united by a common purpose that commanders use to accomplish the mission and training objectives (ADP 3-0). The commander, exercising the first two elements of combat power, leadership and information, transforms potential combat power into action and integrates and enhances that action with the full complement of warfighting function capabilities. Although legal support doctrinally is part of the sustainment warfighting function, many legal tasks directly support other warfighting functions, to include command and control (ADP 4-0). (See Chapter 3 for further discussion on JALS support to the warfighting functions.)

- Command and control are the related tasks and systems integrating the other warfighting functions and providing purpose and direction through the operations process. Generally represented by the chief of staff/executive officer, J-6/G-6, public affairs, and commander.
- Movement and maneuver is the related tasks and systems that move and employ forces to achieve a position of relative advantage over the enemy and other threats. Generally represented by the J-3/G-3/S-3 operations staff (includes aviation).
- Intelligence is the related tasks and systems that facilitate understanding the enemy, terrain, weather, and civilian considerations. Generally represented by the J-2/G-2/S-2 operations staff.
- Fires is the related tasks and systems that provide collective and coordinated use of Army indirect fires, air and missile defense, and joint fires through the targeting process to achieve lethal and nonlethal effects on a target. Generally represented by the J-3/G-3/S-3 and fire support operations staff (includes air liaison).
- Sustainment is the related tasks and systems that provide support and services to ensure freedom of action, extend operational reach, and prolong endurance. Generally represented by the J-4/G-4/S-4, J-1/G-1/S-1, health services, and Office of the Staff Judge Advocate (OSJA)/brigade legal section.
- Protection is the related tasks and systems that preserve the force so the commander can apply maximum combat power to accomplish the mission. Generally represented by engineers, military police, air defense artillery, chemical, biological, radioactive, and nuclear (known as CBRN) operations staff, and force health protection.

THE OPERATIONS PROCESS

2-46. The Army's framework for exercising the warfighting function of command and control is the operations process—planning, preparing, executing, and continuously assessing the operation (FM 3-0). See figure 2-10. Commanders, supported by the staff, use the operations process to drive conceptual and detailed planning necessary to understand, visualize, and describe the operational environment, make and articulate decisions, and direct, lead, and assess operations. Through the operations process, the commander integrates all warfighting functions across all domains and synchronizes the force to accomplish the mission.

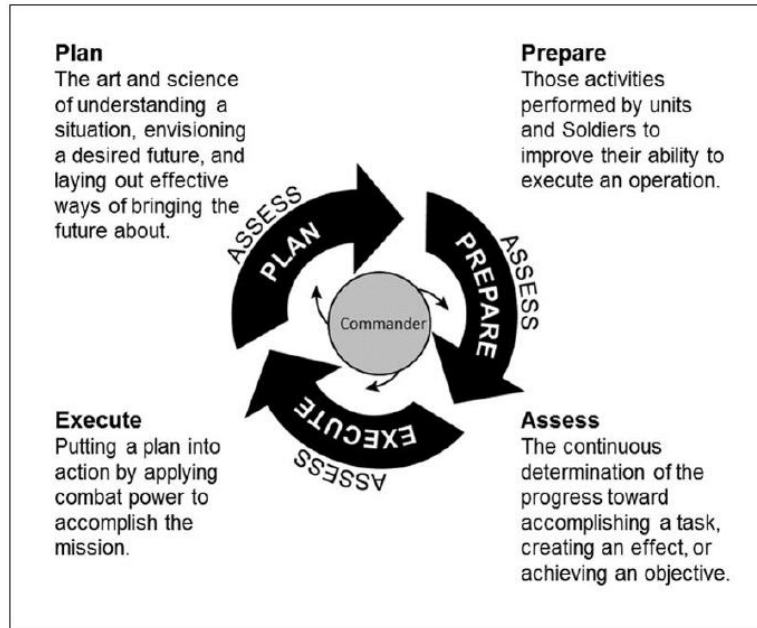


Figure 2-10. The operations process

2-47. The Army has three planning methodologies: Army design methodology, the military decision-making process (MDMP), and the troop leading procedures (known as TLP).

- *Army design methodology* is a methodology for applying critical and creative thinking to understand, visualize, and describe problems and approaches to solving them (ADP 5-0). This methodology is used by commanders and staff and must be integrated with detailed planning to produce executable plans.
- The *military decision-making process* is an iterative planning methodology to understand the situation and mission, develop a course of action, and produce an operation plan or order (ADP 5-0). Commanders initiate the process upon receipt of or in anticipation of a mission. See figure 2-11 on page 2-14.
- *Troop leading procedures* are a dynamic process used by small-unit leaders to analyze a mission, develop a plan, and prepare for an operation (ADP 5-0). Troop leading procedures are designed to enable commanders and leaders to plan when they do not have formal staffs, typically at the company/troop/battery and below. There are eight troop leading procedures steps: (1) Receive the Mission, (2) Issue a warning order, (3) Make a tentative plan, (4) Initiate movement, (5) Conduct reconnaissance (6) Complete the plan, (7) Issue the order, (8) Supervise and refine the plan.

Key inputs	Steps	Key outputs
<ul style="list-style-type: none"> Higher headquarters' plan or order or a new mission anticipated by the commander 	<p>Step 1: Receipt of Mission</p>	<ul style="list-style-type: none"> Commander's initial guidance Initial allocation of time
Warning order		
<ul style="list-style-type: none"> Higher headquarters' plan or order Higher headquarters' knowledge and intelligence products Knowledge products from other organizations Army design methodology products 	<p>Step 2: Mission Analysis</p>	<ul style="list-style-type: none"> Problem statement Mission statement Initial commander's intent Initial planning guidance Initial CCIRs and EEFI Updated IPB and running estimates Assumptions
Warning order		
<ul style="list-style-type: none"> Mission statement Initial commander's intent, planning guidance, CCIRs, and EEFI Updated IPB and running estimates Assumptions 	<p>Step 3: Course of Action (COA) Development</p>	<ul style="list-style-type: none"> COA statements and sketches <ul style="list-style-type: none"> Tentative task organization Broad concept of operations Revised planning guidance Updated assumptions
<ul style="list-style-type: none"> Updated running estimates Revised planning guidance COA statements and sketches Updated assumptions 	<p>Step 4: COA Analysis (War Game)</p>	<ul style="list-style-type: none"> Refined COAs Potential decision points War-game results Initial assessment measures Updated assumptions
<ul style="list-style-type: none"> Updated running estimates Refined COAs Evaluation criteria War-game results Updated assumptions 	<p>Step 5: COA Comparison</p>	<ul style="list-style-type: none"> Evaluated COAs Recommended COAs Updated running estimates Updated assumptions
<ul style="list-style-type: none"> Updated running estimates Evaluated COAs Recommended COA Updated assumptions 	<p>Step 6: COA Approval</p>	<ul style="list-style-type: none"> Commander-selected COA and any modifications Refined commander's intent, CCIRs, and EEFI Updated assumptions
Warning order		
<ul style="list-style-type: none"> Commander-selected COA with any modifications Refined commander's intent, CCIRs, and EEFI Updated assumptions 	<p>Step 7: Orders Production, Dissemination, and Transition</p>	<ul style="list-style-type: none"> Approved operation plan or order Subordinates understand the plan or order
<p>CCIR commander's critical information requirement</p> <p>COA course of action</p>	<p>EEFI essential element of friendly information</p> <p>IPB intelligence preparation of the battlefield</p>	

Figure 2-11. Steps of the military decision-making process

2-48. JALS personnel should be integrated into the staff and operations process during all phases of decisive action. JALS personnel must participate in every step, to the extent possible, of military planning to provide legal support to the warfighting functions. (See Chapter 3 for further discussion on JALS staff integration and involvement in the planning process).

2-49. As part of the operations process, commanders and staff execute command post operations to effectively plan, prepare, execute, and assess operations.

2-50. A command post is a unit headquarters where the command and staff perform their activities which performs specific functions, such as controlling and assessing operations, developing and disseminating orders, coordinating with higher, lower, and adjacent units, maintaining the common operational picture, and supporting the commander’s decision making process. The main command post (known as main CP) is the facility containing the majority of the staff designed to control current operations, conduct detailed analysis, and plan future operations. The tactical command post (known as tactical CP) is a facility containing a tailored portion of a unit headquarters designed to control portions of an operation for a limited time. The tactical command post is fully mobile and includes only essential Soldiers and equipment (FM 6-0).

2-51. Command post operations include warfighting function aligned cells (intelligence, movement and maneuver, fires, sustainment, and protection), integrating cells (plans, future operations, and current operations), and battle rhythm events (FM 6-0). See figure 2-12. A battle rhythm is a deliberate daily cycle of command, staff, and unit activities intended to synchronize current and future operations. Events occurring in a unit’s battle rhythm include shift change briefings, operations synchronization meetings, operations update and assessment briefings, planning meetings and briefings, and working groups and boards. All of the cells, working groups, boards, and synchronization meetings are designed to further collaboration among the warfighting functions, solve problems, coordinate action, and aid or make decisions. (See FM 6-0 for more information concerning command post operations.)

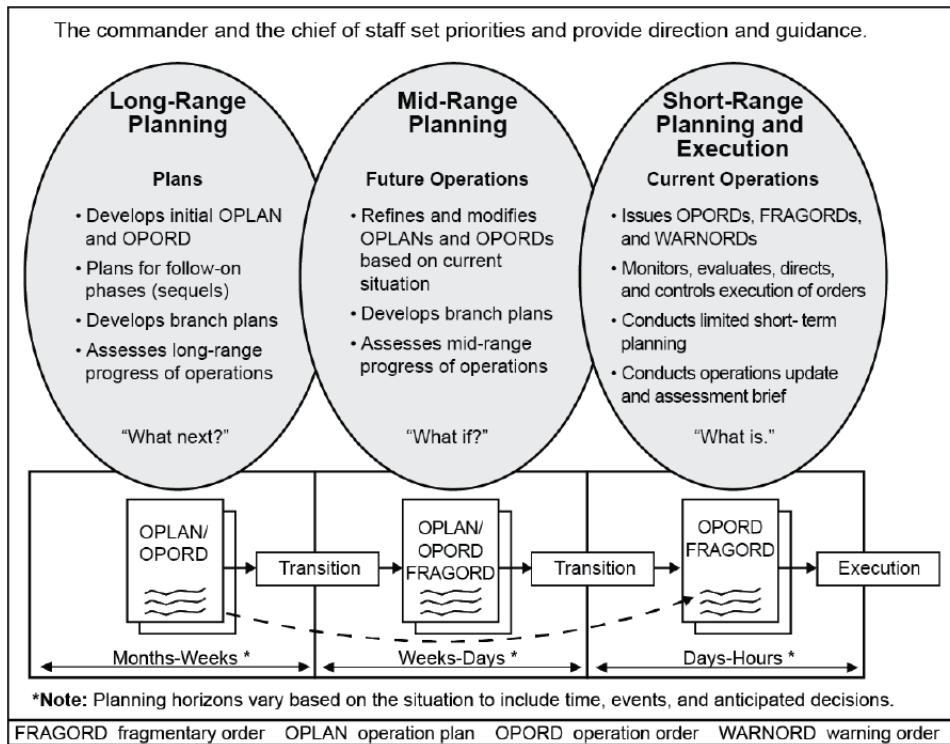


Figure 2-12. Integration of plans, future operations, and current operations

TARGETING

2-52. 2- During large-scale combat operations, JALS personnel must be directly involved in the targeting process, to include targeting battle rhythm events. Targeting is the process of selecting and prioritizing targets and matching appropriate responses to them (JP 3-0). The purpose of targeting is to integrate and synchronize fires into operations. Targeting begins in planning, and is an iterative process that continues

throughout the operations process. The targeting process is guided by the methodology of decide, detect, deliver, and assess (known as D3A) (ATP 3-60). See figure 2-13. The process provides a holistic means to—

- Decide: determining which targets require engagement to support the overall operations.
- Detect: collect information on the target using assets and resources to develop, vet, and validate the decision to engage.
- Deliver: engagement of the target after tactical and technical decisions.
- Assess: continuously compare the operational environment and progress of operations to the initial vision and intent and adjust to ensure objectives are met and military end state is achieved.

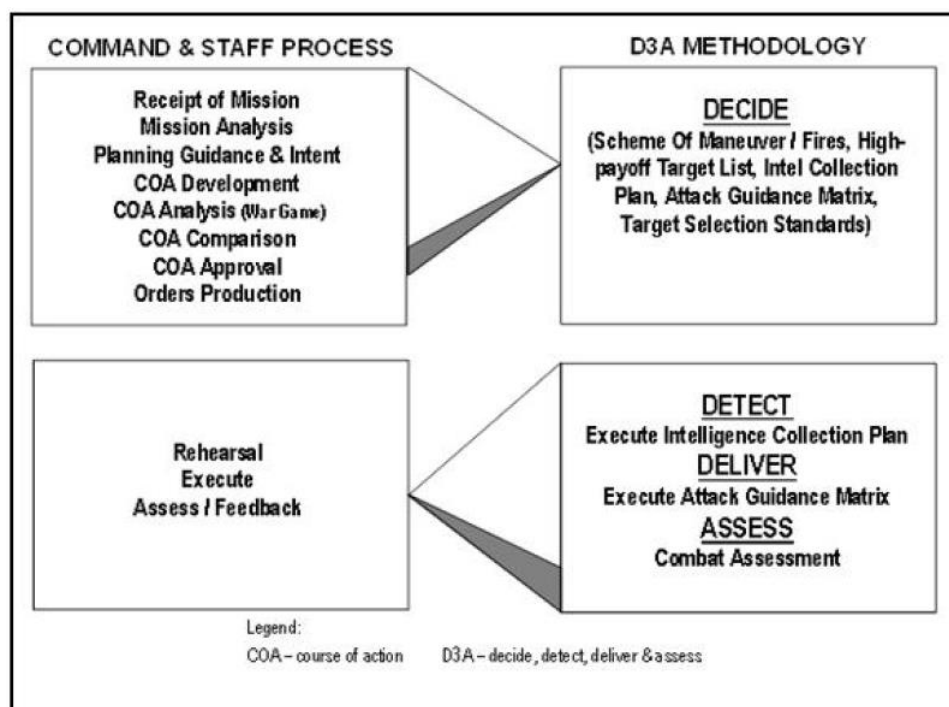


Figure 2-13. Targeting methodology

2-53. The targeting process allows the commander and staff to prioritize targets and allocate limited resources against targets to achieve effects. Units execute the targeting process through the targeting working group and targeting board. The targeting working group meetings focus on assessing ongoing targets, ensuring fire and air support requests with target nominations are processed through higher headquarters, and nominating targets to support operations. This group meets regularly based on unit battle rhythm and higher headquarters targeting cycle. The targeting working group's products (which integrate and synchronize fires into operations) are briefed to the targeting board. The targeting board makes decisions on what targets to recommend to the commander for approval. This methodical process is commonly referred to as deliberate targeting.

2-54. When the unit seeks to prosecute a target identified too late, or not selected for action in time to be included in deliberate targeting, the staff will execute dynamic targeting (ATP 3-60).

2-55. Targeting and collateral damage estimation (CDE). Regardless of the type of targeting, deliberate or dynamic, the law of war and rules of engagement apply any time a commander authorizes the use of force against a target. The CDE methodology assists commander in staying within the law of war and rules of engagement. The methodology is a tool for evaluating the potential collateral effects of prosecuting targets based on engagement variables (see CJCSI 3505.01D). During targeting the staff has the responsibility to mitigate the unintended and incidental risk of damage or injury to the civilian population and noncombatants, military personnel, structures in the immediate area, targets that are on the no-strike or restricted target list, civilian property, and anything that would have negative effects on military operations. This responsibility exists independent of the CDE, which may be abbreviated or done hastily during dynamic targeting.

2-56. During large-scale combat operations, specifically during the dominate phase of operations, the targeting process will most likely focus on lethal targeting during a rapid and efficient process to keep pace with the tempo of combat operations. Once operations transition to the stabilize phase, the targeting process will begin to focus on the allocation of resources to nonlethal means of effecting targets. Targets become the population, infrastructure, governance, and various opposition groups.

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Chapter 3

Judge Advocate General's Corps Support to Operations

This chapter describes where JALS personnel are assigned supporting Army operations, discusses the roles and responsibilities of JALS personnel, outlines the primary doctrinal missions of the legal sections, and identifies resources necessary to provide legal support at various echelons.

ROLES, RESPONSIBILITIES, AND WORKING RELATIONSHIPS

3-1. Chapter 2 of this field manual outlines shifts in the Army's operational concept. While the Army adjusted the way it fights, its mission has not changed, nor has the JAGC's mission: to develop, employ, and retain one team of proactive professionals, forged by the Warrior Ethos, who deliver principled counsel and mission-focused legal services to the Army and the Nation. To accomplish this mission, judge advocates, legal administrators, and paralegal Soldiers must work together proactively and professionally. To this end, JAGC personnel at every level of command must forge and maintain strong working relationships with each other.

3-2. Army regulations require JALS personnel to comply with military and civilian codes of professional responsibility and ethics that govern the practice of law and licensure. Judge advocates are prohibited from providing legal support in any way that violates an applicable rule of legal ethics. Judge advocates may not, for example, engage in conflicts of interest. These conflicts often arise when a judge advocate who represents the command is asked to give legal advice to Soldiers. In cases of ethical conflict, an additional judge advocate is involved. This and other rules of professional responsibility govern both judge advocate attorneys and the legal administrators and paralegal Soldiers who assist them. Judge advocates are subject to professional discipline from their bar licensing organizations for violations of any applicable rule, on the part of the judge advocate or the paralegals/legal administrators they supervise, even in an AO. Judge advocates identify and explain to their commanders any issues of legal ethics that may affect operations. JALS personnel should also inform and consult their staff judge advocates (SJAs) regarding any matters of professional legal ethics.

DUTIES AND RESPONSIBILITIES OF THE OFFICE OF THE STAFF JUDGE ADVOCATE PERSONNEL

3-3. The OSJA personnel have specific tasks and responsibilities. The personnel consist of the SJA, the deputy SJA, division chiefs, subordinate judge advocates, the legal administrator, command or chief paralegal NCO, paralegal NCOs, the senior civilian attorney, and civilian attorneys.

THE OFFICE OF THE STAFF JUDGE ADVOCATE

3-4. The OSJA provides legal support to commanders, staffs, Soldiers, Families, retirees, and other eligible individuals supported by a given command. Army units at division level and above are supported by organic OSJAs.

THE OFFICE OF THE STAFF JUDGE ADVOCATE TASKS

3-5. The OSJA performs numerous legal and non-legal tasks to support commanders and staff. The tasks involve both core legal competencies and generally encompasses all legal functions except for Trial Defense Services. As appropriate and necessary, and independent from the trial defense mission, the OSJA also supports the Trial Defense Service legal function.

3-6. The SJA leads the OSJA. The SJA manages and leads with the help of key advisors: deputy SJA, division chiefs, legal administrator, command or chief paralegal noncommissioned officer (NCO), and senior civilian attorney. The SJA ensures that the OSJA is led, trained, equipped, and supported in a manner to accomplish the mission, and should tailor the concept individually depending on their mission and office structure. Each division within the OSJA has a division chief and a noncommissioned officer in charge who receives direction, guidance, and support from senior leadership. They in turn provide direction, guidance, and support that is more specific to those who work in their division—subordinate judge advocates, civilian attorneys, and paralegal NCOs and Soldiers.

THE STAFF JUDGE ADVOCATE

3-7. The SJA is the field representative of The Judge Advocate General (TJAG) and is, as a consequence, responsible and accountable for the delivery and quality of legal services within the applicable AO. As TJAG's assigned representative, the SJA has responsibility to deliver legal services within a command. The SJA is the officer-in-charge of the OSJA. This officer is responsible for planning and resourcing legal support as well as conducting training, assignments, and the professional development of JAGC personnel assigned to the command and its subordinate units. In accordance with Article 6 of the Uniform Code of Military Justice (UCMJ), the SJA is authorized to communicate directly with TJAG and other supervisory judge advocates of superior or subordinate commands as necessary.

3-8. The SJA serves as the primary legal advisor to the commander exercising general court-martial convening authority (GCMCA) as prescribed by the UCMJ, the Manual for Courts-Martial, and applicable regulations. The SJA is a member of the commander's personal and special staff. In accordance with Article 6 of the UCMJ, at all times the commander and the SJA shall communicate directly on matters relating to the administration of military justice, including, but not limited to, all legal matters affecting the morale, good order, and discipline of the command. The SJA provides legal advice and support to the staff and coordinates actions with other staff sections to ensure the timely and accurate delivery of legal services throughout the command.

THE DEPUTY STAFF JUDGE ADVOCATE

3-9. The deputy SJA is assigned to the OSJA and serves as the SJA's second-in-charge. While the SJA is the primary legal advisor to the command, the deputy SJA is responsible for the day-to-day administration, training, and execution of the OSJA activities. The deputy SJA coordinates the efforts of the legal administrator and command or chief paralegal NCO throughout the OSJA. The deputy SJA ensures that every member of the OSJA receives the mentorship, training, equipment, and support to meet mission requirements consistent with the SJA's intent. The deputy SJA serves as the acting SJA in the SJA's absence and therefore is always prepared to assume the SJA's duties and responsibilities. The deputy SJA may supervise legal services at a separate location during split-based operations. Such operations may include serving as the SJA of the rear detachment when the SJA deploys with the forward element.

DIVISION CHIEFS

3-10. Division chiefs are key OSJA leaders with responsibility for the mission success of their respective divisions within the OSJA. Typically, the divisions within the OSJA are organized according to legal functions. Division chiefs lead and supervise judge advocates, civilian attorneys, paralegals, and civilian legal support staff in the delivery of legal support within their divisions. Division chiefs advise the SJA and deputy SJA concerning all matters falling within the scope of their particular divisions and train subordinates in the legal skills required by the function.

SUBORDINATE JUDGE ADVOCATES

3-11. Subordinate judge advocates within the OSJA perform legal duties under the supervision of a division chief. They review actions for legal sufficiency; investigate factual matters related to legal actions; write legal opinions; prepare legal actions; and provide Soldier and Family legal services. Subordinate judge advocates also advise commanders, staff officers, and personnel; participate in staff working groups or teams; advocate before courts-martial and administrative decision-making bodies; and review, adjudicate, and settle

claims on behalf of and against the United States. Judge advocates supervise paralegals and civilian legal support staff who assist in performing these tasks.

THE LEGAL ADMINISTRATOR

3-12. Legal administrators utilize specialized skills and training to assist the SJA in leading and managing legal offices by performing the role of office administrators. Normally assigned to OSJAs supporting installations, or those at or above the division OSJA level, legal administrator responsibilities typically involve resource management, personnel management, security management, force management, knowledge management, and systems integration and include key roles in ensuring that the administrative, logistical, and funding requirements are met for the delivery of legal services to the supported units. Consistent with guidance from the SJA, the legal administrator builds and maintains effective working relationships with key personnel throughout the command to enable OSJA personnel to meet their mission requirements. Always searching for more efficient ways to provide legal support, legal administrators at all echelons are encouraged to collaborate and share lessons learned through their warrant officer technical chain. Consistent with SJA guidance, legal administrators may also train, coach, and mentor NCOs and junior officers.

THE COMMAND OR CHIEF PARALEGAL NCO

3-13. The command or chief paralegal NCO is the senior enlisted Soldier in the OSJA of a division, corps, or ASCC. A command paralegal NCO is normally a sergeant major who serves at division and corps OSJAs, while a chief paralegal NCO is normally a master sergeant who serves at ASCC OSJAs. This senior enlisted leader advises SJAs, commanders, and command sergeants major on all paralegal Soldier issues within the OSJA as well as those arising from subordinate units. The command or chief paralegal NCO provides technical supervision of all paralegal Soldiers assigned to or supported by the OSJA and is primarily responsible to the SJA for the deployment and training readiness of OSJA personnel. The chief paralegal NCO, like the legal administrator, builds and maintains effective working relationships with key personnel throughout the A to enable OSJA personnel to meet their mission requirements.

PARALEGAL NCOs AND SOLDIERS

3-14. Paralegal NCOs serve as enlisted leaders and subject matter experts within their respective divisions or sections, assuming responsibility for the effective and efficient operation of the division or section where they serve. They also bear primary responsibility to train, mentor, and develop junior paralegal Soldiers to the required level of expertise necessary to effectively contribute to mission success within their respective divisions or sections. Some paralegal NCOs serve as division or section noncommissioned officer in charge (known as NCOIC). They therefore serve as senior enlisted advisors to the division chiefs or officers-in-charge, much the same way the command or chief paralegal NCO serves as the senior enlisted advisor to the SJA.

3-15. Paralegal Soldiers provide support in all of the core competencies and legal functions, under the supervision of judge advocates, civilian attorneys, and paralegal NCOs. Paralegal Soldiers, like all JAGC personnel, are subject to the same rules of professional responsibility. Like paralegal NCOs, they do not provide legal advice, but support the legal services provided by judge advocates and civilian attorneys at all levels within the Army.

SENIOR CIVILIAN ATTORNEY

3-16. The senior civilian attorney provides the SJA with a valuable civilian perspective regarding the delivery of legal services and office management. He or she is often best suited to provide advice and perspective regarding continuity and long-term office issues.

CIVILIAN ATTORNEYS

3-17. Civilian attorneys assigned to the OSJA may perform many of the same legal duties as judge advocates. They regularly provide a depth of expertise and continuity in a particular legal discipline. They may also have supervisory responsibilities, to include those of a division chief, however, civilian attorney employees do not advocate before courts-martial. Their role in administrative board proceedings is also more limited

than that of judge advocates. While civilian attorneys assigned to the OSJA may serve as legal advisors to administrative boards, they do not serve as recorders.

BRIGADE LEGAL SECTION

3-18. The brigade legal section consists of brigade legal section personnel and battalion paralegal Soldiers.

BRIGADE LEGAL SECTION PERSONNEL

3-19. Brigade legal section personnel are assigned directly to the brigade headquarters or the subordinate battalions but not to the division. A BCT legal section includes two judge advocates: a brigade judge advocate (BJA) and a national security law attorney. Functional and multifunctional brigade legal sections have a BJA. Commanders within a brigade are also advised by a military justice advisor (MJA) on matters related to military justice.

3-20. The brigade legal section also includes a brigade senior paralegal NCO. BCTs are authorized a sergeant first class to fill the position of a brigade senior paralegal NCO. Functional and multifunctional brigades are authorized a staff sergeant to fill the same position. Paralegal Soldiers, E-1 through E-5, are assigned to each subordinate battalion of a BCT or functional or multifunctional brigades. While in garrison, however, paralegal Soldiers will be consolidated within a legal office at the brigade, brigade equivalent, or higher level, to include within the OSJA (AR 27-1). All JAGC Soldiers in a brigade work under the direction and supervision of the BJA and the brigade senior paralegal NCO to ensure timely and efficient legal support to all supported units and to facilitate paralegal training.

3-21. The BJA and the brigade senior paralegal NCO are assigned to the brigade. The brigade headquarters is the primary place of duty for the BJA, and the senior paralegal NCO, as well as for a judge advocate augmenting the brigade legal section. If a MJA advises units within only one brigade, the MJA will ordinarily be collocated with that brigade. If a MJA advises units within more than one brigade, the MJA will ordinarily be attached to the OSJA. The BCT national security law judge advocate will also typically work in the OSJA. The SJA, in coordination with the BJA, may task organize a MJA or a BCT national security law judge advocate in accordance with mission requirements.

3-22. While not directly supervising all brigade legal personnel, the SJA of the higher echelon retains responsibility for legal oversight, training, and technical guidance. The SJA provides technical guidance to the BJA and SJAs, as necessary. However, the brigade commander determines the BJA's routine, day-to-day duties. A MJA who deploys with a unit to training exercises or operational missions is supervised by the BJA during those operations. In other circumstances, a MJA is ordinarily supervised by the Chief of Justice. The BCT national security law judge advocate is supervised by the BJA during training exercises and operational missions, and is supervised by the Chief of Administrative Law, or as the SJA directs, while working in the OSJA.

Duties and Responsibilities of Brigade Legal Section Personnel

3-23. The following paragraphs outline the primary duties and responsibilities of personnel assigned to the brigade legal section. While not all-inclusive, these duty descriptions provide a good overview of each Soldier's role in providing legal support to the brigade. The actual day-to-day duties and priorities of brigade legal section personnel vary based on the brigade commander's priorities, the SJA's legal priorities within the GCMCA's AO, the brigade's mission, and the unit's deployment status.

Brigade Judge Advocate

3-24. The BJA supervises, trains, and mentors subordinate judge advocates and paralegals assigned to the brigade. The BJA is the primary legal advisor to the brigade commander. As a member of both the brigade commander's personal staff and special staff, the BJA occupies a unique role on the staff. As a personal staff officer, the BJA requires a direct line of communication with the brigade commander on matters relating to the administration of military justice. When performing special staff functions not related to the administration of military justice, such as participating in the MDMP, the BJA may be supervised by the brigade executive officer. The BJA deploys as a member of the brigade staff and serves as the officer-in-

charge of the brigade legal section. As a member of the brigade staff, the BJA normally attends the meetings that the brigade staff primaries attend. The BJA's primary duties and responsibilities include:

- Supervising, training, and mentoring all judge advocates and paralegals assigned to the brigade.
- Advising the commander and staff on national security law, military justice, administrative law, contract and fiscal law, and other areas of the law as required.
- Ensuring the timely delivery of legal services to the brigade across all legal functions.
- Participating in operations planning and targeting processes; including plans and orders, training concepts, and other key actions for legal sufficiency.
- Planning, coordinating, and overseeing Soldier and Family legal services, Soldier readiness programs, and preventive law programs for the brigade.

Military Justice Advisor

3-25. In conjunction with the BJA, the MJA advises commanders and staff in all areas of military justice in garrison and during deployments. The MJA's primary duties and responsibilities include:

- Advising commanders on issues pertaining to military justice and adverse administrative actions.
- Attorney functions within military justice that are not primarily litigation, such as reviewing complicated non-judicial punishment, and advising commanders and law enforcement on search and seizure and pre-trial confinement hearings.
- Reviewing adverse administrative actions, and conducting board hearings.
- In brigades, the MJA assists the BJA in the performance of BCT national security law judge advocate duties and responsibilities.

Brigade Combat Team National Security Law Judge Advocate

3-26. Under the direction of the BJA, the BCT national security law judge advocate advises commanders and staff on national security law issues within the brigade. The BCT national security law judge advocate's primary duties and responsibilities include:

- Advising commanders and staff on the Department of Defense Law of War Program, detainee operations, status-of-forces and other international agreements, general orders, the law of armed conflict, targeting, and predeployment legal preparation.
- Serving as a standing member of operations planning groups, targeting boards, and the fires section.
- Participating in planning for operations, and conducting legal reviews of operation plans, contingency plans, and exercise plans.

Brigade Senior Paralegal NCO

3-27. The brigade senior paralegal NCO is the senior enlisted advisor and assistant to the BJA, and serves as the NCO in charge of the brigade legal section. The senior paralegal NCO supervises, trains, and mentors subordinate paralegal Soldiers and paralegal NCOs assigned to battalions. The senior paralegal NCO serves as a member of the brigade's staff. This NCO should have successfully completed the Battle Staff NCO Course and received an additional skill identifier. This NCO coordinates and conducts required training on legal issues, including law of war and rules of engagement.

BATTALION PARALEGAL SOLDIERS

3-28. Battalion paralegal Soldiers are assigned to the S-1 section of each subordinate battalion. Their assignment to the battalion S-1 section is designed to provide legal support to battalion commanders and Soldiers, while acting under the direction and supervision of the brigade judge advocate and brigade senior paralegal NCO. Paralegal Soldiers are expected to primarily perform duties of a legal nature.

3-29. BJAs and brigade senior paralegal NCOs retain the flexibility to coordinate the consolidation of battalion paralegal Soldiers at the brigade headquarters. The decision to consolidate is based on a variety of factors. While in garrison, geographic location of subordinate battalions, operational tempo, ease of

movement, and the nature of the legal mission often lends itself to the consolidation of paralegals at the brigade headquarters. Consolidation allows the BJA and senior paralegal NCO to train, supervise, and develop paralegal Soldiers to the required level of expertise prior to deployment. During deployment, these and other factors may also lead to the decision to consolidate legal assets. Consolidation of legal assets may be necessary due to the nature of legal support requirements required by the operation. The BJA and senior paralegal NCO must weigh the relevant factors and determine whether decentralization or consolidation provides the optimal use of legal assets to support the command's mission. Operational adaptability requires continuous assessment of the situation and might necessitate the need to decentralize legal assets and consolidate them in whole or in part throughout the operation. Consolidation of battalion paralegal Soldiers is coordinated with the brigade commander.

THE OFFICE OF THE STAFF JUDGE ADVOCATE–BRIGADE LEGAL SECTION RELATIONSHIP

3-30. Providing legal support to all levels of command remains the chief mission of all JAGC personnel. However, personnel at the OSJA and the brigade legal section may identify different ways and means to accomplish this mission. These potentially different views stem from the increased capabilities of BCTs and other brigades and the assignment of JAGC personnel directly to the BCTs and other brigades. Though support and coordination issues may arise, both organizations focus on the same end state: providing high quality, reliable legal services to the command across all types of operations. OSJA and brigade legal section personnel build and maintain an ongoing, professional, working relationship. This relationship enables JAGC personnel at all levels to focus their efforts toward mission accomplishment. This field manual does not attempt to address all OSJA-brigade legal section issues concerning support and coordination, but certain aspects of the OSJA-brigade legal section relationship merit specific consideration: rapport, legal oversight, direct supervision, and technical training.

RAPPORT

3-31. Rapport is critical for mission success—for both the JAGC and the Army. As senior leaders of the JAGC, the OSJA leadership takes every opportunity to teach, mentor, and support the brigade legal section for mission success. Similarly, brigade legal section personnel support the OSJA to accomplish its mission. These relationships will be of special interest to TJAG and the regimental command sergeant major during Article 6 visits.

LEGAL OVERSIGHT

3-32. The nature of the legal profession requires a strong technical chain of supervision along JAGC channels. There are several reasons for this enhanced legal oversight. TJAG has a statutory obligation to “direct the members of the JAGC in the performance of their duties” under Title 10, USC, section 3037 (2010). TJAG also has the unique requirement to meet professional legal responsibilities under AR 27-26. Furthermore, all judge advocates are attorneys subject to civilian rules of professional conduct, continuing education requirements, and professional discipline from their licensing organization, which requires enhanced technical supervision along JAGC channels. Finally, under Title 10, USC, section 806(b) (2010), the SJA or legal officer of any command is entitled to communicate directly with the SJA or legal officer of a superior or subordinate command, or with TJAG.

3-33. SJAs are ultimately responsible for legal advice provided within their command's jurisdiction. As the next senior judge advocate in the brigade judge advocate's technical chain, the SJA provides brigade judge advocates with technical guidance, direction, and insight on legal issues. Exercise of this function by the SJA can be based on policies and procedures agreed upon in advance with the brigade judge advocate, or it may be event-driven, based solely on the SJA's professional judgment. Brigade judge advocates are presumed to be experienced enough to determine when to request technical guidance from the SJA. Situations that require technical guidance by the SJA include the following:

- Soldier misconduct that will likely result in action by the GCMCA.
- Any complex or high-profile military justice matter.
- Clarification of rules of engagement.

- Issues requiring specialized expertise not resident in the brigade legal section, such as government contracting or ethics.
- Situations where the brigade judge advocate is contemplating issuing a legal opinion contrary to a legal opinion or interpretation issued by the division OSJA.

DIRECT SUPERVISION

3-34. A SJA's relationship with the BJA sometimes exceeds mere technical supervision—specifically in military justice matters. In garrison, the trial counsel works at the OSJA military justice section but will deploy with the brigade. While deployed, the BJA supervises the trial counsel's performance. Whether in garrison or during a deployment, it is essential that continuous, close coordination on military justice matters exists between OSJAs and brigade legal sections.

TECHNICAL TRAINING

3-35. SJAs do not normally have the formal authority to impose training requirements directly on brigade legal section personnel working at a brigade headquarters. Nevertheless, OSJA leaders should take every opportunity to teach, coach, and mentor brigade legal section personnel on legal and professional subjects as well as include the brigade legal section at appropriate events. To this end, the OSJA leadership should do the following:

- Invite and encourage brigade legal section personnel to attend formal OSJA training events such as professional responsibility training, professional development classes, staff rides, or sergeants' time.
- Ensure that brigade legal section personnel are informed of training opportunities made available to the OSJA (such as legal conferences, seminars, and continuing legal education). OSJA leaders should also provide justification to brigades to secure the allocation of unit funds to enable the attendance of brigade legal sections personnel at professional development courses.
- Establish procedures for regular, effective communication. Examples include routine meetings or information-sharing sessions where technical topics are discussed. Frequent and candid communication between the OSJA and brigade legal section is essential. Whenever practical, this communication should occur face-to-face.

U.S. ARMY TRIAL DEFENSE SERVICE

3-36. The United States Army Trial Defense Service (USATDS) provides legal support to Soldiers regarding judicial and nonjudicial disciplinary matters, adverse administrative actions, representing them before courts-martial and administrative boards.

THE OFFICE OF THE STAFF JUDGE ADVOCATE—U.S. ARMY TRIAL DEFENSE SERVICE RELATIONSHIP

3-37. USATDS personnel receive administrative and logistic support from designated installations or organizations through the OSJA as set forth in AR 27-10. This includes the provision of paralegal NCOs and Soldiers. TJAG specifies that this support is essential to the performance of the defense mission. Paralegal support at the trial defense team level is equally important to mission success. SJAs and command or chief paralegal NCOs should actively coordinate the trial defense team paralegal assignment process with regional and senior defense counsels as they would for their respective OSJAs. This coordination ensures that paralegal support to the trial defense teams meets the requirements set forth in AR 27-10.

3-38. All JAGC personnel are expected to advocate zealously on behalf of their clients. As such, disagreements between OSJA and USATDS personnel are inherent in the adversarial process. Leaders at all levels of the JAGC share a common duty to foster professional relationships between OSJA and USATDS personnel. Such professional relationships succeed when all JAGC personnel display mutual respect and support for each other's roles and responsibilities.

3-39. OSJA and brigade legal section leaders make all efforts to ensure USATDS support is consistent with the support provided to other sections within the OSJA and to that provided the brigade legal section. Additionally, OSJA leaders make all training opportunities equally known and available to USATDS personnel, as they would be for OSJA personnel. Personnel evaluations and other supervisory activities remain within the Trial Defense Service hierarchy, wholly independent from the OSJA.

LEGAL SUPPORT TO LARGE-SCALE COMBAT OPERATIONS

Our Army has never been better at operating at the squad, platoon, company and even battalion level from a joint and interagency perspective. But, because the scale, tempo and level of chaos will be different in large scale combat operations, our focus has shifted to echelons above brigade warfighting -- division, corps, and theater army level of warfighting. In fact, divisions and corps will be operating as formations, and not just headquarters.

LTG Michael Lundy

3-40. As discussed in Chapter 2, the Army is returning its focus to large-scale combat operations, and away from limited contingency operations, to better prepare to confront peer threats. The JAGC must, in turn, reorient its focus to supporting an Army conducting large-scale combat operations. Legal support between 2004 and 2015 was primarily delivered from large base complexes in an operational environment where the Army dominated all domains – air, land, maritime, cyberspace, space, electromagnetic, and information. Corps and division headquarters operated largely at the operational and strategic levels, with most tactical operations executed at battalion and below.

3-41. During large-scale operations, echelons above brigade, namely divisions and corps, will operate as tactical and operational maneuver elements in the battle space. The JAGC must be prepared to provide legal support in austere conditions, to rapidly maneuvering and mobile unit headquarters, in a contested digital environment. OSJA and legal operations detachment (LOD) elements supporting Army headquarters must consider how to provide multi-functional legal support simultaneously at multiple command posts while anticipating minimal access to digital communication and information.

3-42. JAGC leaders must evaluate and analyze the anticipated operations of the supported unit to best design the structure for legal support at their echelon. Corps and division headquarters are expected to operate both a main command post and tactical command post and regularly move locations to avoid long-range precision fires or detection from reconnaissance. Traditional OSJA and LOD division structure, centered on legal functions, may not adequately provide the legal support required of a dispersed and tactically focused corps or division headquarters. As necessary, SJAs have the responsibility and authority to task organize legal assets as necessary for mission accomplishment.

3-43. JALS personnel operating at the brigade and battalion echelons must be prepared to provide legal services under similar circumstances as JALS personnel at corps and division. Paralegals may need to physically locate with battalions and companies to ensure adequate legal support is delivered to units throughout the larger formation. Both junior judge advocates and junior paralegals will most likely find themselves operating geographically separated from technical support chains. As such, judge advocates and paralegals must prepare for geographic separation during predeployment training.

3-44. Command posts during large-scale combat operations will be smaller and more agile with less digital communications infrastructure. Additionally, digital communications infrastructure is likely a target for cyberspace and electromagnetic effects, creating disruption and degradation of the network. JAGC leaders must prepare to deliver legal support through analog means, execute off-network document production, and have hardcopy or off-network reference materials on-hand.

LEGAL SUPPORT TO CAPABILITIES AND COMBAT POWER

3-45. Legal support is doctrinally part of the sustainment warfighting function (FM 4-0). Similar to traditional sustainment tasks, such as maintenance and transportation, legal tasks support all warfighting functions. However, legal support is integrated into the accomplishment of specific warfighting function tasks, such as command and control, and not merely generic support.

3-46. It is important that JAGC leaders view legal support through the lens of warfighting functions and not just legal functions. Understanding how the legal functions and tasks relate to the elements of combat power allows JALS personnel to fully support the Army and its formations and seamlessly integrate with the warfighting functions.

3-47. Legal support to the warfighting functions is discussed in the JAGC mission-essential task list. (See Appendix C.)

LEGAL SUPPORT TO THE OPERATIONS PROCESS

3-48. Commanders exercise the warfighting function of command and control through the operations process (FM 3-0). The commander, supported by the staff, plans, prepares, executes, and continually assesses operations to achieve mission accomplishment. JALS personnel are part of that staff and must integrate into the operations process and with the other warfighting functions to effectively provide the required legal support. JALS personnel integrate into the operations process by competently participating in the MDMP and command post operations.

LEGAL SUPPORT TO MDMP

3-49. JALS personnel, and specifically judge advocates in command judge advocate positions, are members of the commander's personal and special staff (FM 6-0). As discussed earlier, the staff judge advocate or command judge advocate provides legal advice directly to the commander and legal support to the staff and subordinate units of the command. Staff judge advocates and command judge advocates must balance the requirements of supporting the operations process as a member of the staff, and working within staff standard operating procedures (SOPs), with the duty to advise the commander directly on matters related to morale, good order, and discipline.

3-50. Participation in MDMP is vital to providing timely legal support to the staff and subordinate units of the command. Fully participating in planning allows JALS personnel to identify legal issues arising from higher headquarters' orders, in proposed courses of action, and in course of action analysis and comparison, and allows for development of the concept of legal support prior to completion of the plan. Additionally, JALS personnel have expert subject matter knowledge and critical thinking skills that can aid the staff in developing and analyzing plans that meet the commander's intent.

3-51. Full participation in planning events can be difficult for JALS elements because of a limited number of personnel and competing interests in the operations process. JALS leaders must analyze the MDMP events and other battle rhythm events occurring as part of larger command post operations and, if necessary, prioritize JALS participation at key and beneficial points in the planning process.

3-52. JALS leaders must train and develop subordinate JALS personnel to understand MDMP to ensure participants in planning events comprehend the goal of each step in the process, the inputs required from the JALS element, and the anticipated outputs. Failure to understand the goals, inputs, outputs, and to prepare for each event reduces the JALS element's effectiveness in identifying legal issues that arise during the planning process.

LEGAL INPUTS AND OUTPUTS TO MDMP

3-53. The primary legal output of MDMP is the concept of legal support and development of the rules of engagement for the operation. JALS elements should produce the "legal annex," Tab C (Legal Support) to Appendix 2 (Personnel Service Support) to Annex F (Sustainment), which outlines how the JALS element will execute the core legal competencies and legal functions required to support the operation. The legal annex generally establishes how JALS personnel will be positioned and aligned in the battle space, provides instructions for legal processes and services, legal guidance to JALS personnel and commanders, and identifies legal significant actions required to be reported. Additionally, the JALS element must assist the G-3/S-3 with creation of the rules of engagement (ROE), Annex C (Operations), Appendix 11 (ROE), the no strike list, Tab A, and the restricted target list, Tab B. (See Appendix D for an example of a legal annex.) See table 3-1 on page 3-10.

Table 3-1. Legal inputs and outputs to the MDMP

<i>Key Inputs</i>	<i>Steps</i>	<i>Key Outputs</i>
Higher Headquarters' plan or order or a new mission anticipated by the commander	<p>Step 1 Receipt of Mission</p>	<p>Commander's initial guidance Initial allocation of planning time</p>
<p>Higher HQ plan or order (Key Annexes) Higher HQ ROE, CDE, TEA, NSE, and legal support knowledge products Knowledge products from other organizations</p>	<p>Step 2 Mission Analysis</p> <p>Key Event: Commander's Brief</p>	<p>Problem statement Mission statement Initial commander's intent Initial planning guidance Initial legal significant actions Updated legal running estimate Constraints and assumptions Legal specified and implied tasks Identified potential legal risk and issues Identified command relationships and authorities</p>
<p>Problem statement Mission statement Initial commander's intent Initial planning guidance Initial legal significant actions Updated legal running estimate Constraints and assumptions Legal specified and implied tasks</p>	<p>Step 3 Course of Action (COA) Development</p> <p>Key Event: Staff COA Development Meeting</p>	<p>COA statements and sketches</p> <ul style="list-style-type: none"> • Tentative task organization • Broad concept of operations <p>Revised planning guidance Broad concept of legal support Updated constraints and assumptions Identified legal risks and issues for COAs Identified command relationships and authorities for COAs</p>
<p>COA statements and sketches Revised planning guidance Broad concept of legal support Updated constraints and assumptions Updated legal running estimates Legal risks and issues for COAs Command relationships and authorities for COAs</p>	<p>Step 4 COA Analysis (War Game)</p> <p>Key Event: Staff War Game Meeting</p>	<p>Refined COAs War game results Potential decision points Updated legal significant actions Refined concept of legal support Updated constraints and assumptions Mitigation of legal risks and issues Refined command relationships and authorities</p>
<p>Refined COAs War game results Updated legal running estimate Refined concept of legal support Updated constraints and assumptions Remaining legal risks and issues Refined command relationships and authorities</p>	<p>Step 5 COA Comparison</p> <p>Key Event: Staff Comparison Meeting</p>	<p>Evaluated COAs Recommend COAs Recommended concept of legal support Updated legal running estimates Updated constraints and assumptions</p>
<p>Evaluated COAs Recommend COAs Recommended concept of legal support Updated legal running estimates Updated constraints and assumptions</p>	<p>Step 6 COA Approval</p> <p>Key Event: Commander's Brief</p>	<p>Commander-selected COA and modifications Refined commanders intent Refined legal significant actions Updated constraints and assumptions</p>

Table 3-1. Legal inputs and outputs to MDMP (continued)

Key Inputs		Steps	Key Outputs
Commander-selected COA and modifications Refined commanders intent Refined legal significant actions Updated constraints and assumptions		<p style="text-align: center;">Step 7 Orders Production, Dissemination, and Transition</p> <p style="text-align: center;">Key Event: Finalize Order</p>	Approved operations order or plan Approved legal annex Approved ROE annex Established legal significant actions Subordinates understand the plan or order Subordinate legal elements understand legal risks, issues, and mitigation
CDE	collateral damage estimate	ROE	rules of engagement
COA	course of action	TEA	target engagement authority
NSE	no-strike entities		

3-54. In addition to producing a legal annex and assisting in the production of the ROE, the JALS element must, at a minimum, review the following parts of the supported unit order for legal issues:

- Base operation order.
- Task organization (Annex A).
- Human and signals intelligence (Annex B, Appendixes 4 and 5).
- Offensive cyberspace operations (Annex C, Appendix 12, Tab A).
- Military information support operations (Annex C, Appendix 13).
- Military deception (Annex C, Appendix 14).
- Information operations (Annex C, Appendix 15).
- Fire support overlay, targeting, and air support (Annex D, Appendixes 1, 3, and 5).
- Police operations (Annex E, Appendix 7).
- Detainee and resettlement (Annex E, Appendix 14).
- Contract support integration (Annex F, Appendix 1, Tab G).
- Mobility/coustermobility (Annex G, Appendix 1).
- Public affairs guidance (Annex J, Appendix 2).

JALS element integration and participation in MDMP will reduce or eliminate legal issues contained in orders developed across the staff.

3-55. Running estimates are continuous assessments of the current situation used to determine if the current operation is proceeding according to the commander's intent and if planned future operations are supportable (ADP 5-0). Running estimates should include facts and assumptions, mission readiness and goals and requirements, and other information that impacts current and future operations (FM 6-0). JALS elements should maintain a running estimate to monitor and evaluate the effectiveness of current legal support and the status of legal risks, constraints, assumptions, and issues. The legal running estimate will vary depending on the supported unit task organization and operations (see Appendix E for an example of a legal running estimate). Potential legal running estimate data may include:

- Location and activity of JALS personnel supporting operations (legal support laydown).
- Special ROE or targeting constraints relevant to the operation.
- Number of personnel/units trained in ROE.
- List and status of no-strike entities.
- Legally significant actions.
- Pending requests for information/legal opinion from staff and subordinate units.
- Legal assumptions and requests for information pending update from higher headquarters.
- Command relationships and authorities.
- Number, type, and status of legal investigations.
- Number of foreign claims intakes and payments.
- Military justice actions by type and offense.

3-56. During the MDMP, the staff develops two lists of information requirements for the commander: priority intelligence requirements (known as PIRs), information about the enemy or civilians; and friendly force information requirements (known as FFIRs), information about the status of friendly forces and capabilities (FM 6-0). Information requirements which the commander deems essential to decision making and successful execution of the operation are designated as commander's critical information requirements (known as CCIRs). Legally significant actions are events that occur during operations which have legal significance and require action by the JALS element. Legal significant actions may be included in friendly force information requirements or designated as commander's critical information requirements if deemed essential.

3-57. A constraint is a restriction placed on the command by a higher command. A constraint dictates an action or inaction, thus restricting freedom of action of a subordinate commander (FM 6-0). Many constraints are created by statute, regulation, or policy categorizing them as legal constraints imposed on commanders. Commanders and staff will expect JALS personnel to understand, track, and apply legal constraints to ensure planning and execution of the mission adheres to the limitations imposed by the higher headquarters, institution, or civilian elected officials.

3-58. A planning assumption is a supposition on the current situation or a presupposition on the future course of events, assumed to be true in the absence of positive proof, and necessary to enable the commander in the process of planning to complete an estimate on the situation and make a decision on the course of action (FM 6-0). A legal assumption is a supposition or presupposition that a potential legal constraint does or does not apply. When application of the law under the facts or circumstances surrounding the unit's mission is ambiguous, a legal assumption is made to facilitate further planning. JALS personnel must resolve ambiguity through research, analysis, and consultation with higher headquarters technical chain of supervision.

3-59. Risk management is incorporated into the MDMP by all staff sections to account for hazards within their functional areas (FM 6-0). Risk is defined as the probability and severity of loss linked to hazards. Hazards are defined as conditions with potential to cause injury, illness, or death of personnel; damage to or loss of equipment or property; or mission degradation (ATP 5-19). Legal risks are those concerned with mission degradation resulting from consequences of unlawful, or the perception of unlawful, conduct by the unit. Consequences for the conduct do not typically result in operational failure, but reduce the effectiveness of leaders and units if not adequately considered prior to execution. Common examples of legal risks include failure to cooperate with International Committee of the Red Cross inspections of facilities, failure to adequately investigate allegations of significant wrongdoing, and choosing expediency over fair application of the principles of proportionality and distinction under the law of armed conflict. JALS personnel owe commanders and staff their assessment of legal risks and mitigation in accordance with the risk management process.

3-60. JALS personnel must understand the command and support relationships established by unit orders with higher and subordinate commands. These relationships, usually found in Annex A and paragraph three of the order or plan, describe the types of authorities one command exerts over another. These relationships and authorities may create responsibilities to provide legal support and alter military justice jurisdiction. (See FM 6-0, Appendix B, for details on the various command and support relationships and associated authorities and Chapter 2 of this manual.)

LEGAL SUPPORT TO COMMAND POST OPERATIONS

3-61. In addition to the MDMP, the staff performs a host of tasks and executes multiple meetings to synchronize and coordinate among warfighting functions to support the operations process. JALS supervisors will most likely not have enough JALS personnel to provide legal support to every meeting and working group, together with participating in key events of the MDMP. JALS supervisors must understand and identify which command post activities require legal support and which can be deferred. The types of activities that will garner higher priority will vary from unit to unit and operation to operation, requiring constant review by JALS supervisors. JALS personnel can be consolidated and tasked to support as needed, they can be tasked to integrate and directly support a warfighting function or integrating cell, or a combination of both.

3-62. JALS supervisors must also ensure adequate work space, equipment, and connectivity in the command post (CP) to effectively provide legal support. The amount of workspace and its location will be guided by how legal support is divided among command post activities. JALS supervisors must remember that commanders consider effectiveness and survivability when organizing the CP. This creates tension between the number of personnel and amount of equipment to perform necessary tasks and ability to avoid detection and remain mobile. The task of designing and analyzing the layout of the CP is usually delegated to the operations officer and executive officer or chief of staff. JALS supervisors must participate with or engage the CP design team to ensure adequate space in the right locations to fulfill legal support requirements.

3-63. In garrison, JALS personnel generally operate semi-independently from the staff to execute day-to-day operations. In large-scale combat, JALS personnel must be fully integrated with the staff and directly support the warfighting functions as part of the operations process. Legal support must be synchronized with CP SOPs, battle drills, and battle rhythm. See table 3-2. CP SOPs control the setup, security and defense of the CP; shift, eating, and sleeping plans; priorities of work; reports; maintenance of equipment and vehicles; and use of Army Battle Command Systems (known as ABCS). CP battle drills will include react to indirect fire, react to degraded network, react to a mass casualty event, execute dynamic targeting, execute close air support, and support troops in contact. JALS personnel must follow the CP SOP and battle drills to effectively integrate with the commander and staff sections.

TARGETING PROCESS

3-64. As discussed in Chapter 2, because of the pace of large-scale combat, the commander and staff must execute an efficient and rapid targeting process. The targeting process involves two primary meetings: the targeting working group and the targeting board (FM 6-0). However, these meetings may be supported by subordinate working groups organized to analyze specific subjects relating to effects on targets. Depending on the joint phase of operations (shape, deter, seize the initiative, dominate, stabilize, enable civil authority), these subordinate working groups will vary. Similar to the MDMP, JALS supervisors must ensure JALS personnel are prepared for targeting process working group meetings and understand the inputs and outputs and potential legal issues. The inputs and outputs will be established by the leading warfighting function and the executive officer or chief of staff (FM 6-0).

Table 3-2. Legal support to battle rhythm events

<i>Common Battle Rhythm Events and Meetings</i>		
Events and Meetings	Primary Legal Functions	Potential Legal Issues
Protection WG	Nat'l Security Law Administrative Law Military Justice	Detainee Operations/ICRC Interrogation Oversight Use of force Mobility/Counter mobility (obstacles) SOFA/International Agreements Command Policy Criminal Investigations Command and Safety Investigations
Information Operations WG	Nat'l Security Law	Targeting Military Deception SOFA/International Agreements Public Affairs
Cyberspace and Electromagnetic WG	Nat'l Security Law	Targeting/CDE LOAC (proportionality/distinction) SOFA/International Agreements

Table 3-2. Legal support to battle rhythm events (*continued*)

Common Battle Rhythm Events and Meetings		
Events and Meetings	Primary Legal Functions	Potential Legal Issues
Rule of Law WG	Nat'l Security Law Military Justice Contract and Fiscal Law	SOFA/International Agreements Detainee Operations/ICRC LOAC (Geneva Convention Obligations) Legal Engagements Fiscal Support
Economic and Infrastructure Development WG	Nat'l Security Law Contract and Fiscal Law	LOAC (Geneva Convention Obligations) Construction Funding Fiscal Support
Governance WG	Nat'l Security Law Administrative Law Contract and Fiscal Law	LOAC (Geneva Convention Obligations) Fiscal Support Other International Law/Treaties
Targeting WG	Nat'l Security Law Administrative Law Contract and Fiscal Law	ROE/TEA Targeting/CDE No-Strike Lists LOAC/Protection of Civilians Intelligence Oversight Mobility/Counter-mobility (obstacles) SOFA/International Agreements Command Investigations Foreign Claims/Solatia Construction ACSA
Targeting Board	Nat'l Security Law Administrative Law Contract and Fiscal Law	ROE/TEA Targeting/CDE No Strike Lists LOAC/Protection of Civilians Command Investigations Foreign Claims/Solatia Fiscal Construction ACSA
Assessments WG	Nat'l Security Law Administrative Law Military Justice Contract and Fiscal Law	ROE/TEA Targeting LOAC/Protection of Civilians Detainee Operations/ICRC Command Policy Criminal Investigations Command Investigations Claims/Solatia Fiscal Construction ACSA

Table 3-2. Legal support to battle rhythm events (continued)

<i>Common Battle Rhythm Events and Meetings</i>			
Events and Meetings	Primary Legal Functions		Potential Legal Issues
Logistical Synchronization Meeting	Administrative Law Contract and Fiscal Law		Regulatory application Property Loss Investigations Fiscal Contracting Construction ACSA
Operations Update and Assessment Briefing	Nat'l Security Law Administrative Law Military Justice Contract and Fiscal Law Soldier Legal Assistance		Legal Support ROE/TEA Detainee Operations/ICRC SOFA/International Agreements Command Investigations Criminal Investigations and Trends Foreign Claims and Solatia Fiscal Construction Legal Assistance Client Intake
Operations Synchronization Meeting	Nat'l Security Law		ROE/TEA Targeting/CDE LOAC/Protection of Civilians Detainee Operations/ICRC
Shift Change Briefing	Nat'l Security Law Administrative Law		Legal Significant Actions Legal Support Status (Personnel and Ops) Requests for Legal Support/Opinion Status Changes to ROE, TEA, CDE Command Investigations Legal Issues for upcoming operations
ACSA	acquisition and cross-servicing agreement	ROE	rules of engagement
CDE	collateral damage estimate	SOFA	status of forces agreement
ICRC	International Committee of the Red Cross	TEA	target engagement authority
LOAC	law of armed conflict	WG	working group

3-65. Legal Support to Targeting. As discussed in Chapter 2, targeting during large-scale combat operations during the Dominate phase of operations will focus on delivering lethal effects on targets. The targeting process will be executed at a rapid tempo to keep pace with combat operations. Legal support will mainly consist of application of law of armed conflict (LOAC) and ROE, engagement authorities, intelligence law, detention operations and dislocated civilians, cyber and electromagnetic warfare, and potentially foreign claims. After transition from Dominate to the Stabilize phase of operations, targeting may shift focus to nonlethal engagements of targets. The targeting process may be executed at a moderate pace, matching the tempo of operations. Legal support may focus primarily on fiscal and contract law support, rule of law, humanitarian assistance, governance, economic and infrastructure development, property disposal, and environmental considerations. See table 3-3 on page 3-16.

CURRENT OPERATIONS

3-66. One of the integrating cells that requires additional attention from JALS personnel is current operations. Current operations is the focal point for the execution of operations (FM 6-0). This cell displays and maintains the common operating picture and executes the shift change, daily update briefings, and

operations synchronization meeting. While monitoring and assessing of the current situation, current operations executes battle drills to support main and supporting efforts with resources, executes personnel recovery, executes dynamic targeting, and reacts to mass casualty events.

Table 3-3. Legal support demands during large-scale combat operations

<i>Potential Demands for Legal Support</i>			
Main Command Post			
Tactical Command Post			
MDMP	Mission Analysis (Order review)	COA Comparison (Evaluation Meeting)	
	Mission Analysis Brief	COA Approval (CMDs Brief)	
	COA Development Meeting	Orders production	
	COA Analysis (Wargame Meeting)		
Targeting Process	Protection WG (Meeting)	Targeting WG (Daily Meeting)	
	Information Operations WG (Meeting)	Targeting Board (Daily Meeting/Brief)	
	Cyberspace and EW WG (Meeting)	Assessment WG (Meeting)	
Battle Rhythm Events	Shift Change Briefing (Daily)	Operational Synchronization Meeting (Daily)	
	Operational Update Brief and Assessment (Daily)	Logistical Synchronization Meeting (Daily)	
Current Operations Integration Cell (24 hours)			
Cell Integration (24 hours)	Intelligence	Protection/Detainee Operations	
	Fires		
Command Post Operations Support	Site Security Detail (Infrequent)	CP Tear Down Tasks (tent, equipment, communications) (Infrequent)	
	Access Control Point Detail (Infrequent)	CP Setup Tasks (tent, equipment, communications) (Infrequent)	
	Meal Service Detail (Infrequent)		
Operational	ICRC coordination and escort	Detention site inspections	
	Foreign claims mission	ROE, RUF, LOAC, Code of Conduct Training	
	Convening authority legal meeting	Legal engagements	
	Command investigation support		
Courts-martial	Force cap planning for court-martial personnel	Investigations	
	Resourcing court-rooms	Trial Counsel and TDS resourcing	
	Expert witness travel	Military Judge resourcing	
	Witness interviews		
CMD	commander	LOAC	law of armed conflict
COA	course of action	ROE	rules of engagement
CP	command post	RUF	rules for the use of force
EW	electronic warfare	TDS	Trial Defense Services
ICRC	International Committee of the Red Cross	WG	working group

3-67. These battle drills often require immediate legal support. JALS supervisors must ensure adequate legal support through either direct integration of JALS personnel into the current operations integration cell or access to means of immediate communication with JALS personnel. Direct integration into the current operations integrating cell is the preferred method of legal support. Direct integration requires space and access to current operations' portion of the command post, normally called the operations center. Integration of JALS personnel into current operations facilitates immediate recognition of legally significant actions occurring during operations.

3-68. JALS personnel must understand and operate within the unit communications plan. Every unit establishes a prioritized designation of communications mediums to be used during operations, known as the PACE plan: primary, alternate, contingency, and emergency (FM 6-02). Internal to the command post, the PACE may include digital communication on Army Battle Command Systems (known as ABCS) programs or command post of the future applications. Communication with subordinate units or higher headquarters may use high-frequency modulated radio (known as FM radio), tactical satellite radio (known as TACSAT), or Blue Force Tracker. JALS elements must train on these communication technologies. The JALS element, similar to all warfighting functions, must develop an internal PACE plan and PACE plan with JALS elements at the next higher echelon, all nested within the supported unit PACE plan. (See paragraph 3-70 for further discussion on communications equipment and mediums.)

PLANNING CONSIDERATIONS FOR LEGAL SUPPORT

3-69. Prioritization of legal support to meet the numerous demands of the operations process require understanding and analysis by JALS supervisors to ensure delivery of accurate and timely legal support. Understanding and analysis of the events and meetings occurring throughout the operations process allows JALS supervisors to tailor the structure of their legal element and legal support based on the unit's battle rhythm and operations.

THE JUDGE ADVOCATE GENERAL'S CORPS MATERIEL REQUIREMENTS

3-70. The ability to communicate, sending and receiving information, represents the judge advocate's primary materiel requirements to deliver timely legal support in garrison and in any deployed environment. Legal personnel must be adequately resourced in order to most effectively perform their mission in support of the command. Communication, legal automation, and mobility are the most critical capability requirements. Additionally, the AO may necessitate other requirements to best support the command. Those requirements can include the need for legal personnel to have the proper levels of security clearance, security containers, secure safes as well as the ability to provide an area for confidential, privileged communications among legal personnel and clients, investigating officers, commanders, and others as the situation requires.

COMMUNICATIONS

3-71. Operations often occur in fluid, chaotic, and dangerous environments in which mobility is constrained. Legal advice is usually time-sensitive and often critical. JAGC personnel require access to communications that link them with the commander, subordinate commanders, the staff, and SJAs at higher echelons as well as to contact legal assets and legal research resources located in the continental United States. Dedicated Non-classified Internet Protocol Router Network (NIPRNET) and SECRET Internet Protocol Router Network (SIPRNET) access are a priority capability requirement for judge advocates, paralegal NCOs, and legal administrators. When operational requirements dictate, JAGC personnel should have access to the Joint Worldwide Intelligence Communications System (known as JWICS). Additionally, when available, access to commercial, unclassified and classified voice over internet protocol (known as VoIP) systems are a priority requirement for legal personnel. JAGC Soldiers use communications available within their commands, including the Army Battle Command Systems (known as ABCS), combat net radios, common-user networks, the Army Data Distribution System equipment, and broadcast system equipment. In addition, JAGC Soldiers must have a dedicated digital sender on both NIPRNET and SIPRNET to scan and transmit critical, time-sensitive documents to any location. Alternatives to digital senders are scanners and cameras to capture images.

AUTOMATION

3-72. Judge advocates and paralegals require automation to provide responsive legal services at all echelons of command. Practitioners require access to multiple online platforms to enhance technical reachback capability, such as the Judge Advocate General's (JAG) Corps network (JAGCNet) and electronic Judge Advocate Warfighting System (known as e-JAWS). Additionally, the Operational Law Kit—Expeditionary (OLK-E) allows practitioners to provide legal support in austere environments without the need for

connectivity. The OLK-E consists of a tablet pre-loaded with reference materials, solar-powered battery backup, and portable printer.

MOBILITY

3-73. Major movement of legal personnel and equipment relies on the units to which they are assigned or attached for transportation. Sufficient vehicles are required for legal personnel, such as the SJA or command judge advocate and staff, military judges, and defense counsel. The number and type of vehicles will depend on the commander's requirements for legal services. Commanders allocate their tactical wheeled vehicle resources in accordance with the mission's dictates. In addition to a modified table of organization and equipment authorized tactical wheeled vehicle assets, a division or corps SJA may require additional high-mobility multipurpose wheeled vehicles (known as HMMWVs), cargo trucks, and cargo trailers. Brigade judge advocate or command judge advocate sections typically require the use of one high mobility multipurpose wheeled vehicle and one cargo trailer. Additionally, each military judge and each trial defense team in the theater of operations require the support of one tactical wheeled vehicle. Mobility serves three distinct functions:

- Control of legal assets.
- Effective delivery of national security law and personnel service support.
- Service to geographic areas.

Chapter 4

Legal Support to the Army

This chapter provides a detailed description of the four legal functions supporting the Army as an institution. They include administrative and civil law, contract and fiscal law, military justice, and national security law.

LEGAL FUNCTION: ADMINISTRATIVE AND CIVIL LAW

4-1. Administrative and civil law is that body of law containing the statutes, regulations, and judicial decisions that govern the establishment, functioning, and command of military organizations as well as the duties of military organizations and installations with regard to civil authorities. Availability of personnel, resources, and office space often affects how a legal office covers this core function. Larger legal offices often separate administrative law and civil law into separate branches within the office.

ADMINISTRATIVE LAW

4-2. A number of DOD and Army regulations govern and regulate military command policies and decisions. Generally, the practice of administrative law involves legal support and advice to commanders in various specialized areas concerning DOD and Army regulations. These specialized areas include general statutory, regulatory, and policy compliance, government ethics and standards of conduct, investigations, and Army claims.

4-3. Administrative law attorneys perform multiple tasks in support of operations, including the following nonexclusive list:

- Provide legal support to administrative investigations.
- Provide legal support to theater specific personal conduct policies.
- Provide legal support to Freedom of Information Act, Privacy Act, and Health Insurance Portability Accountability Act compliance.
- Provide legal support to public affairs and command messaging.
- Administer deployment claims and solatia.
- Provide advice and administer the DOD Ethics Program at the unit level according to DODD 5500.07.
- Provide general administrative law support to include—
 - Advice to boards and preliminary hearing officers.
 - Legal reviews of command policies, scope of command authority, and effect of laws, regulations, and policy on operations, and those required under the UCMJ.
 - Military property transition and disposal.

4-4. Administrative law support is typically provided at brigade headquarters, main and tactical command posts in the divisions and corps, theater sustainment command (TSC) headquarters, Army Service component command headquarters, installation OSJAs, and each joint and multinational headquarters. Administrative law attorneys require robust legal research capabilities and technical support structure to provide specialized legal knowledge and retain flexibility to solve different problems as an operation progresses.

4-5. Administrative law attorneys invest considerable time and effort on command investigations, as these may significantly impact the unit and mission. In accordance with AR 15-6, command investigations may be conducted as preliminary inquiries, administrative investigations, or as a board of officers. Administrative law attorneys advise commanders to consider the purpose of the inquiry, seriousness of the subject matter,

complexity of the issues involved, need for documentation, and desirability of providing a hearing for persons whose conduct is being investigated when deciding which type of investigation to conduct. They also advise on the release of information pertaining to safety or mishap investigations in accordance with AR 385-10.

4-6. Administrative law attorneys are appointed in writing to perform duties as ethics advisors to assist in implementing and administering the command's or organization's ethics program including filing financial disclosure documents, even in a deployed environment. They also provide ethics advice in accordance with the Joint Ethics Regulation discussed in DOD 5500.7-R.

4-7. Paralegal NCOs and Soldiers support judge advocates and civilian attorneys in reviewing documents, to include financial liability assessments, AR 15-6 investigations, and other administrative law matters. Additionally, they prepare necessary documentation related to these and other matters. Paralegal NCOs and Soldiers ensure that all actions are tracked, processed, and filed to ensure the prompt and efficient delivery of services to the commander and staff.

CIVIL LAW

4-8. The practice of civil law includes specialized areas of the law that are concerned with statutes and regulations that apply across all agencies of the Federal government, and are not simply internal to the Army or DOD. The practice of civil law also includes matters that are subject to civil litigation in various forums. Some specific areas of the law that fall into this category include environmental law, the law of federal employment, federal litigation, and intellectual property law. Civil law attorneys provide legal advice on non-uniformed personnel supporting military operations, labor law, civilian personnel law, real property utilization and disputes, and environmental law. Paralegal NCOs and Soldiers support judge advocates and civilian attorneys in the review of documents, including Freedom of Information Act requests, subpoenas and other documents related to civil litigation, and documents processed for release to ensure compliance with the Privacy Act. Additionally, they track, process, and file all actions to ensure the prompt and efficient delivery of services to the commander and staff.

ARMY INSTITUTIONAL CLAIMS

4-9. Although the legal function of Soldier and Family legal services includes personnel claims or claims by Soldiers and Department of the Army (DA) Civilians (see Chapter 5), claims by third parties against the Army or affirmative claims, now called Army institutional claims, belong to the core competency of legal support to the Army. The division of claims between two legal functions is necessary under the core competency construct but the actual work of processing and adjudicating Army institutional claims will be executed by the same division of the OSJA in garrison. During large-scale combat operations, the administrative law legal function will include performance of foreign claims to support operations.

4-10. The Army claims program investigates, processes, adjudicates, and settles certain claims on behalf of and against the United States worldwide. This program works under the authority conferred by statutes, regulations, international and interagency agreements, and DOD directives. The Army claims program supports commanders by facilitating successful operations and promoting good will with the local population. In short, this program provides compensation for personal injury, wrongful death, or property damage caused by Army or DOD personnel.

4-11. Army institutional claims fall into three categories: 1) torts alleged against Army or DOD personnel; 2) claims for personal injury or property damage caused by noncombat military operations; and 3) claims by the United States for injury of Army personnel or their dependents or for the damage or destruction of Army property.

4-12. TJAG supervises the Army claims program and settles claims in accordance with delegated authority from the Secretary of the Army. The United States Army Claims Service (USARCS) administers the Army claims program and designates area claims offices, claims processing offices, claims attorneys, and foreign claims commissions. SJAs and other supervisory judge advocates operate each command's claims program, and supervise the area claims office or claims processing office designated by USARCS for the command. Area claims offices and claims processing offices are the claims offices at Army installations that normally investigate, process, adjudicate, and settle claims against the United States. These offices also identify, investigate, and assert claims on behalf of the United States. Claims attorneys at each level settle claims

within delegated authority and forward claims exceeding that authority to the appropriate settlement authority.

4-13. Claims are investigated and paid in an operational area. In multinational operations, unless otherwise specified in applicable agreements, a troop-contributing nation is generally responsible for resolving claims arising from its own operations. Foreign claims against the United States will normally be resolved by the Service that is assigned single-service tort claims responsibility for the area. Claims attorneys should consult DODI 5515.08. Normally the parent Service will resolve U.S. personnel claims. Army claims services are normally provided in the main and tactical command posts in the modular divisions and corps, TSC headquarters, and theater army headquarters. Commanders should appoint unit claims officers prior to deployments. Unit claims officers investigate, document, and report incidents to claims offices that might result in a claim by or against the United States.

4-14. During operations, claims personnel establish claims operations and perform claims services. Because security is always a primary concern, the senior claims attorney is responsible for coordinating resources to ensure safety throughout all claims-related activities. The senior claims attorney also informs host-nation authorities how to process claims, provides information to the local population about claims procedures, and obtains translation services and local legal advice. It is critical for claims personnel and unit claims officers to document the existing condition of base camps, unit locations, or transportation routes when establishing claims operations. Good documentation at the beginning of an operation enables accurate payment of legitimate claims and prevents payment of fraudulent or inflated claims. When performing claims services, the senior claims attorney coordinates with unit claims officers to assist them with claims investigations. The senior claims attorney coordinates with the civil affairs staff to facilitate liaison with local officials, learn about local customs, and provide civil affairs and financial management personnel information about claims procedures. The senior claims attorney coordinates with military police and military intelligence personnel to share information. Throughout the operation, claims personnel travel throughout the operational area to receive, investigate, and pay claims.

4-15. Legal Administrators may perform claims-related duties while in a deployed environment. These duties include coordinating with USARCS to establish foreign claims commissions, serving as claims investigating officers and foreign claims commissions, and processing claims in their unit's operational area. Legal administrators may also serve as pay agents for foreign claims.

4-16. Paralegal NCOs and Soldiers' duties include claims intake, investigation, and adjudication. In the deployed environment, paralegal NCOs and Soldiers often conduct claims missions or run claim offices where they receive foreign claims from foreign nationals, investigate and adjudicate claims, and serve as claims paying agents.

LEGAL FUNCTION: CONTRACT AND FISCAL LAW

4-17. Contract and fiscal law is the body of law that governs the funding and procurement of goods, services, and construction in support of military operations.

FISCAL LAW

4-18. Fiscal law pertains to the use of public funds to pay for obligations incurred by the government. The SJA's fiscal law responsibilities include furnishing legal advice on the proper use of funds in operations, interagency acquisitions, funding security assistance, funding contingency construction, and funding support to nonfederal agencies and organizations. Usually, SJAs provide fiscal law support at the main and tactical command posts in divisions and corps, TSC headquarters, theater army headquarters, and each joint and multinational headquarters. At the multinational command headquarters, experts may also be required to provide advice concerning international support agreements. Brigade judge advocates may provide fiscal law support at the brigade level.

CONTRACT LAW

4-19. Contract law governs the formation and administration of government contracts. The SJA's contract law responsibilities include furnishing legal advice and assistance to commanders and procurement officials

during all phases of the contracting process and overseeing an effective procurement fraud abatement program. The responsibilities also include providing legal advice to the command concerning battlefield acquisition, contingency contracting, bid protest and contract dispute litigation, use of Logistics Civil Augmentation Program (known as LOGCAP), acquisition and cross-servicing agreements (known as ACSA), and outside the continental United States real estate and construction.

4-20. Legal counsel participate fully in the acquisition process by involving themselves early in the contracting process, communicating closely with procurement officials and contract lawyers in the technical supervision chain, and providing legal and business advice as part of the contract management team. To accomplish these actions, SJAs usually provide contract law support at the main and tactical command posts in the modular divisions and corps, TSC headquarters, theater army headquarters, and each joint and multinational headquarters.

4-21. Contract law advice may also be required at brigade or battalion headquarters. At those levels judge advocates primarily encounter issues related to simplified acquisitions, emergency acquisition flexibilities, requirements definitions, and the use of already existing contracting methods (for example, the Logistics Civil Augmentation Program). SJAs should deploy a contract law attorney with early entry command posts. Judge advocates assigned to sustainment brigades, contract support brigades, theater sustainment commands, and expeditionary sustainment commands should be trained in government contract law and fiscal law. Expertise may be required at the multinational command headquarters to give advice concerning international acquisition agreements.

4-22. Contract lawyers assist operational contract support planning by identifying the legal authorities for contracting, obtaining relevant acquisition agreements or requesting their negotiation, helping the requiring activity define requirements, helping the contracting officer establish procurement procedures for the operation, and reviewing the contract support integration plan for legal sufficiency. Fiscal lawyers assist operational contract support planning by identifying funding authorities supporting the mission. In preparation for deployment, these judge advocates or civilian attorneys marshal resources and assist the early entry command post's final coordination, to include the identification of funding sources and other legal requirements. They also establish liaison with the contracting support brigade or joint theater support contracting command, and the Department of State country team in the theater of operations. Upon arrival in the theater of operations, the contract and fiscal lawyers support the early entry command post missions of facilitating the deployment and entry of forces.

4-23. As operations progress contract and fiscal issues will increase in number and complexity. Because of this, SJAs should plan for additional contract and fiscal law support to include the creation of joint contracting centers. SJAs encourage the use of acquisition review boards because they promote prudent management of resources and proactive resolution of logistic support issues.

LEGAL FUNCTION: MILITARY JUSTICE

4-24. Military justice is the administration of the commander's disciplinary authority. The purpose of military justice, as a part of military law, is "to promote justice, to assist in maintaining good order and discipline in the armed forces, to promote efficiency and effectiveness in the military establishment, and thereby to strengthen the national security of the United States" (Manual for Courts-Martial). TJAG is responsible for the overall supervision and administration of military justice within the Army. Commanders oversee the administration of military justice in their units and communicate directly with SJAs about military justice matters. Three independent organizational components of military justice exist within the JAGC: the SJAs, trial defense services (TDS), and the U.S. Army Trial Judiciary.

Note: Use of the term "SJA" in this chapter denotes the SJA at the appropriate level of command.

4-25. The SJA is responsible for military justice advice and services to the command. The SJA advises commanders concerning administrative boards, the administration of justice, the disposition of alleged offenses, appeals of nonjudicial punishment, and action on courts-martial findings and sentences. The SJA supervises the administration and prosecution of courts-martial, preparation of records of trial, the victim-witness assistance program, and military justice training.

4-26. SJAs and BJAs should discuss deployed military justice with commanders to determine commanders' priorities and commitment to resourcing. The decision whether or not to conduct courts-martial in a deployed environment should be an informed, deliberate, staffed decision.

4-27. Military justice services are centralized to facilitate timely and efficient delivery. Normally, courts-martial are processed at theater army, corps, division, TSC, or other headquarters commanded by a GCMCA. Litigation will be centralized at the GCMCA level. Army brigade and battalion commanders, as well as joint task force commanders, have special and summary court-martial convening authority and may require support to conduct courts-martial.

4-28. The chief, military justice is the officer in charge of the military justice section. Trial counsel will be assigned to the OSJA, will report to the chief, military justice, and will litigate at courts-martial on behalf of the GCMCA. SJAs have the discretion to assign or detail a trial counsel to any case as circumstances require. A special victim prosecutor leads the special-victim team. Generally, the special victim prosecutor will oversee the investigation and prosecution of all special-victim offenses, and will train trial counsel in the handling and disposition of special-victim cases. A SJA may not designate an officer a special victim prosecutor without first coordinating with the Trial Counsel Assistance Program (known as TCAP).

4-29. In multinational organizations, each troop contributing nation is responsible for the discipline of its military personnel. Accordingly, the U.S. element of the multinational organization will require military justice support.

4-30. Legal administrators resource military justice operations in both garrison and deployed environments. They serve as the technical experts for military justice applications and processes. They are directly responsible for planning, resourcing, sustaining, and the security of courtroom systems and facilities. Legal administrators facilitate the travel of witnesses, experts, counsel, and members of judicial and administrative proceedings. They are responsible for initiating, coordinating, and overseeing contracts in support of military justice operations.

4-31. Paralegal NCOs and Soldiers interview witnesses, prepare courts-martial documents, draft charges and specifications, and record and transcribe judicial and administrative proceedings and investigations. They prepare and manage records of nonjudicial punishment, memoranda of reprimand, and officer elimination and enlisted administrative separation documents. They facilitate witness and court member appearance. They also coordinate and support logistically all legal proceedings and hearings from administrative separation boards to general courts-martial. Senior paralegal NCOs-in-charge of military justice and criminal law sections review all legal documentation prepared by paralegals.

4-32. Paralegal NCOs and Soldiers with additional skill identifier C5 are court reporters. Their duties include recording, transcribing, and certifying verbatim records of courts-martial, administrative proceedings, Article 5 tribunals, and other proceedings required by law or regulation.

4-33. A sample of some military justice tasks performed in preparation for deployment include:

- Align the convening authority structure for the deployment theater and home station.
- Ensure that units and personnel are assigned or attached to the appropriate organization for the administration of military justice.
- Request or accomplish required designations of home station convening authorities.
- Transfer individual cases to new convening authorities when necessary.
- Publish a general order for the operation when not withheld by higher headquarters.
- Mission training will include briefings to deploying and home station commanders concerning military justice operations and briefings to deploying Soldiers concerning the terms of the general order for the operation.
- Plan for prosecution of courts-martial in a deployed environment.

4-34. Although TDS is separated as an independent legal function (see Chapter 5) under the legal competency of Legal Support to Soldiers and Families, TDS's mission is essential to the overall functioning of the military justice system. As discussed in Chapter 3, leaders should ensure a strong and healthy relationship between TDS and government representatives in terms of the management of services and support, while never sacrificing the ability for TDS personnel to zealously advocate for their clients.

4-35. The Chief Trial Judge, U.S. Army Trial Judiciary and the Commander, Legal Operational Detachment–Judicial, provide military judges for general and special courts-martial, supervise judges, promulgate rules of court, and supervise the military magistrate program. Military judges of the U.S. Army Trial Judiciary are not within the local chain of command or the technical chain of the SJA. However, their legal tasks provide support to the Army as an organization. Military judges are normally co-located with the OSJA at a command headquarters or they travel into the AO for periodic trial terms, depending upon judicial workloads. Military justice support transitions smoothly across the spectrum of conflict, providing continuity in jurisdictions and responsive support to commanders. Military judges preside at general and special courts-martial; maintain judicial independence and impartiality; perform or supervise military magistrate functions; review and act upon pre-referral requests for subpoenas, warrants, and search authorizations; and may be detailed to preside over military commissions. Military magistrate functions include the review of pretrial confinement and confinement pending the outcome of foreign criminal charges; the issuance of search, seizure, or apprehension authorizations; and, when authorized, presiding over Special Courts-Martial referred under Article 16(c)(2)(A), UCMJ.

LEGAL FUNCTION: NATIONAL SECURITY LAW

4-36. National Security Law is the application of U.S., foreign, and international law to military operations and activities. National Security Law practitioners rely on the following areas of law and their legal tasks: Constitutional Law, Cyberspace Law, Intelligence Law, International Law, Operational Law, and Special Operations Law. Cyberspace Law, Intelligence Law, and Special Operations Law are considered discrete legal tasks because they require specialized knowledge and experience that should be trained and developed over time.

CONSTITUTIONAL LAW

4-37. Fundamental questions about the authorities to use military force under domestic law are questions of constitutional law. Judge advocates practice this area of law when exploring the domestic legal basis for U.S. military operations, including the application of war powers, an authorization for the use of military force passed by Congress, or the President’s authorities under Article II of the Constitution.

CYBERSPACE LAW

4-38. Cyberspace law generally is not the practice of a unique body of law but rather the application of the other national security law disciplines to cyberspace operations and cyberspace-enabled activities. Due to the complex nature of cyberspace operations, the potential for political implications, and highly classified tools and capabilities, approval and oversight requirements for cyberspace operations often remain at the most senior leadership levels. Generally subject to classified directives and guidance, cyberspace operations often raise unique and complex factual issues that make the application of the existing national security law challenging. When analyzing legal issues raised by cyberspace operations, judge advocates will first need to determine whether the activity is a cyberspace operation or whether it is a cyberspace-enabled activity. Cyberspace operations are the employment of cyberspace capabilities where the primary purpose is to achieve objectives in or through cyberspace. Cyberspace operations includes three cyberspace missions: offensive cyberspace operations, defensive cyberspace operations, and DOD information network operations. Unlike cyberspace operations, cyberspace-enabled activities use cyberspace to enable other types of activities, which employ cyberspace capabilities to complete tasks but are not undertaken as part of one of the three cyberspace operations missions: offensive cyberspace operations, defensive cyberspace operations, or DOD information network operations. Information operations can be a category of cyberspace enabled operations when it includes the integrated employment of electronic warfare, computer network operations, psychological operations, military deception, and operations security, in concert with specified supporting and related capabilities, to influence, disrupt, corrupt or usurp adversarial human and automated decision making while protecting our own. Once judge advocates determine whether the activity is cyberspace operations or a cyberspace-enabled activity, they will be better prepared to determine the relevant legal authorities governing the activity. Practitioners require a basic understanding of cyber technology and capabilities in addition to a knowledge of constitutional, domestic, international, operational, and intelligence law.

4-39. Given the structure of the internet and the potential for affecting third parties systems, cyberspace operations often raise challenging international law issues. Judge advocates must analyze whether the proposed operation would constitute a use of force or be a prohibited intervention into a State's domestic affairs. Additionally, cyberspace operations often raise issues related to neutrality and sovereignty. While many cyberspace operations occur outside of armed conflict, the law of armed conflict will apply to those that occur in an armed conflict or rise to the level of an armed attack.

INTELLIGENCE LAW

4-40. Because intelligence activities are some of the most sensitive activities conducted by military forces, they are subject to classified directives and guidance. As such, they are highly regulated and subject to intense scrutiny and oversight both within the DOD as well as by Congressional oversight committees. This is especially so when U.S. person information is being collected, stored, disseminated, and analyzed. Judge advocates play a key role in the oversight of intelligence activities and are often looked to as subject matter experts. It is imperative that judge advocates practicing in this area are knowledgeable not only on the approval authorities to conduct intelligence activities but also on the reporting requirements for questionable intelligence activities and significant or highly sensitive matters.

4-41. A complicating factor in the practice of intelligence law is that many operational activities use similar means and methods to those employed for intelligence activities. This is particularly the case in the use of publically available information and operational preparation of the environment, both of which are operational activities but that have significant similarities to open source intelligence and human intelligence activities respectively. While these operational activities are conducted pursuant to different authority and with a different reporting and oversight process, they raise many of the same sensitive issues as the similar intelligence activities. Thus, judge advocates not assigned to intelligence units must also be familiar with intelligence authorities and oversight requirements to ensure activities are accurately identified, distinguished, and conducted in accordance with the relevant requirements. Similarly, judge advocates assigned to intelligence units must also understand this distinction to ensure that operational activities are not misidentified and misanalyzed, but rather are approved and conducted pursuant to the appropriate authorities.

INTERNATIONAL LAW

4-42. Within the Army, the practice of international law includes the interpretation and application of treaties to which the United States is a party and applicable customary international law. The practice of international law may also include the application of foreign law and comparative law. International law responsibilities include:

- Implementing the DOD Law of War Program, which includes law of war training, advice concerning the application of the law of war to military operations, the implementation of law of war standards, reporting of incidents, and reviews of incidents.
- Assisting with international legal issues relating to deployed U.S. forces, including the legal basis for conducting operations, status-of-forces and other international agreements, and the impact of foreign law on Army activities, contractors, and dependents.
- Monitoring foreign trials and confinement of Army military and civilian personnel and their dependents.
- Advising the command concerning the authority to negotiate and execute international agreements.
- Serving as legal liaison with host or multinational legal authorities.

4-43. International law support is normally provided at the main and tactical command posts in divisions and higher headquarters; however, international law support may be required below the division level in particular circumstances. International law tasks vary from one level of command to the next and by phase, but are designed to ensure operational capability and support international legitimacy through all phases of an operation.

4-44. International law attorneys understand military plans and ensure they comply with international legal obligations, including obligations to noncombatants. International law planning objectives include informing the commander and staff of the international legal obligations on the force, minimizing adverse effects on

the force, protecting the legal status of unit personnel, ensuring rights of transit, and providing responsive and economical host-nation support.

4-45. International law attorneys liaise with the Department of State country team for the operational area; legal officials in the host-nation and coalition forces; and other government, nongovernmental, and international organizations—such as the International Committee of the Red Cross—as directed by the commander. These liaisons establish working relationships that help sustain the operation; coordinate the legal aspects of the deployment and entry; confirm understanding of agreements concerning status of forces, rights of transit, basing, and host-nation support; and ensure compliance with international legal requirements.

4-46. Advice to the commander may involve the law of war, including advice on implementing the DOD Detainee Program according to DoDD 2310.01E; interpretation of international agreements; treatment of civilians or foreign diplomats; assistance to international organizations, U.S., or host-nation government organizations, or nongovernmental organizations; and other international legal matters. Legal processes include the investigation and trial of war crimes, Article 5 tribunal proceedings, due process procedures for detainees, foreign criminal trials of U.S. personnel, foreign civil or administrative proceedings, and proceedings conducted under occupation or martial law.

OPERATIONAL LAW

4-47. Operational law encompasses the totality of military law that affect the conduct of operations. This includes an understanding of the domestic and international legal basis for operations, the authorities available to each level of command and any weapons or force restrictions, application and interpreting of the standing rules of engagement and mission-specific rules of engagement, interoperability with allied forces, information operations, the application of fiscal law to military operations, and can also include the application of various DOD or other executive branch policies to military operations. Judge advocates provide operational law support in all military operations. The national security law judge advocate supports the MDMP by preparing legal estimates, designing the operational legal support architecture, writing legal annexes, assisting in the development and training of ROE, and reviewing plans and orders. The operational law judge advocate supports the conduct of operations by maintaining situational awareness as well as advising and assisting with lethal and nonlethal targeting, with particular emphasis on ROE implementation, and detainee operations. In stability operations, judge advocates perform activities to establish civil security, civil control, essential services, economic and infrastructure development, and governance. In order to perform these functions, the legal advisor must have a dedicated seat in the operations center.

4-48. The practice of operational law further includes the Army's need to sustain, secure and protect the Total Force. Judge advocates are called upon to advise and assist in the effort to maintain a ready force through training and education policy, readiness and mobilization, force generation and management, and force protection. Force protection, both at home and abroad, contains multiple lines of effort, including counterterrorism and antiterrorism, emergency and critical infrastructure management, cybersecurity and information assurance, physical security, and counter-insider threat efforts. Like much of National Security Law, each area requires an integration of a variety of complex legal areas, and requires the judge advocate to maintain constant awareness in order to ensure the appropriate balance between sustainment and protection efforts and the need to preserve the civil liberties of both the force, whether Soldier or civilian, and citizens in general.

LEGAL SUPPORT TO SPECIAL OPERATIONS

4-49. Legal support to special operations requires practitioners who understand and apply specialized authorities within organizations with unique mission sets and personnel characteristics.

4-50. Special operations may require particular modes of employment, tactical techniques, equipment and training that are often conducted in hostile, denied, or politically sensitive environments and characterized by one or more of the following characteristics: time sensitive, clandestine, low visibility, conducted by, with, or through indigenous forces, requiring regional expertise, and/or a high degree of risk. Because special operations generate specialized legal issues, which takes time, training, and experience, and because special

operations forces often operate alongside or within a conventional force's AO, all judge advocates must to understand the basics of this important legal task.

4-51. Special operations are generally conducted by designated special operations forces. Beginning with United States Special Operations Command (USSOCOM), special operations forces have unique authorities, missions, personnel, and funding. Because special operations are inherently joint, judge advocates should consult JP 3-05 to better understand special operations and special operations forces.

LEGAL SUPPORT TO DOMESTIC OPERATIONS

4-52. Limitations when operating domestically. The practitioner must be able to advise the commander of the application, limitations and exceptions of the Posse Comitatus Act, the fiscal law associated with disaster and emergency relief, the dual status of command authorities, the standing rules for the use of force, the use of unmanned aircraft system and counter-unmanned aircraft system operations, and social media monitoring operations.

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Chapter 5

Legal Support to Soldiers and Families

This chapter discusses the core legal competency of providing legal support to Soldiers and Families and its subordinate legal functions and tasks. This chapter covers these topics with a focus on legal support during large-scale combat operations, rear detachment operations, and maintaining installation services.

LEGAL FUNCTION: SOLDIER AND FAMILY LEGAL SERVICES

5-1. The legal function of Soldier and Family legal services includes the legal tasks: claims by Soldiers and DA Civilians, Medical Evaluation and Disability Law, Soldier and Family Legal Assistance, and special victim counsel services. Each of these legal tasks centers on service to individuals as opposed to service to the institution.

CLAIMS BY SOLDIERS AND DEPARTMENT OF THE ARMY CIVILIANS

5-2. As previously discussed in Chapter 4, Army claims program investigates, processes, adjudicates, and settles certain claims on behalf of and against the United States worldwide. This program works under the authority conferred by statutes, regulations, international and interagency agreements, and DOD directives. The Army claims program supports commanders by promoting the morale of Army personnel by compensating them for property damage suffered incident to service.

5-3. Adjudicating claims for property damage of Soldiers and other employees arising incident to service are a legal task under the legal function Soldier and Family Legal Services. This process is supervised by TJAG under the authority of the Secretary of the Army. USARCS also retains its position to administer this portion of the Army claims program. The majority of claims by Soldiers and DA Civilians arise incident to household goods moves at government expense and are covered by the Personnel Claims Act. These claims are first filed directly with the carrier by the Soldier or DA Civilian. If the Soldier or DA Civilian does not receive adequate resolution with the carrier, the local claims processing office will assist in processing the claim (See AR 27-20 for further details on processing personnel claims).

5-4. There are several other claims cognizable under federal law for harm, damage or destruction to person or property resulting incident to service that Soldiers and DA Civilians may file with the unit legal office. Claims may be processed under the Military Claims Act, National Guard Claims Act, international agreements, Maritime Claims Act, and Article 139, UCMJ. Brigade legal sections and OSJAs in the deployed environment must be prepared to process claims with the appropriate area claims office. Judge advocates at all echelons need to understand and advise commanders on the requirements to report and investigate claims under Chapter 2, AR 27-20. Additionally, JALS personnel must be familiar with claims processing, investigative procedures, and command claims service responsibilities and contact information.

MEDICAL EVALUATIONS AND DISABILITY LAW

5-5. Soldiers undergoing evaluation in the Integrated Disability Evaluation System (IDES) are entitled to legal assistance from the Office of Soldiers' Counsel. The Office of Soldiers' Counsel includes Soldiers' Medical Evaluation Board Counsel (SMEBC) and Soldiers' Physical Evaluation Board Counsel (SPEBC) who provide case-specific legal advice and advocacy tailored to the Soldier's goals regarding their ultimate outcome from the IDES. The SMEBC and SPEBC advise the Soldier on submitting materials at various stages of the IDES, making timely elections on how to proceed in the IDES, and preparing rebuttals.

5-6. Role of the SMEBC. Upon initiation of a medical evaluation board, the SMEBC provides a legal briefing highlighting the services provided by the Office of Soldiers' Counsel and the Soldier's rights throughout the IDES process. The SMEBC advises the Soldier through the medical evaluation board and informal physical evaluation board phases. SMEBCs are located at almost every Army installation medical treatment facility.

5-7. Role of the SPEBC. The SPEBC provides legal advice and representation to Soldiers who appeal the results from informal physical evaluation board to a formal PEB. If the Soldier is not satisfied with the results of the formal PEB, the SPEBC assists the Soldier in appealing to the U.S. Army Physical Disability Agency. Soldiers PEB Counsel are located at Arlington, Virginia; Joint Base San Antonio, Texas; and Joint Base Lewis-McChord, Washington.

5-8. Judge advocates assigned to Legal Assistance, Special Victim Counsel, Trial Defense Services, Administrative Law, and Brigade Legal Team billets should be familiar with the IDES process as it affects individual and unit readiness. Depending on the judge advocate's role, they may represent an individual undergoing evaluation in the IDES. Alternatively, the judge advocate may advise commands with Soldiers in the IDES which affects the Soldier's availability for deployments and the unit's overall readiness.

LEGAL ASSISTANCE PROVIDED TO SOLDIERS AND FAMILIES

5-9. Soldier and Family legal assistance is a provision of personal civil legal services provided to Soldiers, their dependents, and other eligible personnel. The mission of the Army Legal Assistance Program is to assist those eligible for legal assistance with their personal legal affairs quickly and professionally. The program assists eligible people by meeting their needs for help and information on legal matters and resolving their personal legal problems whenever possible. The legal assistance mission ensures that Soldiers have their personal legal affairs in order before deploying. See AR 27-3 for more information on the Army Legal Assistance Program.

5-10. Prior to and during deployments, legal assistance attorneys and other judge advocates pay special attention to the needs of Soldiers and Family members, helping to resolve their legal assistance needs quickly and efficiently. Providing this critical service is among the JAGC's most important functions. The Army Legal Assistance Program aims to enhance operational efficiency by assisting Soldiers with their legal issues. Legal assistance attorneys, and paralegals working under their supervision, provide legal assistance in many settings—combat readiness exercises, predeployment preparation, and Soldier readiness processing as well as operational or deployed settings. Regular Soldier readiness processing ensures that Soldiers and emergency-essential civilian employees have their legal affairs in order and are ready to deploy. Soldier readiness processing should review, at a minimum, Servicemembers' Group Life Insurance beneficiary designations, requirements for wills or powers of attorney, Servicemembers Civil Relief Act issues, family care plan concerns, and any pending civilian or military charges.

5-11. Legal assistance attorneys provide extensive legal services, including ministerial and notary services, legal counseling, legal correspondence, negotiation, legal document preparation and filing, limited in-court representation, legal referrals, and mediation. They handle many legal issues, including family law, estates, real property, personal property, financial, civilian and military administrative matters, immigration and naturalization matters, and taxes. Legal assistance attorneys provide legal assistance at every level. While each Service and each troop contributing nation is responsible to provide legal assistance for its personnel, some Army legal assistance may be required at joint or multinational headquarters.

5-12. Paralegal NCOs and Soldiers legal assistance duties include interviewing and screening clients, coordinating and administering the legal portion of Soldier readiness and predeployment processing, maintaining the client records database, and preparing powers of attorney and other legal documents. Under the supervision of a judge advocate, they may provide income tax assistance, manage electronic filing of income tax returns, and provide notary services. Paralegal NCOs and Soldiers may assist with will preparation when supervised by judge advocates. Paralegal NCOs and Soldiers maintain the confidentiality of legal assistance clients and client information.

5-13. SJAs and command judge advocates are prepared to resolve the full range of legal assistance cases in garrison as well as in the operational area. Due to the special attorney-client relationship and the possibility of conflicting interests between commanders and Soldiers, the SJA generally designates specific judge

advocates as legal assistance attorneys. Because of the increased demand for legal assistance services during deployments, the SJA may assign judge advocates who normally do not provide these duties as legal assistance attorneys. Such assignments are consistent with professional standards. Likewise, brigade judge advocates and command judge advocates face the possibility of conflicting interests between commanders and Soldiers in the course of providing legal assistance. Brigade judge advocates and command judge advocates are responsible for ensuring that deployed Soldiers receive legal assistance while simultaneously ensuring that providing such support does not conflict with their duty to provide legal support to the brigade.

5-14. Given the likelihood that conflicts will arise between the interests of Soldiers and their commanders, judge advocates responsible for providing legal assistance need to plan carefully for this mission. They may seek working arrangements with the legal offices of different commands for mutual support. They might rely on Reserve Components legal units and attached personnel for legal assistance augmentation in support of the deployment. The senior defense counsel, who may assign trial defense counsel to provide legal assistance consistent with the trial defense mission and policies, may also provide support. The garrison or higher headquarters' legal assistance office may also serve as a resource for deployed legal assistance attorneys.

SPECIAL VICTIM COUNSEL PROGRAM

5-15. Among the Army's efforts to combat sexual assault in the ranks, the Special Victim Counsel Program was developed to strengthen support to victims of sex-related offenses and enhance their rights within our military justice system, while neither causing unreasonable delay nor infringing upon the rights of an accused. The role of a special victim counsel (SVC) is to zealously represent the client's interests throughout the military justice process.

5-16. Special Victim Counsel are legal assistance attorneys who are specially trained and certified by The Judge Advocate General to serve as a SVC. The SVC provides zealous representation to client victims of sex-related offenses. Constrained only by ethical limits, SVCs shall represent the best interests of their clients as appropriate even when their client's interest do not align with those of the government of the United States. A SVC's primary duty is to his/her client and no other person, organization or entity.

5-17. SVCs are attached to the OSJA servicing unit, typically headquarters, garrison or headquarters, division, regardless of whether they are assigned to a table of distribution and allowances (TDA) or modified table of organization and equipment (known as MTOE). SVCs are supervised, managed, and rated within their OSJA. SJA and installation support responsibilities for SVC apply, regardless of the TDA or modified table of organization and equipment paragraph and line number that the individual SVC occupies. Commanders of the unit to which an SVC is attached exercise UCMJ authority, administrative authority, and other command functions over SVC to the same extent as any other member of the command. Local units and OSJAs are responsible for funding office supplies and any resources needed for SVC to accomplish their daily mission. SVCs, through their OSJA, may request additional funding for equipment and resources not funded by their OSJA to the Special Victim Counsel Office of the Program Manager (SVCOPM).

5-18. The SVCOPM is part of the Legal Assistance Policy Division of the Office of The Judge Advocate General (known as OTJAG). The United States Army Legal Services Agency (known as USALSA), a field operating agency of TJAG, provides manpower, budgetary, and administrative support to the SVCOPM. The SVCOPM provides technical and policy oversight of the SVC Program and SVC serving in the field. It is the intent that implementation of the SVC Program be uniform across the Army. Therefore, any local policies that impact SVC must be coordinated with the SVCOPM. In situations where the interests of the victim do not align with the government, the Chief of Legal Assistance and the SVCOPM will provide technical advice and professional responsibility supervision in accordance with AR 27-26. Technical chain supervision provided by the SVCOPM is a protected communication. Travel and training related to SVC duties is funded by the SVCOPM.

5-19. Special Victim Counsel duties may be full-time or part-time. When performing SVC duties, SVC are legal assistance attorneys and, as such, the SJA, through the Chief of Legal Assistance, provides oversight of SVC. As the SVC's direct supervisor, the Chief of Legal Assistance is responsible for the continuing education of the SVC at the installation level. SJAs and deputy SJAs must ensure that all supervisors of part-time SVC are aware of the demands of SVC duties, effectively distribute workload, and are not penalized for prioritizing SVC duties. SVC meeting with victims of sexual assault shall do so in individual, private offices

with full floor-to-ceiling walls and closable doors to safeguard the confidentiality of consultations with clients. SVC should obtain from their OSJA a cellular telephone and a laptop with virtual private network (known as VPN) capabilities. OSJAs may request funding from the SVCOPM for these expenses.

LEGAL FUNCTION: TRIAL DEFENSE SERVICE

5-20. The provision of criminal defense services to Soldiers stands as a hallmark of American and military jurisprudence. It ensures that Soldiers enjoy the constitutional and legal protections that they swear to support and defend for others. Members of the USATDS, and those who support the USATDS mission, provide defense legal services to Soldiers facing adverse actions taken against them by the Army. Trial defense counsel represent Soldiers at general and special courts-martial, Article 32 hearings, pre-trial confinement hearings, UCMJ proceedings, and before administrative boards as well as other administrative separation actions. They counsel Soldiers suspected of criminal offenses, pending non-judicial punishment (Article 15), and at summary courts-martial. Additionally, trial defense counsel may provide limited legal counsel and representation to Soldiers facing minor disciplinary actions or in need of legal assistance services.

5-21. It is imperative that all Army personnel understand and appreciate the USATDS mission. Counseling and representing Soldiers suspected of committing misconduct may be improperly perceived as at odds with the mission of the unit from which the Soldier comes or even as actions that are contrary to the interests of the Army. Such perceptions have no merit. Any actions or comments that impede the lawful, professional, moral, and ethical responsibilities of USATDS personnel are inconsistent with the mission, duties, and responsibilities of the JAGC and the Army. All JAGC Soldiers, regardless of the organization to which they are assigned, ensure that Soldiers of other branches understand the necessity of the USATDS mission.

5-22. The Trial Defense Service provides services through regional trial defense teams and trial defense teams. The regional trial defense team comprises a regional defense counsel (usually an O-5), a senior defense counsel (usually an O-4), and a paralegal NCO (usually an E-6). The trial defense team usually consists of one senior defense counsel, three trial defense counsel (usually O-3s), and one paralegal NCO (usually an E-5). The regional trial defense team provides operational control, training, and technical supervision for as many as four trial defense teams. The regional trial defense team assigns cases and trains, supervises, and assists trial defense counsel in counseling clients and preparing actions.

5-23. Local commanders and their respective SJAs provide trial defense teams with administrative and logistical support in accordance with AR 27-10. To that end, trial defense teams are assigned to local units to provide that support. Trial defense teams receive all other support from the United States Army Legal Services Agency. The Chief, USATDS, exercises independent supervision, control, and direction over the defense counsel and the USATDS mission.

5-24. The TDS provides services on an area basis under the independent supervision and control of USATDS. The Chief, USATDS, supervises defense teams and is solely responsible for determining their places of duty and caseloads. Under the direction of the regional and senior defense counsels, trial defense counsel travel as far forward as required throughout the AO to provide advice and services. Critical to success are prior planning, mission training, staff augmentation, and the provision of sufficient paralegal assets and logistic support to defense counsel.

While in reserve status, Army Reserve trial defense personnel are assigned to trial defense teams and regional trial defense teams, under the command and control of the headquarters, legal operations detachment—trial defense (LOD-TD). These teams operate under the technical supervision of the Chief, USATDS, through legal support organization commanders. Similarly, while functioning under the authority of Title 32, Army National Guard (ARNG) regional and trial defense teams are assigned to their respective states, and they operate under the technical supervision of Chief, USATDS, through the Chief, ARNG Trial Defense Service. Upon mobilization, both United States Army Reserve and ARNG trial defense personnel fall under the operational control of USATDS.

5-25. JAGC personnel providing military defense services to Soldiers carry significant responsibilities to conduct their affairs in accordance with AR 27-26. Judge advocates and paralegals charged with the USATDS mission provide counsel and representation to Soldiers who have little or no familiarity with the military justice system. Judge advocates and paralegal Soldiers must conduct themselves and their affairs so as to instill in Soldiers a high degree of confidence in the individuals who represent them, as well as in the

military justice system overall. Judge advocates assigned to USATDS act independently of any other branch and the local OSJA to which they are otherwise attached or affiliated for administrative or logistic support. Paralegal Soldiers and NCOs will likewise conduct themselves in accordance with the responsibilities of non-lawyer assistants set forth in Rule 5.3 of AR 27-26.

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Appendix A

Army Reserve Legal Structure and Organization

This appendix discusses the structure and organization of legal support within the U.S. Army Reserve.

OVERVIEW

A-1. JAGC personnel in the Regular Army and Reserve Components train and operate to achieve one integrated and balanced Corps. United States Army Reserve (USAR) judge advocates train with the expectation of deployment. They provide legal services in the JAGC core competencies on active duty, in areas of operations, as well as in reserve status. Legal support to operations includes the civilian legal skills that Army Reserve judge advocates bring to the fight and that traverse decisive action in diverse areas such as finance, interagency government operations, civilian law enforcement, court house operations, and municipal law. These skills, among others, enable Army Reserve judge advocates to provide effective support to all types of operations. Planners should consider and integrate these skills into planning legal support for all phases of military operations.

U.S. ARMY RESERVE LEGAL COMMAND

A-2. The USAR Legal Command exercises command and control for Army Reserve legal units when they are not mobilized. This command provides both individual personnel fill capabilities and deployable unit structure. The management of deployable unit structure as an operational force requires the integration of the Army Reserve JALS into standard Army processes for the deployment of units as well as the use of unit personnel to fill individual mobilization requirements. The following principles guide the standardization of mobilization and training processes and procedures for Army Reserve legal units:

- TJAG or the Commander, Legal Command (USAR) receives and validates all taskings for judge advocate and other legal personnel requirements for unit or individual mobilizations.
- The USAR Legal Command uses established unit rotation methodology to source validated requirements. The Army Reserve JALS uses a unit rotation methodology consistent with the unit rotation methodology in use by the Army Reserve G-3, in support of the overall Army G-3 unit rotation methodology.
- TJAG or Commander, Legal Command (USAR) retains approval authority—under the provisions of 10 U.S. Code 806 and 10 USC 3037(c)(2)—for personnel assignment actions related to filling judge advocate mobilization requirements.
- Where possible, training opportunities for Army Reserve judge advocates should be coordinated with the Regular Army unit to which the judge advocate personnel will likely mobilize. Such coordination promotes habitual relationships and enhances familiarity and integration of the Army Reserve personnel into their projected active duty unit and mission.

LEGAL OPERATIONS DETACHMENTS AND TEAMS

A-3. The legal operations detachment—multifunctional (LOD-M) provides a package of modular, mission-tailorable, individually deployable judge advocate teams that provide legal capabilities in support of modular units. LOD-M subordinate team capabilities support decisive action, including support to joint, interagency, intergovernmental, and multinational operations. The subordinate elements of the LOD-M are the headquarters, the legal operations team—general (LOT-G) and the legal operations team—special (LOT-S). The LOT-S and LOT-G mobilize and deploy in conjunction with the headquarters, LOD-M, or individually, depending upon the operational need.

A-4. Headquarters LOD-M may be deployed worldwide to provide legal support or direct augmentation, as required, in the six core disciplines, as well as emerging legal areas, to commands and units of all Services and components in support of mobilization and military operations.

A-5. LOT-S units provide specialized legal services to United States and Allied forces joint operations. Mission-focused areas for the LOT-S include specialized applications of core legal capabilities in emerging areas of judge advocate practice. These areas can include, but are not limited to, rule of law, security force assistance, occupation law, governance issues, detainee and internment operations, legal support to military information support operations, cyberspace law, and intelligence law.

A-6. LOT-G units provide legal services in theater or in the continental United States. LOT-G missions vary in length from single day events in the continental United States to lengthy overseas deployments. LOT-G operations focus on both core legal competencies discussed in this field manual: legal support to the Army, and legal support to Soldiers and Families.

A-7. The LOD-TD supplements USATDS assets as described in this field manual. See paragraphs 5-20 through 5-26. The LOD-TD consists of regional trial defense teams and trial defense teams. The LOD-TD and its subordinate teams are deployable assets.

A-8. The legal operations detachment–judicial (LOD-J) provides worldwide judicial services to commanders and Soldiers in support of mobilization and military operations, as directed by the Chief Judge, U.S. Trial Judiciary. Judicial unit assets preside at general and special courts-martial, perform duties as military magistrates, and serve in various other judicial capacities. LOD-J assets have a secondary capability set of providing legal support to joint, interagency, intergovernmental, and multinational operations. The LOD-J and its subordinate components are deployable assets.

A-9. The legal operations detachment–individual augmentee provides mission-tailored packages of deployable senior judge advocates to provide legal capabilities in joint, interagency, intergovernmental, and multinational environments. Members mobilize and deploy to fill specific capabilities requests. While not mobilized members of this detachment support diverse and geographically distinct Army activities.

Appendix B

National Guard Legal Structure and Organization

This appendix describes legal support to the operational Army within the Army National Guard.

OVERVIEW

B-1. Legal support in the ARNG is primarily embedded in ARNG divisions and brigades, and in the state joint forces headquarters. Each state commands and controls its ARNG units. When these units are ordered to active duty or called into federal service and while in the continental United States, they fall under the command and control of the relevant United States Army command (for example FORSCOM or ARCENT). The command's SJA and subordinate command SJAs exercise technical supervision of these federalized National Guard judge advocates and paralegals. When ARNG units are assigned, attached, or under the operational control of other commands, the SJA of the gaining command exercises technical supervision over the assigned JAGC personnel.

B-2. The National Guard Bureau (known as NGB), while not in the chain of command, serves as the channel of communication between the state National Guards and federal entities, and formulates and administers programs to ensure the development and maintenance of ARNG units. With the exception of the selection and assignment of regional and senior defense counsel, each State selects, appoints, and assigns its officers, noncommissioned officers, and enlisted personnel. Regional and senior defense counsel are selected through a nomination process originating in the State, then sent through the Chief, ARNG TDS and Chief, USATDS to TJAG. Notwithstanding the State's broad appointment authority, TJAG authorizes appointments to the JAGC, and ensures that judge advocates in the ARNG are subject to the same training, educational standards, and supervision as other members of the JAGC.

B-3. Each of the fifty States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands has an adjutant general (Commanding General in the District of Columbia) who is appointed (or elected in the State of Vermont) by competent authority, and who serves as the commander of its joint forces headquarters, and oversees the State's Army and Air National Guard units. The adjutant general of each State selects a senior judge advocate of either the Air or ARNG to serve as the state judge advocate. ARNG units are structured like Regular Army units. The major ARNG units are divisions, brigade combat teams, and combat support brigades. The mission of the OSJA in ARNG units is the same as that of an OSJA in its Regular Army counterpart. ARNG brigade combat teams are the principal reserve component ground combat maneuver forces of the United States Army. The brigade legal section of a brigade combat team is modeled on—and has the mission of—the brigade legal section of a brigade combat team in the Regular Army.

B-4. Members of the JAGC in the National Guard hold dual membership. Each is a member of the Reserve Component of the Army through the Army National Guard of the United States (known as ARNGUS) and a member of the federally recognized militia of their state, the ARNG. ARNG judge advocates support the State mission and the State's federal mission. The State mission is to provide trained and disciplined forces for domestic emergencies, or as otherwise required by the governor. The State's federal mission is to maintain properly trained, equipped, and disciplined units available for prompt mobilization.

ARMY NATIONAL GUARD TRIAL DEFENSE SERVICE

B-5. The Chief, ARNG TDS is a senior judge advocate nominated by National Guard Bureau and appointed by TJAG. The Chief, ARNG TDS provides the technical supervision, management, direction, and legal defense training for all members of ARNG TDS while in Title 32 (non-federal) status consistent with professional responsibility and state ethics limitations. State Adjutants General retain operational authority over their respective regional trial defense teams (RTDTs) and trial defense teams for non-TDS missions

during State or National emergencies. The Chief, ARNG TDS shall have staff officers and paralegals assigned as necessary.

B-6. The RTDT provides the technical supervision, performance oversight, legal defense training, and management of assigned defense teams. State Adjutants General retain operational authority over their respective trial defense teams for non-TDS missions during State or National emergencies. The RTDT consists of a regional defense counsel, a deputy regional defense counsel, a paralegal noncommissioned officer, and a paralegal specialist. When not mobilized, RTDTs are assigned to their respective States and perform their TDS mission under the technical supervision of the Chief, USATDS through the Chief, ARNG TDS. Upon mobilization, RTDTs come under operational control of the USATDS. The regional defense counsel, along with senior defense counsel, assign cases, provide training and general supervision, and assist trial defense counsel in counseling clients and preparing actions for State courts-martial, administrative boards, investigations, non-judicial punishment, or other adverse administrative actions.

B-7. The senior trial defense team (STDT) provides oversight and assistance to the field trial defense team, in addition to defense services for State courts-martial, administrative boards, investigations, non-judicial punishment, or other adverse administrative actions. State adjutants general retain operational authority over their respective trial defense teams for non-TDS missions during State or National emergencies. The STDT consists of a senior defense counsel, a trial defense counsel, and a paralegal noncommissioned officer. When not mobilized, STDTs are assigned to their respective States and perform their TDS mission under the technical supervision of the Chief, ARNG TDS through their respective regional defense counsel. Upon mobilization, STDTs come under operational control of the USATDS. The senior defense counsel assign cases, provide training and general supervision, and assist trial defense counsel in counseling clients and preparing actions for State courts-martial, administrative boards, investigations, non-judicial punishment, or other adverse administrative actions.

B-8. The field trial defense team (FTDT) provides trial defense services for State courts-martial, administrative boards, investigations, non-judicial punishment, or other adverse administrative actions. A FTDT consists of a two trial defense counsel, and one paralegal specialist. When not mobilized, FTDTs are assigned to their respective States and perform their TDS mission under the technical supervision of the Chief, ARNG TDS through their respective regional defense counsel and senior defense counsel. Upon mobilization, TDTs come under operational control of the USATDS. Trial defense counsel provide legal representation to National Guard members facing adverse action from the command—representation which includes counseling clients and preparing actions for State courts-martial, administrative boards, investigations, non-judicial punishment, or other adverse administrative actions.

B-9. The Full Time Support (FTS) Program provides a cadre of full-time Title 10 ARNGUS TDS Attorneys and Paralegals to alleviate the administrative and time burdens on the Title 32 ARNG TDS personnel. The FTS program provides defense services to Title 32 National Guardsmen when the corresponding Title 32 ARNG TDS personnel are not in a duty status.

B-10. Supervising Attorney. The supervising attorney's duties and responsibilities are to lead, manage, and supervise all FTS attorneys and paralegals in the FTS program to provide full-time, active duty support to the part-time ARNG TDS personnel in client defense services and administrative support services. The supervising attorney is responsible to build, implement, expand, and improve the FTS program, and integrates and participates in the Office of the Chief, ARNG TDS's current and future operations, training, and missions in support of the strategic plan and for the entire organization.

B-11. Full Time Support Attorney. The FTS attorney provides representation and management support to the Title 32 attorneys in ARNG TDS. The duties include initial representation and advice to Soldiers facing adverse investigations, administrative reduction and separation proceedings and to Soldiers in the investigative phase of National Guard Bureau Office of Complex Administrative Investigation cases. The FTS attorney is intended to play a complementary role to Title 32 ARNG TDS defense counsel, and supports Title 32 ARNG TDS offices in adverse actions before administrative boards and to minimize Title 32 ARNG TDS personnel hours performing TDS duties in a non-duty status. The FTS attorney assists the Office of the Chief, ARNG TDS with operations, training, projects, and initiatives.

B-12. Full Time Support Paralegal. The FTS paralegal performs a variety of legal, administrative, and clerical duties in support of the Title 32 attorneys and paralegals in the ARNG TDS. The paralegal manages daily

operations; conducts client intakes and interviews; prepares clients legal proceedings; and performs administrative tasks in support of their respective TDS region. The FTS paralegal assists the Office of the Chief, ARNG TDS with operations, training, projects, and initiatives.

ARMY NATIONAL GUARD JUDICIARY

B-13. Military judges in the ARNG are trained and certified by TJAG similar to the military judges in the Regular Army and USAR. While in State status, an ARNG military judge may, when authorized by applicable State law, preside over courts-martial convened under State law. Upon federalization of an ARNG military judge, the chief trial judge will review the ARNG military judge's training, background, experience, and qualities (demonstrated mature judgment and high moral character) to determine the officer's suitability to serve as a member of the Army trial judiciary. ARNG officers who qualify for such service may be assigned, as needed, to the Army trial judiciary.

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Appendix C

JAGC Collective Tasks, Legal Functions, and Warfighting Functions Crosswalk

C-1. Table C-1 provides JALS personnel with a cross-walk of the JAGC collective tasks with the legal functions and warfighting functions. Some collective tasks support multiple legal functions and multiple warfighting functions. JALS supervisors should account for the multifunctional, both legal and warfighting, nature of these tasks and the effect on limited JALS personnel and time. Training and evaluation outlines for the collective tasks can be found on the Central Army Registry (known as CAR) website, located at <https://rdl.train.army.mil/catalog/search?current=true&knowledgecenter=181&producttype=CTASK>.

C-2. The JAGC mission-essential task list (METL) is binding on legal units that must report training readiness monthly. For other legal offices, such as OSJAs and Combined Training Center observers, controllers, and trainers, the METL is a useful tool to measure organizational readiness, develop training plans, and inform parent units on potential supporting collective legal tasks relevant to parent unit METL. Legal offices not reporting unit status monthly are still expected to use the METL in all organizational training.

Table C-1. Collective tasks, legal functions, and warfighting functions crosswalk

Warfighting Functions	Collective Tasks	Legal Functions					
		MJ	NSL	Ad-Civ	C-F	SFLS	TDS
Movement and Maneuver	Provide legal support to deployment activities	X	X	X		X	
	Provide legal support to Soldier readiness processing					X	
	Identify and process nondeployable Soldiers	X		X			
	Train rules of engagement, rules for the use of force, law of armed conflict, and code of conduct		X				
Command and Control	Provide legal support to the operations process	X	X	X	X	X	
	Provide legal support to plans	X	X	X	X	X	
	Provide legal support to command post operations		X		X		
	Provide legal advice in development and application of the rules of engagement		X				
	Provide legal support to command discipline	X	X	X	X	X	
	Provide legal support to administrative investigations	X	X	X	X	X	
	Provide military justice support	X					
	Train rules of engagement, rules for the use of force, law of armed conflict, and code of conduct		X				
	Identify, report, and track legal significant incidents	X	X	X	X	X	
	Provide legal support to theater specific personal conduct policies	X		X			

Table C-1. Collective tasks, legal functions, and warfighting functions crosswalk (*continued*)

Warfighting Functions	Collective Tasks	Legal Functions					
		MJ	NSL	Ad-Civ	C-F	SFLS	TDS
Command and Control	Provide legal advice on non-uniformed personnel supporting military operations	X	X	X	X	X	
	Provide military judicial support	X					X
	Provide legal support to information-related capabilities	X	X	X		X	
	Provide legal support to Freedom of Information Act, Privacy Act, and HIPAA			X			
	Provide legal advice to public affairs and command messaging	X	X	X		X	
	Provide legal support to stability operations		X		X		
	Provide legal support to humanitarian assistance operations		X		X		
	Provide legal support to rule of law operations		X				
	Provide legal support to economic and infrastructure development		X		X		
	Provide legal support to consequence management	X	X	X	X	X	
	Provide legal support to assessment of an engagement		X	X			
	Administer deployment claims and solatia		X	X	X	X	
	Identify, report, and track legal significant incidents	X	X	X	X	X	
	Provide legal advice to public affairs and command messaging	X	X	X		X	
	Provide legal support to humanitarian assistance operations		X		X		
	Provide legal support to Freedom of Information Act, Privacy Act, and HIPAA			X			
	Conduct a legal engagement		X				
	Provide legal support to administrative investigations	X	X	X	X	X	
Fires	Provide legal support to fires and targeting		X	X		X	
	Provide legal support to target planning and targeting working group		X				
	Provide legal support to fires execution		X				
	Provide legal advice to the command on protected persons and places		X	X		X	
	Provide legal support to assessment of an engagement		X	X			

Table C-1. Collective tasks, legal functions, and warfighting functions crosswalk (*continued*)

Warfighting Functions	Collective Tasks	Legal Functions					
		MJ	NSL	Ad-Civ	C-F	SFLS	TDS
Protection	Provide legal support to protection activities	X	X	X		X	
	Provide legal advice to counter-mobility operations		X				
	Provide legal support to personnel recovery operations	X	X	X		X	
	Provide legal support to operations involving civilian internees, displaced persons, and U.S. military prisoners		X				
	Provide legal support to detention operations		X	X	X		
	Provide legal support to detention operations: point of capture to detainee holding area		X				
	Provide legal support to theater detention operations		X	X	X		
Sustainment	Provide contract and fiscal law support to sustainment activities				X		
	Provide legal support to operational contracting				X		
	Provide legal support to contingency construction				X		
	Provide legal advice on acquisition and cross-servicing agreements		X		X		
	Provide fiscal law support to operations				X		
	Provide Soldier and Family legal services					X	X
	Provide Soldier and Family legal assistance					X	
	Administer personnel claims					X	
	Provide trial defense services						X
	Provide special victim counsel services					X	
	Maintain essential installation legal services (rear detachment)	X		X	X	X	X
	Provide military justice support	X					
	Provide trial defense services						X
	Provide rear detachment-installation administrative law support			X	X		
Provide Soldier and Family legal assistance					X		

Table C-1. Collective tasks, legal functions, and warfighting functions crosswalk (continued)

Warfighting Functions	Collective Tasks	Legal Functions					
		MJ	NSL	Ad-Civ	C-F	SFLS	TDS
Intelligence Cross Cutting	Provide legal support to intelligence activities		X				
	Provide specialty national security law support		X				
	Provide legal support to special operations forces	X	X	X	X	X	
	Provide legal support to operational contracting				X		
	Provide legal support to rule of law operations		X				
	Provide legal support to intelligence activities		X				
	Provide legal advice on defense support of civil authorities		X	X			
	Provide administrative and civil law support			X			
	Provide advice and administer the DOD Ethics Program at the unit level			X			
	Provide legal support to administrative investigations	X	X	X	X	X	
	Provide environmental law support to operations		X	X			
	Provide legal support to Freedom of Information Act, Privacy Act, and HIPAA			X			
	Provide legal advice on non-uniformed personnel supporting military operations	X	X	X	X	X	
Provide general administrative law support			X	X			
Ad-Civ	administrative and civil law	NSL	national security law				
C-F	contract and fiscal law	SFLS	Soldier and Family legal services				
DOD	Department of Defense	TDS	trial defense services				
HIPAA	Health Insurance Portability and Accountability Act	U.S.	United States				
MJ	military justice						

Appendix D

Legal Annex

This appendix provides a format for Tab C (Legal Support), Appendix 2 (Personnel Service Support), to Annex F (Sustainment) for Army operation orders (OPORDs).

D-1. Tab C to Appendix 2 to Annex F to Army OPORDs is commonly called the Legal Annex. The Army uses standardized formats for orders production to ensure efficiency of communication at all levels of command (see FM 6-0). Figure D-1 is a template for an OPORD. It is provided as a reference, but JALS personnel should consider modifications and additions based on mission requirements.

<p>[CLASSIFICATION]</p> <p>TAB C (LEGAL SUPPORT) TO APPENDIX 2 (PERSONNEL SERVICE SUPPORT) TO ANNEX F (SUSTAINMENT) TO OPO RD XX-XX (NAME) UNIT [number] [(code name)]—[issuing headquarters] [(classification of title)]</p> <p>(U) References:</p> <ul style="list-style-type: none">(a) <i>DoD Law of War Manual</i>(b) JP 3-84, <i>Legal Support</i>(c) FM 1-04, <i>Legal Support to Operations</i>(d) AR 27-10, <i>Military Justice</i>(e) AR 27-20, <i>Claims</i> <p>(U) Time Zone Used Throughout the Order:</p> <ol style="list-style-type: none">1. (U) Situation. No change.2. (U) Mission. <i>State the mission of sustainment in support of the base plan or order.</i>3. (U) Execution.<ol style="list-style-type: none">a. (U) <u>Scheme of Sustainment Support.</u><ol style="list-style-type: none">(1) Legal Basis for the Operation.(2) Concept of Legal Support.<ul style="list-style-type: none">(a) Authority of SJA over legal assets.(b) Legal Support to the Army.(c) Legal Support to Soldiers/Families.b. (U) <u>Tasks to Subordinate Units.</u>c. (U) <u>Coordinating Instructions.</u><ol style="list-style-type: none">(1) (U) Legal Battle Rhythm Events (meetings).(2) (U) Legal Reports (format and submission method and timeline).
<p>[page number]</p> <p>[CLASSIFICATION]</p>

Figure D-1. Sample Annex F (Sustainment) format

<p>[CLASSIFICATION]</p> <p>TAB C (LEGAL SUPPORT) TO APPENDIX 2 (PERSONNEL SERVICE SUPPORT) TO ANNEX F (SUSTAINMENT) TO OPOD XX-XX (NAME) UNIT [number] [(code name)]—[issuing headquarters] [(classification of title)]</p> <p>4. (U) <u>Sustainment.</u></p> <p>a. (U) <u>Materiel and Services.</u> No change.</p> <p>b. (U) <u>Personnel.</u></p> <p>(1) (U) <u>Human Resources Support.</u> No change</p> <p>(2) (U) <u>Financial Management.</u> No change.</p> <p>(3) (U) <u>Legal Support.</u></p> <p>(a) To the Army.</p> <p>1. National Security Law Considerations.</p> <p>a. Application of LOAC.</p> <p>b. Legal review of targeting decisions/plans.</p> <p>c. Legal review of CONOPs, orders, plans, and ROE.</p> <p>d. Detainee/POW/Civilians.</p> <p>(1) Detainee/POW status determination.</p> <p>(2) Treatment of detained persons.</p> <p>(3) Civilian asylum/refuge policy.</p> <p>(4) Interaction with ICRC.</p> <p>e. Supplemental ROE requests.</p> <p>f. Status of forces, jurisdiction, and international agreements.</p> <p>g. Acquisitions during combat.</p> <p>(1) Battlefield trophies/confiscated enemy weapons and equipment.</p> <p>(2) Search and confiscation of property based on military necessity.</p> <p>2. Military Justice.</p> <p>a. GCMCA and jurisdiction alignment.</p> <p>b. Civilian personnel, MEJA, UCMJ.</p> <p>3. Administrative and Civil Law considerations.</p> <p>a. Investigations.</p> <p>(1) Standards and minimal content.</p> <p>(2) Timelines and submission procedures.</p> <p>b. Environmental considerations.</p> <p style="text-align: center;">[page number] [CLASSIFICATION]</p>

Figure D-1. Sample Annex F (Sustainment) format (*continued*)

<p>[CLASSIFICATION]</p> <p>TAB C (LEGAL SUPPORT) TO APPENDIX 2 (PERSONNEL SERVICE SUPPORT) TO ANNEX F (SUSTAINMENT) TO OPORD XX-XX (NAME) UNIT [number] [(code name)]—[issuing headquarters] [(classification of title)]</p> <ul style="list-style-type: none"> c. Command policies. d. Claims by third parties. <ul style="list-style-type: none"> (1) Foreign claims applicability. (2) Other claims process. (3) Appointment of pay agents, nomination of claims commissions. 4. Fiscal and Contract Law Considerations. <ul style="list-style-type: none"> a. Contracting officer authority. b. Fiscal law authorities. c. Unauthorized commitments. d. Legal review requirements. (b) To Soldiers and Families. <ul style="list-style-type: none"> 1. Soldier and Family Legal Services. <ul style="list-style-type: none"> a. Soldier and Family Legal Assistance. b. Special Victim Counsel c. Claims by Soldiers and DA Civilians 2. Trial Defense Services. (c) Reporting Violations of LOAC/ROE. (d) Mandatory Reports. (4) (U) <u>Religious Support</u>. No Change. (5) (U) <u>Band Operations</u>. No Change. c. (U) <u>Health Service Support</u>. No Change. d. (U) <u>Foreign Nation and Host-Nation Support</u>. No Change. e. (U) <u>Resource Availability</u>. No Change. f. (U) <u>Miscellaneous</u>. No Change. <p style="text-align: center;">[page number]</p> <p style="text-align: center;">[CLASSIFICATION]</p>
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Figure D-1. Sample Annex F (Sustainment) format (*continued*)

[CLASSIFICATION]

TAB C (LEGAL SUPPORT) TO APPENDIX 2 (PERSONNEL SERVICE SUPPORT) TO ANNEX F (SUSTAINMENT) TO OPOD XX-XX (NAME) UNIT [number] [(code name)]—[issuing headquarters] [(classification of title)]

5. (U) Command and Signal. Location of SJA and OSJA leaders.

ACKNOWLEDGE:

[COMMANDER'S NAME]

[RANK]

OFFICIAL:

[SJA INITIALS]

[SJA]

ATTACHMENTS:

Exhibit 1 – Legal – Legal Situation Report

Exhibit 2 – Legal – Legal Serious Incident Report

Exhibit 3 – Legal – Investigations Matrix

[page number]

[CLASSIFICATION]

Figure D-1. Sample Annex F (Sustainment) format (*continued*)

Appendix E

Legal Running Estimate

E-1. Running estimates are continuous assessments of the current situation used to determine if the current operation is proceeding according to the commander's intent and if planned future operations are supportable (ADP 5-0). Running estimates should include facts and assumptions, mission readiness and goals and requirements, and other information that impacts current and future operations (FM 6-0). JALS elements should maintain a running estimate to monitor and evaluate the effectiveness of current legal support and the status of legal risks, constraints, assumptions, and issues. The legal running estimate will vary depending on the supported unit task organization and operations. Figure E-1 is a sample format provided as a reference. JALS personnel should consider modifications and additions based on mission requirements. See also the JAGCNet website for more details on writing a legal running estimate.

FACTS.

1. Key Authorities.

- a. [Identify the legal basis for the operation.]
- b. [Identify any international agreements.]
- c. [Identify command relationships.]
- d. [Identify detainee operations.]
- e. [Identify intelligence collection.]
- f. [Identify fiscal and procurement authorities.]

2. Legal Support.

- a. [Identify the core competencies for which legal support is provided.]
- b. [Identify whether legal support is consolidated or dispersed.]
- c. [Identify resources needed including personnel and equipment.]

ASSUMPTIONS.

- a. [State the memorandum of understanding and its parties.]
- b. [Identify parties involved in negotiations.]

TASKS.

1. Specified.

- a. [Identify rules of engagement training.]
- b. [Identify review of all operations.]
- c. [Identify reports for key legal events.]
- d. [Identify management of investigations.]

2. Implied.

- a. [Identify advice for fires on targeting.]
- b. [Identify assistance to provost marshal office with detainee operations.]
- c. [Identify process of claims.]
- d. [Identify provision of legal assistance.]

Figure E-1. Sample legal running estimate

e. [Identify advice to S-2 for intelligence oversight.]

3. **Essential.**

a. [Identify management of investigations.]

b. [Identify the tracking and reporting of significant legal events.]

CONSTRAINTS. [Identify limitations, restrictions, and legal parameters of conflict.]

1. [Identify the limitations and restrictions that exist given the authorities and facts outlined.]

2. [Identify key rules of engagements limitations.]

3. [Identify no strike entities.]

4. [Identify lack of fiscal authorities.]

TIME. [Identify last 24 hours and next 24 hours.]

1. [Identify key significant actions and legal reviews.]

2. [Identify the status of projects.]

3. [Identify pending events that include key leader engagements and working groups.]

INVESTIGATIONS. [Identify the numbers of investigations in last 24 hours, open, closed, and analysis.]

1. [Identify civilian casualties.]

2. [Identify fratricide.]

3. [Identify rules of engagement V.]

4. [Identify negligent discharges.]

5. [Identify escalation of force.]

6. [Identify Uniform Code of Military Justice.]

7. [Identify other concerns.]

LEGAL DATA. [Complete for the following for data.]

1. [Identify detainees.]

2. [Identify claims.]

3. [Identify rules of engagement modifications.]

4. [Identify fiscal and ethical concerns.]

BRIGADE ORDERS.

1. [Identify the order number.]

2. [Identify date published.]

3. [Identify whether it received a legal review.]

4. [Identify any noted legal objections.]

Figure E-1. Sample legal running estimate (*continued*)

Source Notes

3-8 “Our Army has never...” Lieutenant General Michael D. Lundy, “FM 3-0 and Large Scale Combat Operations,” (Feb. 2, 2018) (<https://www.youtube.com/watch?v=JZcdvwKyTU4> posted on Mar. 9, 2018).

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Glossary

The glossary lists acronyms and terms with Army or joint definitions. The proponent publication for terms is listed in parentheses after the definition.

SECTION I – ACRONYMS AND ABBREVIATIONS

ADCON	administrative control
ADP	Army doctrine publication
AR	Army regulation
ARCENT	United States Army Central Command
ARNG	Army National Guard
ASCC	Army Service component command
ATP	Army techniques publication
BCT	brigade combat team
BJA	brigade judge advocate
CDE	collateral damage estimation
CENTCOM	United States Central Command
CJCSI	Chairman of the Joint Chiefs of Staff instruction
CP	command post
DA	Department of the Army
DOD	Department of Defense
DODD	Department of Defense directive
DODI	Department of Defense instruction
FM	field manual
FORSCOM	United States Army Forces Command
FTDT	field trial defense team
FTS	Full Time Support
GCC	geographic combatant commander
GCMCA	general court-martial convening authority
ICRC	International Committee of the Red Cross
IDES	Integrated Disability Evaluation System
J-1/G-1/S-1	administrative staff directorate
J-2/G-2/S-2	intelligence staff directorate
J-3/G-3/S-3	operations staff directorate
J-4/G-4/S-4	logistics staff directorate
J-6/G-6	information directorate
JAGC	Judge Advocate General's Corps
JALS	Judge Advocate Legal Services

JP	joint publication
LOAC	law of armed conflict
LOD	legal operations detachment
LOD-J	legal operations detachment–judicial
LOD-M	legal operations detachment–multifunctional
LOD-TD	legal operations detachment–trial defense
LOT-G	legal operations team–general
LOT-S	legal operations team–special
MDMP	military decision-making process
METL	mission-essential task list
MJA	military justice advisor
NCO	noncommissioned officer
NIPRNET	Non-classified Internet Protocol Router Network
OLK-E	Operational Law Kit-Expeditionary
OPORD	operation order
OSJA	Office of the Staff Judge Advocate
PACE	primary, alternate, contingency, and emergency
ROE	rules of engagement
RTDT	regional trial defense team
SIPRNET	SECRET Internet Protocol Router Network
SJA	staff judge advocate
SMEBC	Soldiers’ Medical Evaluation Board Counsel
SOP	standard operating procedure
SPEBC	Soldiers’ Physical Evaluation Board Counsel
STDT	senior trial defense team
SVC	special victim counsel
SVCOPM	Special Victim Counsel Office of the Program Manager
TDS	trial defense services
TJAG	The Judge Advocate General
TJAGLCS	The Judge Advocate General’s Legal Center and School
TP	training publication
TRADOC	United States Training and Doctrine Command
TSC	theater sustainment command
U.S.	United States
UCMJ	Uniform Code of Military Justice
USAEUR	United States Army, European Command
USAR	United States Army Reserve
USARCS	United States Army Claims Service
USATDS	United States Army Trial Defense Service
USC	United States Code

SECTION II – TERMS**administrative control**

The direction or exercise of authority over subordinate or other organizations in respect to administration and support. (JP 1)

Army design methodology

A methodology for applying critical and creative thinking to understand, visualize, and describe problems and approaches to solving them. (ADP 5-0)

core competency

An essential and enduring capability that a branch or an organization provides to Army operations. (ADP 1-01)

combat power

The total means of destructive, constructive, and information capabilities that a military unit or formation can apply at a given time. (ADP 3-0)

function

The broad, general, and enduring role for which an organization is designed, equipped, and trained. (JP 1)

military decision-making process

An iterative planning methodology to understand the situation and mission, develop a course of action, and produce an operation plan or order. (ADP 5-0)

operational environment

A composite of the conditions, circumstances, and influences that affect the employment of capabilities and bear on the decisions of the commander. (JP 3-0)

operational framework

A cognitive tool used to assist commanders and staffs in clearly visualizing and describing the application of combat power in time, space, purpose, and resources in the concept of operations. (ADP 1-01)

role

The broad and enduring purpose for which the organization or branch was established. (ADP 1-01)

troop leading procedures

A dynamic process used by small-unit leaders to analyze a mission, develop a plan, and prepare for an operation. (ADP 5-0)

warfighting function

A group of tasks and systems united by a common purpose that commanders use to accomplish the mission and training objectives. (ADP 3-0)

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Index

Entries are by paragraph number.

A

administrative and civil law,
administrative law practice, 4-2
Army institutional claims, 4-9
civil law practice, 4-8
claims categories, 4-11
claims program, 4-10
legal administrator role, 4-15
legal function, 4-2–4-16
paralegal NCOs and Soldiers,
4-7, 4-16
tasks, 4-3
TJAG role and US Army
Claims Service, 4-12
administrative and logistic
support, USATDS, 3-37
Army components, Army
command relationships, 2-41
Army echelons and units,
2-33–2-40
Army Reserve, 2-31
Army Reserve National Guard,
2-31
Army support relationships,
2-42
Regular Army, 2-31
Army institutional claims,
administrative and civil law, 4-9
Army operations, 2-1–2-56
Army Reserve, A-1
legal operations detachments,
A-3–A-9
legal structure and
organization, A-1–A-9
USAR Legal Command, A-2
Army's operational concept, area
of operations, 2-21–2-27
Army mission, 2-18
decisive action, 2-19
main and supporting efforts,
2-29
operational framework, 2-20
operations, 2-28
attorney role, contract and fiscal
law, 4-22

B

brigade legal section, brigade
judge advocate, 3-24

brigade paralegal Soldiers,
3-28
brigade senior paralegal NCO,
3-27
JALS personnel, 3-19–3-20
legal oversight, 3-33
military justice advisor, 3-25
national security law judge
advocate, 3-26
organization, 3-18–3-19
relationship with OSJA, 3-30
SJA responsibility, 3-22
technical guidance, 3-33
technical training, 3-35
brigade paralegal Soldiers,
brigade legal section, 3-28
brigade senior paralegal NCO,
brigade legal section, 3-27

C

chief, military justice role, military
justice, 4-28
civil law practice, administrative
and civil law, 4-8
civilian attorney, 3-16–3-17
JALS, 1-11
civilian paraprofessional, JALS,
1-12
claims, Soldier and Family legal
services, 5-2–5-4
claims categories, administrative
and civil law, 4-11
claims program, administrative
and civil law, 4-10
command or chief paralegal NCO,
3-13
command post operations, legal
support to, 3-61–3-63
constraint, MDMP, 3-57
contract and fiscal law, attorney
role, 4-22
contract law attorney
deployment, 4-20–4-21
contract law practice, 4-19
fiscal law practice, 4-18
legal function, 4-17–4-23

contract law attorney deployment,
contract and fiscal law, 4-20–
4-21
contract law practice, contract and
fiscal law, 4-19
core competency, JAGC, 1-5, 1-6,
1-7
legal support to the Army, 1-6
support to Soldiers and Family,
1-7
current operations, 3-66–3-67
cyberspace enabled activities,
information operations and,
4-38
cyberspace operations, 4-38–4-39

D–E

defensive operations, cyberspace,
4-38
deputy staff judge advocate, 3-9
division chiefs, 3-10
DOD information network
operations, 4-38

F–G

fiscal law practice, contract and
fiscal law, 4-18
friendly force intelligence
requirements, MDMP, 3-56

H

hazards, MDMP, 3-59

I

inputs and outputs, MDMP, 3-53
Integrated Disability Evaluation
System, Soldier and Family
legal services, 5-5
intelligence law, 4-40–4-41
international law, 4-42–4-46
customary international law,
international law attorney role,
4-44–4-46
international law practice,
legal support to domestic
operations, 4-52
legal support to special
operations, 4-50

Entries are by paragraph number.

international law (*continued*)
 operational law, 4-47
 support to units, 4-43
 treaties,

J–K

JAGC, automation, 3-72
 collective tasks, C-1–C-2
 communications, 3-71
 core competency, 1-5, 1-6, 1-7
 crosswalk, table C-1
 legal functions, C-1–C-2
 material requirements, 3-70–3-73
 mission, 1-1
 mission-essential task list, C-2
 mobility, 3-73
 principles, 1-3
 role, 1-4, 1-8, 1-9, 1-10, 1-11, 1-12
 vision, 1-2
 warfighting function crosswalk, C-1–C-2

JALS, MDMP integration and participation in, 3-50–3-51
 personnel, 1-8–1-12

JALS personnel, brigade legal section, 3-19–3-20
 ethics, 3-2
 professional responsibility, 3-2

judge advocate, JALS, 1-8, 2-5

Judge Advocate General's Corps.
 See JAGC.

Judge Advocate Legal Services.
 See JALS.

judge advocates, legal assistance role, 5-10-5-11

L

large-scale combat operations,
 challenges, 2-2
 domains, 2-3
 GCC role, 2-8
 joint force structure and support, 2-7
 joint operations, 2-6
 judge advocate and paralegal role, 2-5
 operational environment, 2-3
 phases, 2-10–2-16
 shifting paradigm, 2-1
 transitions, 2-17

legal administrator, 3-12
 administrative and civil law, 4-15
 JALS, 1-9
 military justice, 4-30

legal annex, operation order,
 figure D-1
 overview, D-1

legal assistance role, 5-9–5-14
 conflicts of interest, 5-14
 judge advocates, 5-10-5-11
 management, 5-13
 paralegal NCOs and Soldiers, 5-12

legal assumption, MDMP, 3-58

legal function, administrative and civil law, 4-2–4-16
 administrative and logistical support, 5-23
 administrative law practice, 4-2
 Army institutional claims, 4-9
 Army Reserve/ARNG and, 5-24

attorney role, 4-22
 chief, military justice role, 4-28
 civil law practice, 4-8
 claims, 5-2–5-4

claims categories, 4-11
 claims program, 4-10
 contract and fiscal law, 4-17–4-23

contract law attorney deployment, 4-20–4-21
 contract law practice, 4-19
 cyberspace law, 4-38–4-39
 fiscal law practice, 4-18
 Integrated Disability Evaluation System, 5-5

legal administrator role, 4-15, 4-30

military justice, 4-24–4-35
 national security law, 4-36
 paralegal NCOs and Soldiers, 4-7, 4-16, 4-31–4-32
 professional responsibility, 5-25

role of counsel, 5-5–5-7
 role of judge advocates, 5-8
 SJA role, 4-25
 Soldier and Family legal services, 5-1–5-19
 special victim prosecutor, 4-28
 structure, 5-22
 tasks, 4-3
 TJAG role, 4-12, 4-24
 trial counsel assignment, 4-28
 Trial Defense Service, 5-20–5-25

US Army Claims Service, 4-12
 US Army trial judiciary, 4-35
 USATDS, 4-34, 5-20–5-25

legal oversight, brigade legal section, 3-33

legal risks, MDMP, 3-59

legal running estimate, overview, E-1
 sample, figure E-1

legal structure and organization,
 Army Reserve, A-1–A-9
 National Guard, B-1–B-13

legal support to capabilities and combat power, 3-45–3-47

legal support to large-scale operations, JAGC role, 3-41–3-44

legal support to Soldiers and Families, 5-1–5-25

legal support to the Army, 4-1–4-52

legal support to the operations process, 3-48

M

MDMP, constraint, 3-57

friendly force intelligence requirements, 3-56
 hazards, 3-59

JALS integration and participation in, 3-50–3-51

JALS personnel role, 3-49
 legal assumption, 3-58
 legal inputs and outputs to MDMP, 3-53

legal risks, 3-59
 legally significant actions, 3-56
 planning assumption, 3-58
 priority intelligence requirements, 3-56
 risk management, 3-59
 running estimates, 3-55

military decision-making process.
 See MDMP.

military justice, chief, military justice role, 4-28
 legal administrator role, 4-30
 legal function, 4-24–4-35
 paralegal NCOs and Soldiers, 4-31–4-32
 purpose, 4-24
 SJA role, 4-25
 special victim prosecutor, 4-28
 TJAG role, 4-24
 trial counsel assignment, 4-28
 US Army trial judiciary, 4-35
 USATDS, 4-34

military justice advisor, brigade legal section, 3-25

mission, JAGC, 1-1

mission-essential task list, JAGC, C-2

Entries are by paragraph number.

N

National Guard, dual membership, B-4
 judiciary, B13
 legal structure and organization, B-1–B-13
 role in legal support, B-2
 structure, B-1
 trial defense, B-5–B-11
 national security law, brigade legal section, 3-26
 cyberspace law, 4-38–4-39
 legal function, 4-36

O

offensive operations, cyberspace, 4-38
 Office of the Staff Judge Advocate. *See* OSJA.
 operations process, 2-46
 battle rhythm, 2-51
 command post operations, 2-51
 JALS personnel role, 2-48
 planning methodologies, 2-47
 organization, brigade legal section, 3-18–3-19
 OSJA, 3-4–3-17
 brigade legal section, 3-30
 brigade legal section and, 3-7
 JALS personnel roles, 3-7–3-17
 organization, 3-6
 role, 3-4
 paralegal NCOs and Soldiers, 3-14–3-15
 administrative and civil law, 4-7, 4-16
 legal assistance role, 5-12
 military justice, 4-31–4-32

P–Q

paralegal Soldier, JALS, 1-10
 personnel, JALS, 1-8–1-12
 planning assumption, MDMP, 3-58
 principles, JAGC, 1-3
 priority intelligence requirements, MDMP, 3-56

purpose, military justice, 4-24

R

risk management, MDMP, 3-59
 role, civilian attorney, 1-11
 civilian paraprofessional, 1-12
 counsel, 5-5-5-7
 JAGC, 1-4, 1-8–1-12
 judge advocate, 1-8, 2-5
 judge advocates, 5-8
 legal administrator, 1-9
 legal assistance, 5-9–5-14
 paralegal Soldier, 1-10
 running estimate, legal, E-1
 MDMP, 3-55

S

SJA, 3-7
 10 U.S.C section 3037 and, 3-32
 Article 6, UCMJ and, 3-8
 legal oversight, 3-33
 military justice role, 4-25
 responsibility to brigade legal section, 3-22
 role, 3-7–3-8
 technical guidance, 3-33
 technical training, 3-35
 Soldier and Family legal services, claims, 5-2–5-4
 Integrated Disability Evaluation System, 5-5
 legal function, 5-1–5-19
 role of counsel, 5-5–5-7
 role of judge advocates, 5-8
 Special Victim Counsel Program, 5-15–5-19
 duties, 5-19
 management, 5-17–5-18
 role, 5-16
 special victim prosecutor, military justice, 4-28

staff judge advocate. *See* SJA.
 subordinate judge advocates, 3-11

T

targeting, board, 2-53
 collateral damage estimate, 2-55
 focus, 2-56

purpose, 2-52
 working group, 2-53

targeting process, 3-64–3-65
 legal support, 3-65

tasks, administrative and civil law, 4-3

technical guidance, brigade legal section, 3-33

technical training, brigade legal section, 3-35

TJAG role, military justice, 4-24

TJAG role and US Army Claims Service, administrative and civil law, 4-12

trial counsel, assignment to military justice, 4-28

Trial Defense Service. *See also* USATDS,
 administrative and logistical support, 5-23
 Army Reserve/ARNG and, 5-24
 legal function, 5-20–5-25
 professional responsibility, 5-25
 structure, 5-22

U

U.S. Army Trial Defense Service. *See* USATDS.

US Army trial judiciary, military justice, 4-35

USATDS. *See also* Trial Defense Service.
 administrative and logistic support, 3-37
 AR 27-10 and, 3-37
 military justice, 4-34
 relationship with OSJA, 3-38
 role, 3-36

V

vision, JAGC, 1-2

W–X–Y–Z

warfighting functions, 2-45
 integration, 3-45–3-46

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