

ABA



**REPORT OF
THE AIR FORCE JUDGE ADVOCATE GENERAL
TO
THE AMERICAN BAR ASSOCIATION
2016 ANNUAL MEETING**



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The Air Force Judge Advocate General's Corps



Introduction



The mission of the Air Force Judge Advocate General's Corps (JAG Corps) is to deliver professional, candid, independent counsel and full spectrum legal capabilities to command and the warfighter. Today's JAG Corps members are involved at every level of military operations. Whether supporting deployed Airmen flying combat sorties,



commanders exercising court-martial convening authority, or family members on the home front, JAG Corps members provide world-class legal support and advice—anywhere, any time.

The Air Force JAG Corps

The JAG Corps is led by The Judge Advocate General (TJAG), a position held by a lieutenant general. By statute, TJAG is the legal advisor to the Secretary of the Air Force and to all officers and agencies of the Department of the Air Force. He directs all judge advocates in the performance of their duties and is responsible for their professional development. Lt Gen Chris Burne serves as the Air Force's 17th Judge Advocate General. The other two leadership positions are held by Maj Gen Jeff Rockwell, the Deputy Judge Advocate General (DJAG), and CMSgt Larry Tolliver, the Senior Paralegal Manager.



Lt Gen Christopher Burne
The Judge Advocate General



Maj Gen Jeffrey Rockwell
The Deputy Judge Advocate General



CMSgt Larry Tolliver
*The Senior Paralegal Manager
to The Judge Advocate General*

JAG Corps Organization

The Total Force JAG Corps is made up of over 4,300 personnel, including judge advocates, civilian attorneys, enlisted and civilian paralegals, and civilian support personnel. Of this total, over 1,200 are judge advocates serving in the regular component and nearly 500 are civilian attorneys. Additionally, there are over 825 paralegals on active duty and over 300 civilian paralegals, court reporters, and other administrative staff. The Air Force Reserve and Air National Guard consists of over 1,400 judge advocates and paralegals. The JAG Corps continues to draw from the best and brightest law school graduates and young attorneys, selecting only a tenth of those who apply.

The JAG Corps performs most of its work at legal offices located at Air Force installations and deployed locations around the world. These offices work for commanders and provide them legal advice and counsel; administer military justice and other legal programs; and provide a wide variety of personal and civil law-related legal services to the base population. This report reveals some of the work done by these legal offices in the section highlighting each Air Force Major Command.

In addition to installation legal offices, there are also several legal offices assigned to Headquarters Air Force in Washington D.C. These offices support the Secretary and the Chief of Staff of the Air Force. Another component of the JAG Corps is our “field operating agency”: the Air Force Legal Operations Agency (AFLOA), consisting of a worldwide network of legal offices engaged in specialty legal practices. AFLOA is the parent command for approximately 25% of our worldwide JAG Corps personnel and is responsible for supervising the administration of military justice, senior trial counsel (prosecutors), defense counsel, special victim’s counsel, and appellate counsel. AFLOA also has oversight of 11 field support centers, civil litigation counsel, the Judge Advocate General’s School, and the Legal Information Services Directorate. The headquarters staff, along with the members of AFLOA, provide strategic planning and resource management, litigation expertise in military justice and civil law, and offer extensive education and training to the field. These offices also collect the macro-level data used in the strategic planning process. Their diverse missions are featured in this report, as they provide a top-level view of the JAG Corps.



New judge advocates engaged in physical training at the Judge Advocate Staff Officer

JAG Corps Reserve

The Air Reserve Component (ARC) is an indispensable component of the Total Force JAG Corps that makes invaluable contributions daily. Many reservists have served extended periods of time on active duty orders. For example, Maj Gen Dixie Morrow, the Mobilization Assistant to The Judge Advocate General, is completing her second consecutive year on active duty as the Commander of AFLOA—the only commander in the Corps. Many others make important contributions through part-time service. Two such

individuals are highlighted below.



Maj Gen Morrow pictured with members of the MacDill AFB legal office and the Hillsborough County Bar Association after the 9/11 luncheon at which Maj Gen Morrow was the keynote speaker

proposal with multiple state agencies to gain support—and even attended an Alabama Senate Judiciary Committee meeting to answer technical questions. Capt Smyczek’s efforts culminated in the historic “Alabama Armed Services Accommodation Act,” which was signed into law on 9 June 2015. As a result of Capt Smyczek’s diligence, judges may now approve the request of a party to testify by remote video in any stage of a civil proceeding. In criminal cases, judges may approve such testimony where the prosecution and defense agree. Thanks to Capt Smyczek’s extraordinary efforts, some of the burdens on military members no longer stationed in Alabama will be relieved, and they will have swifter access to justice.

Capt Pete Smyczek drafted landmark legislation authorizing military members serving on active duty to testify in court proceedings via remote video when they are not in the State of Alabama due to military orders. During his annual tour, Capt Smyczek expertly researched the law in all 50 states and the Dominican Republic. He found legal precedent to authorize Alabama judges’ use of two-way video teleconference testimony in both civil and criminal proceedings.

He then coordinated his legislative



Col Andrea Tullos, 42d Air Base Wing Commander, Maxwell AFB, AL, and Capt Smyczek

As a member of the Defense Institute of International Legal Studies (DIILS) department and as an ANG State Partnership Program (SPP) Liaison, Colonel Dave Dziobkowski recently presented training on Human Rights and Defense Support to Civil Authorities (DSCA) in Cambodia and Ukraine. Through the SPP, the ANG supports the Department of Defense in building security relationships with 70 partner nations in Europe, Africa, Central and East Asia, and South America.

HEADQUARTERS AIR FORCE AND AFLOA DIRECTORATES

The following sections of this report will provide more detailed information about the directorates providing legal support to Headquarters Air Force, as well as the directorates providing legal support and litigation operations to the field.

Professional Development Directorate

Calendar year 2015 began with a historical reorganization of The Judge Advocate General’s staff. Following a TJAG decision to realign and reorganize headquarters in order to smartly align related functions, prevent duplication, and streamline TJAG’s span of control, the

Professional Development Directorate (JAX) executed its portion of the implementation plan. Among other changes, the realignment transferred the Civilian and Enlisted Career Field Managers (CFMs), TJAG's professional responsibility program, manpower and organization functions, and strategic training initiatives to JAX. This reorganization gained efficiencies by locating all CFMs and their associated portfolios and duties—officer, enlisted and civilian—functionally within the same organization and ensured that one directorate has 360-degree oversight of Corps-wide professional development.



A new judge advocate participating in a mock trial during the Judge Advocate Staff Office Course

During 2015, JAX, in concert with The Judge Advocate General's School and Air Staff subject matter experts (SMEs), captured judge advocate training requirements and documented them in the JAG Corps' first officer Career Field Education and Training Plan and Course Training Standards. The process included a review of over 600 slide decks, lesson plans and curriculum plans (containing 4,200+ pages of material). The review generated over 1,500 individual training requirements, which were assigned Air Force proficiency codes and vetted with SMEs for validation. These documents were used to improve the quality and rigor of JAG Corps training during the inaugural judge advocate Utilization & Training Workshop.

Also in 2015, the JAG Corps had its best diversity application rates to date, beating Air Force applicant pool goals in several categories. JAX processed over 1,000 applications for entry into the JAG Corps, with a 34% female application rate and a 32% minority application rate. The Judge Advocate General selected 170 new judge advocates, with 49% female and 29% minority selection rates (noting selection rates for the last two boards of the year increased to a combined 50% for females and 31% for minorities). This outstanding result is the direct outcome of dogged JAG Corps recruiting efforts and participation in over 110 national and regional recruiting special events—including 30 events with affinity attorney bar associations and law student organizations—202 law school visits, and 4,432 informational interviews.

Finally, in order to enhance the Air Force's capability to meet national security objectives at the Office of Military Commissions, the JAG Corps was authorized to participate in the Voluntary Limited Period of Active Duty (VLPAD) Program, allowing up to 36 Air Reserve Component (ARC) judge advocates in the grade of captain, major, and lieutenant colonel to enter into three-year active duty tours. Experienced reserve judge advocates began entering active duty to fill this critical mission need in May 2016.

Strategic Plans and Programs Directorate

Recently, the White House, Department of Defense, and Air Force all released new and revised strategy documents, including associated processes, tailored to the increasingly complex and challenging global security environment. Guided by those documents, and informed by the current and emerging military-legal environment, the JAG Corps has developed a Strategic Planning and Programming Process (SP3). SP3 flows out of, but

remains integrated with, the Air Force Corporate Structure and the DOD Planning, Programming, Budgeting, and Execution System. The JAG Corps SP3 principles were greatly informed by the work of the *ABA Commission on the Future of Legal Services*.

SP3 translates strategy into goals and objectives. The new Air Force JAG Corps Council, comprised of JAG Corps senior leadership from all Air Force components, assists The Judge Advocate General in this function. The *JAG Corps Flight Plan*, now in the final stages of publication, is the core component of the SP3. The *Flight Plan* identifies the JAG Corps vision, mission, strategy, goals, and objectives. The Strategic Plans and Programs Directorate (JAZ) drafted and coordinated the *Flight Plan* and facilitates the JAG Corps SP3.

The Air Force recently began requiring each functional organization to have a Continuous Process Improvement (CPI) function to improve efficiency and eliminate duplication of effort. The JAG Corps was already in compliance. The now one-year old JAZ manages the CPI structure, which



TJAG providing opening remarks to the Horizons leadership meeting attended by JAG Corps staff judge advocates, paralegal managers and law office superintendents in the spring of 2016. Horizons meeting are a critical part of Strategic Planning and Programming in today's JAG Corps.

formalizes a long-standing culture of continual, proactive efforts to improve and respond to dynamic legal and military environments. Additionally, it links with the Inspections

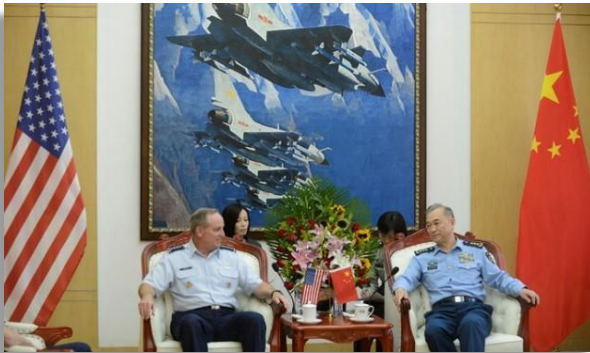
Directorate and the new AF JAG Corps historical archiving service and associated virtual historical library. Guided by the JAG Corps Council, CPI has already addressed a range of issues including witness funding, personnel record reviews, and installation-level response to a severe natural disaster.

Inspections and Standardization Directorate

In 2015, the Inspections and Standardization Directorate (JAI) conducted 44 AFJAGC inspections across 8 Major Commands consistent with the direction of The Judge Advocate General, pursuant to 10 USC § 806(a), with the aim of increasing the readiness and capabilities of legal professionals, while continuously improving the quality and consistency of legal services. For example, after JAI identified deficiencies in the annual review of Unfavorable Information Files (UIF), the Strategic Plans and Programs Directorate led a continuous process improvement event with the Administrative Law Directorate and the Air Force Manpower, Personnel and Services function to craft a solution to ensure timely legal review of UIFs.

While the inspection process was completely reformed in 2015, changes continued in the new year. To meet the mandate from Article 6 of the Uniform Code of Military Justice and ensure the effectiveness of the administration of military justice, JAI began inspecting general court-martial convening authority (GCMCA) legal offices. Together, inspections of base and GCMCA legal offices provide an unparalleled opportunity to evaluate how effectively Air Force legal professionals deliver legal services throughout the Air Force.

Operations and International Law Directorate



Air Force Chief of Staff meets with People's Liberation Army Air Force Commander in Beijing (USAF photo/Scott M. Ash). The MOU negotiated with direct involvement of Air Force JAG Corps members provides an unprecedented legal framework for air engagements with China

Throughout 2015, members of the Operations and International Law Directorate (JAO), including Lieutenant Colonel Robert Jarman, supported a Department of Defense Policy team negotiating an Air-to-Air Encounters annex to an overarching Memorandum of Understanding (MOU) on Rules of Behavior for Safety of Air and Maritime Encounters between the Department of Defense and the People's Republic of China Ministry of National Defense. JAO was working with little or no legal precedent to draw from in crafting the agreement. JAO supported each round of negotiation and advised on all aspects of

the proceedings, which culminated in President Obama's announcement of the conclusion of the "Rules of Behavior for Safety of Air-to-Air Encounters" during his September 2015 Summit with President Xi Jinping.

JAO was also selected to serve as the point of contact for the Secretary of Defense tasking to examine the U.S. civilian casualty policy and guidance following the tragic incident in Afghanistan involving the Doctors without Borders medical facility in Kunduz. This effort, which is expected to last through the remainder of the year, will entail a comprehensive review of relevant policies, tactical directives, and rules of engagement (ROE). This review will examine conflicting or confusing directives to ensure they provide appropriate guidance for mission accomplishment, including the prevention of civilian casualties in the complex, changing operational environment. JAO members also actively participate in weekly meetings hosted by the Under Secretary of Defense for Policy to bring representatives from the Department of State and the Department of Defense together to



Lt Gen Heithold, Air Force Special Operations Commander, pins the Bronze Star Medal on Capt Jo Philips of Cannon AFB, NM. Capt Philips also earned the Purple Heart for injuries he suffered from a Vehicle-borne Improvised Explosive Device during his deployment to Afghanistan.

develop and coordinate a strategy and policy governing the development, testing and approvals of Lethal Autonomous Weapons. These meetings focused on preparation for a series of meetings with the National Security Council Staff and various members of the international community and non-governmental organizations.

Administrative Law Directorate

The Administrative Law Directorate (JAA) provides legal advice and assistance to the Air Staff; elements of the Secretariat including the Personnel Council, the Board for Correction of Military Records, and the Discharge Review Board; the Inspector General; and command and staff judge advocates on matters relating to the organization, administration, operation, personnel, and functions of the Air Force. This past year, JAA provided the subject matter expertise on a number of significant and high profile issues.

JAA continued to lead the Secretary of the Air Force's number one total force initiative: coordinating a legislative proposal to allow Active Guard Reserve members (AGR) and military technicians to train regular component and foreign military members as a primary duty. The numbers of aircraft and pilots in the Department of the Air Force have shrunk to the point that the regular component cannot support all operational and training missions on its own without significant, full-time involvement and support from the Guard and Reserve. This legislative proposal would facilitate that involvement, moving the Guard and Reserve closer to becoming true "Total Force" operational partners. The Senate Armed Services Committee included a one-year authorization in the FY16 NDAA.



JAG Corps members celebrating their swearing in to the U.S. Supreme Court Bar earlier this year with Chief Justice Roberts. Chief Justice Roberts noted that he is the 17th Chief Justice of the Supreme Court and Gen Burne is the 17th Air Force Judge Advocate General.

JAA provided direct legal support, in conjunction with the offices of the General Counsel and Chief Chaplain, in creating a new Air Force Instruction: AFI 52-201, *Accommodation of Religious Practices*. It establishes the process by which Airmen may request accommodation from a military policy, practice, or duty that places a burden on their ability to practice their sincerely held beliefs (conscience, moral principles, or religious beliefs). Creation of the instruction stemmed from direction of the Secretary of Defense to clarify and standardize guidelines for religious accommodations.

JAA provided direct legal support on efforts to migrate Air Force and DoD applications to the commercial cloud. Working with other Air Force components, DoD entities, and Federal Agencies, JAA identified 21 specific legal issues in the areas of cyber security, law enforcement, privacy, and records management that needed to be addressed when using the commercial cloud. JAA led a Defense Federal Acquisition Regulation (DFAR) committee, acting as the subject matter expert, to develop a DFAR clause to address several of these issues in cloud contracts. The clause was published in the Code of Federal Regulations (CFR) as an Interim Rule on 26 August 2015.

Community Legal Services Directorate

The Community Legal Services Directorate (CLS) is comprised of three Divisions, which provide eligible clients with one-on-one attorney representation on a diverse range of legal issues. This includes the Office of Airmen's Counsel (CLSA), Community Legal Issues Division (CLSL), and Special Victims' Counsel Division (CLSV).

The Office of Airmen's Counsel Division (OAC)

The OAC provides professional, candid, and independent counsel to Airmen throughout the Integrated Disability Evaluation System (IDES) and Legacy Disability Evaluation System (LDES). Its ten attorneys and five paralegals assist Airmen throughout the process and advise them on the legal and practical implications of various decisions they make. Ultimately, the representation culminates in a physical appearance, with counsel, in front of the Formal Physical Evaluation Board (FPEB) should the Airmen choose to do so. Thereafter, OAC helps clients to prepare appeals to the Secretary of the Air Force Personnel Council (SAF PC) and submit matters for Veterans Affairs (VA) Ratings Reconsiderations. In 2015, the OAC represented over 1,700 Airmen undergoing military disability evaluation processing. Of those, 763 clients were represented by OAC counsel at a formal board hearing. Following the FPEB results, the OAC assisted clients in submitting 220 SAF PC appeals, and 150 VA reconsideration requests.



SSgt August O'Neill, an above the knee amputee from combat wounds sustained in Afghanistan, wearing medals he won while competing in the 2014 Warrior Games. Through the assistance of the OAC, he was returned to duty as a Pararescueman.

In 2015, the OAC utilized over 850 Air Reserve Component (ARC) mandays to mitigate the Judge Advocate turnover within the office and prevent a backlog in the hearing of cases. The increase in ARC support led to additional focus on ARC case processing, thereby helping the Air Force Personnel Center (AFPC) and Air Reserve Personnel Center (ARPC) resolve and prevent common errors within ARC processing of IDES and Fit/Unfit for service cases. Through increased outreach, the OAC strengthened

base level MEB processes, which allowed Airmen to ask for OAC representation earlier. This focus on early client interaction led to increased efficiencies in processing individual cases through the IDES and, specifically the FPEB process.

Special Victims' Counsel (CLSV)

The Special Victims' Counsel (SVC) Program, which provides independent counsel to victims of sexual assault, will increase to a total of 45 SVCs at 42 locations and 26 Special Victims' Paralegals (SVP) by the summer of 2016. The SVC Program expanded its mid-level leadership to include six (6) O-4 Senior SVC (SSVC) billets, an O-5 Deputy Chief billet was created and filled to enhance supervision of both the SVCs and SSVCs, and an O-5 Individual Mobilization Augmentee was activated for a three-year extended active duty tour to lead the Air Force's appellate practice and program outreach.



At the end of CY15, the current SVC program caseload was 1,007 active clients, of which 54 are children ranging from five to 17 years old. In CY15, SVCs appeared in 156 courts-martial and 168 Preliminary Hearings, filing 127 motions and arguing 122 motions on behalf of their clients. In CY15, SVCs represented clients in 600 interviews with investigators, defense counsel, and trial counsel. Anonymous surveys show that 90% of victims were extremely satisfied with their SVC and 99% of victims would recommend others to have an SVC.

Notably during the past year, AF SVCs became actively involved in the appellate rights of their clients in both the trial and post-trial phases. The SVC Program filed numerous briefs on behalf of their clients at the Courts of Criminal Appeals as well as the Court of Appeals for the Armed Forces, either as a Real Party in Interest or as an *amicus curiae*. In one case, an Air Force SVC represented an Air Force client in a Marine Corps court-martial and filed an extraordinary writ in the Navy-Marine Corps Court of Criminal Appeals. After an adverse ruling at the NMCCA, the SVC obtained certiorari and orally argued at the Court of Appeals for the Armed Forces. Additionally, the SVC Program was an active participant in several Department of Defense level working groups and initiatives to include the "CATCH" Program, the Retaliation Working Group and the Joint Service Committee's Report on Extending SVC Representation.

Community Legal Issues Division (CLSL)

The Air Force Legal Assistance and Tax Assistance Programs proudly continue their successful collaboration with the American Bar Association's Standing Committee on Legal Assistance for Military Personnel (LAMP) and the Tax Section, delivering phenomenal support for Airmen and their families. Last year, Air Force legal assistance practitioners supported nearly 200,000 clients annually in addition to filing 40,000 free tax returns for Airmen and military retirees, saving them over \$18 million dollars. Through Operation Stand-By, volunteer attorneys recruited by the ABA provided expert advice on myriad complex legal issues to help Air Force judge advocates further serve the needs of their service member clients. Leveraging



The 81st Training Wing Office of the Staff Judge Advocate receives the 2015 LAMP Distinguished Service Award.

civilian tax law expertise, the ABA's Adopt-A-Base Program teamed with 12 Air Force legal offices to help train service members to prepare free tax returns through the Internal Revenue Service's Volunteer Income Tax Assistance program. Additionally, CLSL and the LAMP committee's Military Pro Bono Project partnered to provide pro bono legal services to over 42 junior enlisted service members since the beginning of 2015, saving an additional \$250,000 in legal fees. The Military Pro Bono Project teamed with the 379th Air Expeditionary Wing legal office at Al Udeid Air Base, Qatar to place six cases of deployed Airmen with volunteer attorneys. At this base alone, the Project's support saved one client \$12,000 in improperly held rent, returned another member \$31,000 in a fraudulent car sale, and overturned a default judgment in a civil case. In honor of these exceptional achievements, the legal office was "coined" by the Wing Commander in front of the 33 commanders and first sergeants, underscoring how this enduring partnership helps take care of deployed service members and their families, allowing them to focus on the mission.

The Judge Advocate General's School

The Judge Advocate General's School (JAG School), located at Maxwell Air Force Base, Alabama, is the educational hub of the Air Force JAG Corps. JAG School faculty directed and taught 80 JAG School resident and distance learning courses over the last year, reaching more than 2,600 students. In addition, JAG School instructors taught at Air University centers and schools and other courses throughout the Department of Defense, totaling 229 events, 1,407 faculty hours, and instructing more than 16,000 students.



Judge Advocate Staff Officer Course students work the grill for classmates

While most of the JAG School's resident courses were held in the Dickinson Law Center on Maxwell Air Force Base, many courses were at regional sites throughout the United States and the world. There were eight offerings of the TRIALS program—Training by Reservists in Advocacy and Litigation Skills—at seven bases in the Continental United States plus a program in Germany. Additionally, JAG School faculty taught four offerings of the Intermediate Sexual Assault Litigation Course at bases in Europe and the United States. The Annual Survey of the Law—the JAG School's largest and most complex course—was held again this year in Chicago, providing required legal training to more than 550 Air Force Reserve and Air National Guard judge advocates and paralegals.



DJAG speaking with students in the Paralegal Apprentices Course

New course offerings at the JAG School in the past year included four offerings of the Senior Enlisted Legal Orientation, where Air Force command chief master sergeants are trained in legal issues they are likely to encounter. This course ensures the Air Force senior enlisted leaders receive a similar legal orientation to what the group and wing commanders receive in the Senior Officer Legal Orientation. The JAG School also hosted a new legal assistance course this year. This five-day course instructed students on a range of topics including family law, estate planning and legal assistance for victims of crimes.

The JAG School maintains a robust publication schedule. This year, the JAG School published three editions of the Air Force Law Review and four print editions of The Reporter, a quarterly legal professionals' magazine published in hard copy and web-based formats. The Reporter was recognized as the best web-based publication in the Air Force and finished third place in the Department of Defense-wide competition for web-based publications.



The Air Force Court of Criminal Appeals

The Air Force Court of Criminal Appeals has jurisdiction over (1) all trials by court-martial where the sentence includes confinement for 12 months or longer, a punitive discharge, dismissal of a commissioned officer or cadet, or death; (2) all cases forwarded to the Court for review by TJAG under Article 69(d), UCMJ; (3) certain Government appeals of orders or rulings of military trial judges that terminate proceedings, exclude evidence, or concerning the disclosure of classified information, pursuant to Article 62(a), UCMJ; (4) petitions for new trial referred to the Court by TJAG, pursuant to Article 73, UCMJ; and (5) petitions for extraordinary relief under the All Writs Act, 28 U.S.C. § 1651.

The Court holds oral argument when either the appellant or appellee requests it or sua sponte. Over the past year, the Court held oral arguments at two law schools as part of the Court's Project Outreach. In February of 2015 an oral argument was held at the George Washington School of Law. Law student members of the law school's Military Law Society participated in the arguments as amici curiae. In April 2016, the Court traveled to New York City, NY, for an oral argument at Fordham University School of Law.



TJAG and Judges of the Air Force Court of Criminal Appeals at an investiture ceremony

The Trial Judiciary



*Participants in a mock trial inside the Offutt AFB, NE, Courtroom
(USAF photo/Delanie Stafford)*

This past year, Trial Judiciary Directorate (JAT) military judges presided over 571 courts-martial and 115 pretrial hearings worldwide. JAT developed and hosted the first-ever Air Force-specific training for its trial judges. All Air Force trial judges participated in the 3-day event, which included tailored instruction on new statutes and rules related to sexual offenses, sentencing

considerations, digital evidence, and victim's rights. Additionally, the Chief Trial Judge published new Rules of Practice Before Air Force Courts-Martial. The updated rules fundamentally changed the service's docketing procedures by providing judges and parties more flexibility to determine trial dates and allowed each Circuit to try more cases in a shorter period of time. The new rules also addressed changes in the law regarding Special Victims' Counsel as well as courtroom decorum.

Judiciary Directorate

The Judiciary Directorate (JAJ) is responsible for the administration of military justice across the Air Force, and performs its mission through five divisions: Military Justice, Government Trial and Appellate Counsel, Trial Defense, Appellate Defense and Clemency, Corrections and Officer Review.

In 2015, TJAG directed an organizational realignment and geographic consolidation of key trial participants, including military judges, senior trial counsel, senior defense counsel, and senior special victims' counsel, into judicial circuits. This realignment ensures the most agile, innovative, effective, and efficient system. The JAG Corps reestablished the circuit structure to provide a better opportunity for our most senior and seasoned military justice practitioners to mentor and improve through constant interaction and collaboration outside the courtroom setting. The five circuit offices are dispersed at five geographically-advantageous locations worldwide at Ramstein AB, Germany; Joint Base Langley-Eustis, Virginia; Joint Base San Antonio-Randolph, Texas; Travis AFB, California; and Kadena AB, Japan. All five circuit locations will reach full operational capacity with assigned personnel at the end of the summer 2016 assignment cycle.

Clemency, Corrections, and Officer Review Division (JAJR)

The Clemency, Corrections and Officer Review Division (JAJR) serves as TJAG's representative on the Air Force Clemency and Parole Board. This board reviews cases of long-term prisoners, i.e., those with approved sentences of one year or more, for consideration of clemency, parole, and mandatory supervised release.

Military Justice Division (JAJM)

The Military Justice Division (JAJM) supports the field in military justice matters and drafts and implements Air Force military justice policy. In 2015, JAJM's Relief and Inquiries Branch answered 53 high-level inquiries from the White House, members of Congress, and the Secretary of the Air Force. JAJM action officers reviewed 62 applications to the Air Force Board for Correction of Military Records (BCMR) on military justice issues, providing the BCMR with an evaluation of each case, including an interpretation of each request, an opinion regarding each applicant's contentions, and recommendations for disposition. The Division performed 31 post-trial reviews for TJAG under Article 69(a), Uniform Code of Military Justice (UCMJ), and reviewed five applications for relief under Article 69(b), UCMJ. JAJM reviewed legislative proposals impacting military justice and programs to support victims of crime, including the Air Force Special Victims' Counsel and Sexual Assault Prevention and Response programs. It supported the Judicial Proceedings Panel (JPP) and the Military Justice Review Group (MJRG) by organizing the testimony of requested witnesses and responding to requests for information. JAJM provided over 150,000 pages of documents from over 300 courts-martial to the JPP to assist in analyzing the military justice system. It also coordinated and responded to the JPP's first annual report, and provided briefings regarding that report to Air Force and JAG Corps senior leadership. JAJM also provided briefings to senior leaders regarding the impact of 66 legislative proposals made in a 1300-page MJRG report. JAJM personnel represented the Air Force on the Department of Defense Joint Services Committee on Military Justice, as well as in interservice military justice activities.



Major Wes Braun, far left, representing the Air Force on the Joint Service Committee on Military Justice, meeting in the U.S. Court of Appeals for the Armed Forces Courtroom

Trial Defense Division (JAJD)

The 187 defense counsel and paralegals of JAJD continued to build on their now 41 year legacy of independent defense services by providing zealous, ethical, and professional representation to more than 23,000 Airmen in 571 courts-martial, 4,330 nonjudicial punishment actions, and more than 4,500 administrative discharge actions, at 69 worldwide operating locations. Additionally, Air Force Defenders continued their advocacy on behalf of Airmen everywhere through their professional writing and testimony before congressionally appointed boards. Their efforts continued a tradition of JAJD team members advocating for a fair system of justice that protects the rights of all Airmen, including those accused of crimes.



JAJM Associate Chief John Hartsell (center) testified before the Judicial Proceedings Panel

The Government Trial and Appellate Counsel Division (JAJG)

Between 1 January 2015 and 31 May 2016, Senior Trial Counsel (STC) assigned to JAJG sat as lead counsel on the Air Force's highest profile cases, including 185 cases that involved sexual offenses. In *US v. Chambers*, one of our Special Victims Unit Senior Trial Counsel (SVU-STC) led a trial team to a conviction, 50 years of confinement and a dishonorable discharge for an accused who sexually abused his younger sister and enticed other young girls to produce pornographic images for him. In this case, the SVU-STC's experience and dedication made the difference as her personal interview with the accused's 12-year-old sister led to the discovery of additional evidence that perfected the charges against the accused. In *U.S. v. Paulus*, early involvement by another SVU-STC allowed for coordination of a massive case involving over 40 witnesses and 3 sexual assault victims at Spangdahlem Air Base, Germany. At a fully litigated trial, the SVU-STC-led prosecution earned convictions on all charges, 29 years of confinement and a dishonorable discharge for the accused's crimes against three German nationals. In yet another significant case, an SVU-STC earned the trust of an accused Senior Non-Commissioned Officer's sexually-victimized daughter, which allowed charges to be brought to court-martial. With the trial team delving into complex evidence while acting with appropriate sensitivity toward the victim in the case, the court-martial ultimately resulted in a guilty plea and 50 years of confinement and a dishonorable discharge for the accused.

Appellate government counsel with JAJG vigorously advocated for the government's position, which resulted in positive outcomes for criminal prosecutions across the armed services. In *U.S. v. Katso*, appellate government counsel successfully persuaded the U.S. Court of Appeals for the Armed Forces (CAAF) that the Department of Defense's program for analyzing and processing DNA specimens in criminal cases was constitutional. Then, our appellate government counsel worked closely with the Solicitor General in the same case by drafting and improving the government's winning brief, which convinced the U.S. Supreme Court to deny the defense petition for certiorari, thereby ensuring the military's DNA program was legally unassailable. In *U.S. v. Piolunek*, Air Force appellate government counsel convinced CAAF that its child pornography precedent in an Army case, *U.S. v. Barberi*, from just 3 years prior, should be overturned, enabling more efficient prosecution of child pornography to resume across the services.

Appellate Defense Division (JAJA)

JAJA carries out the statutory duty of The Judge Advocate General to provide representation for Airmen at all stages of the criminal appellate process. In addition to representing appellants before the Air Force Court of Criminal Appeals (AFCCA), the U.S. Court of Appeals for the Armed Forces (CAAF), and the U.S. Supreme Court, Appellate counsel also provide military justice expertise to judge advocates in the field to develop strategy and tactics in cases tried throughout the Air Force.

The Division's advocacy in front of AFCCA and CAAF led to many high-impact and potentially far-reaching opinions favorable to Air Force appellants as well as to the defense bar in general. Among these are *U.S. v. Guitierrez* (holding that in cases involving unprotected sex by HIV positive personnel, the focus is on the likelihood of the actual transmission; CAAF overturned eight convictions for aggravated assault) and *U.S. v. Solis* (AFCCA held that evidence admitted for the limited purpose of corroboration must still meet the rules of evidence and confrontation).

Civil Law and Litigation Directorate

Civil Law and Litigation Directorate (JAC)

The Civil Law and Litigation Directorate (JAC) defends Air Force interests in civil litigation, excluding contract litigation, in various forums, including local, state, federal administrative bodies, federal district courts, the U.S. Court of Federal Claims, and federal appellate courts. JAC includes three divisions: Claims and Tort Litigation (JACC), General Litigation (JACL), and Environmental Law and Litigation (JACE).

Claims and Tort Litigation Division (JACC)

The Claims and Tort Litigation Division provides world-class advice, adjudication, and advocacy in its many areas of practice: general torts, Claims Service Center, Accident Investigation Boards, aviation and admiralty, foreign claims, and medical law. The Medical Cost Reimbursement Program (MCRP) oversees the recoupment of the cost of medical care rendered to Air Force beneficiaries (active duty, retired members, and their eligible dependents) as a result of injuries or illnesses caused by third parties.

Amounts recovered are returned directly to the medical treatment facility (MTF) that rendered the care, or to the Defense Healthcare Agency (DHA) (formerly TRICARE) if the covered care was provided by a civilian facility. Last fiscal year, \$23 million was collected and returned to MTFs and DHA by the MCRP. In light of MCRP's successful collections each year since its inception, the MCRP added five new positions at Lackland, Nellis, Eglin, Langley, and Travis Air Force Bases, the five busiest regions.



The da Vinci® Si™ Surgical System (photo is from Merit Health Biloxi's Robotic Surgery Center Homepage)

In the past year, Air Force Medical Law Consultants (MLCs) negotiated hundreds of training and resource sharing agreements with civilian medical facilities enabling the Air Force to partner with those facilities in maintaining providers' skills and giving DoD beneficiaries access to state-of-the-art treatment. Most noteworthy were two agreements that permitted an Air Force colorectal surgeon to use a civilian facility's state-of-the-art da Vinci® Si™ Surgical System, which gave DoD beneficiaries access to highly specialized medical care and resulted in the provider being named the highest volume robotic colorectal surgeon in the country.

The Department of Defense and Department of Veterans Affairs (VA) have a long history of sharing resources, particularly those affecting health care. Over the last year, there has been a renewed focus on resource-sharing agreements between the two departments in an effort to improve access to quality care. Air Force MLCs are at the forefront of this push, playing a vital role in negotiating resource-sharing agreements between Air Force medical treatment facilities and VA hospitals. Last year, one such agreement resulted in a 55% increase in patient capacity for veterans and their families and earned the Air Force \$8 million.

General Litigation Division (JACL)

The General Litigation Division has over 700 cases remaining open with almost \$160 million at risk. The Labor Law Field Support Center (LLFSC), Military Personnel Branch, and Information Litigation Branch successfully defended the Air Force in over 250 cases before the Equal Employment Opportunity Commission, the Merit Systems Protection Board (MSPB), the Federal Labor Relations Authority, U.S. District Courts and U.S. Appeals Courts. The Secretary of Defense furloughed most civilian employees within the DOD as a result of the initial sequester in 2013. The LLFSC was responsible for the defense of over 2,400 civilian appeals of the furlough with over \$62 million at risk. In 2014, the LLFSC closed 1,300 appeals. From January 2015 to the present, the LLFSC closed the remaining 1130 appeals. The MSPB upheld the furloughs in all of the appeals, earning the division a 100% success rate in these cases.

The Labor Relations Branch continues to successfully defend against lawsuits for unpaid overtime under the Fair Labor Standards Act (FLSA). Law suits at Holloman and Pope AFBs are currently in arbitration with approximately \$95 million at risk. The Labor Relations Branch attorneys defended the Air Force at 12 hearings from January 2015 through May 2016.

Environmental Law and Litigation Division (JACE)

The Environmental Law and Litigation Division works to preserve and protect air, land, and other precious natural and cultural resources central to the successful performance of the Air Force Mission. JACE helps Air Force clients comply with environmental laws, seeks resolutions of environmental issues impacting the mission, and defends the Air Force against legal challenges that threaten mission accomplishment. JACE was instrumental in navigating the Air Force through an extensive three-



An F-35 flies high over an Alaskan mountain range

year National Environmental Policy Act (NEPA) basing decision for the F-35A, a 5th Generation fighter combining advanced stealth with fighter speed and agility. The analysis culminated in the selection of Eielson Air Force Base, Alaska, as the first operational overseas location for the F-35A Joint Strike Fighter program. This decision was critical in supporting the President's need to counter threats arising in the Pacific region and support future significant peacekeeping requirements or conflicts that may occur in the Pacific. To that end, basing two F-35A squadrons and 54 aircraft at Eielson AFB were analyzed to minimize environmental impacts.

Acquisition Law and Litigation Directorate

The Acquisition Law and Litigation Directorate (JAQ) serves as the strategic level headquarters element supporting the Air Force in its pursuit of acquisition excellence. JAQ is TJAG's lead in supporting the Air Force's acquisition workforce and Air Force senior leaders' acquisition goals. JAQ provides acquisition advice to TJAG, the Air Staff, and to the Secretariat, as well as overseeing all Air Force commercial litigation.



Capt Michael Merrell (front left), Joint Base McGuire-Dix-Lakehurst, NJ, and Capt Ian Jaquish (back left), Joint Base Andrews, MD, work with one of the many contracting officers participating in the Operational Contract Support Joint Exercise (OCSJX-16)

In 2015 and early 2016, JAQ, in collaboration with Air Force trial attorneys and SAF/GC acquisition counsel, oversaw multiple complex litigation efforts, including the successful defense of the Boeing Company's GAO protest that challenged award of the Air Force's new Long Range Strike Bomber program. JAQ, in conjunction with SAF/GCQ and the Department of Justice, oversaw the successful defense of the Air Force's corrective action taken in an \$80 million acquisition for a new expeditionary long-range radar. JAQ continued to educate the acquisition

workforce, including legal professionals and members of the acquisition community. JAQ implemented a Lessons-Learned Program to systematically gather and share acquisition law lessons learned, and has published eight lessons learned narratives on the DoD Joint Lessons-Learned Information System. JAQ also began developing acquisition law core competencies and courses of action to better educate and train the JAG Corps in acquisition law. JAQ also prepared senior leaders and commanders to manage acquisition issues by providing training on acquisition matters during the Senior Officer Leader Orientation (SOLO) course. Lastly, JAQ prepared Air Force senior leaders testifying before the House Armed Services Committee by analyzing changes to major defense acquisition programs under the 2016 National Defense Authorization Act.

Commercial Litigation Field Support Center (JAQC)

The Commercial Litigation Field Support Center (JAQC) trial attorneys defended and resolved 385 bid protests at the Government Accountability Office and the Court of Federal Claims, representing over \$46 billion in vital procurement funds for the Air Force, U.S. Transportation Command, and U.S. Special Operations Command. JAQC resolved 42 contract claims at the Armed Services Board of Contract Appeals representing a total of \$245 million in potential liability and defended an additional 54 ongoing claims with a total value of over \$631 million in potential liability.

Contract Law Field Support Center (JAQK)



Lt Col Justin Silverman (center), Staff Judge Advocate, Air Force Office of Scientific Research, talking with two members of the Expeditionary Contracting Squadron (ECONS) during OCSJX-16

The Contract Law Field Support Center (JAQK) provided vital support to Air Force and joint acquisition efforts. Of particular note, JAQK formally stood up the Contingency Contracting Branch and expanded its role in the Operational Contract Support Joint Exercise 2016 (OCSJX-16). JAQK's new instructor role in OCSJX16 fills a gap in services to the acquisition attorneys supporting contingency operations across the globe. JAQK developed scenarios designed to test attorney participants' abilities to identify and resolve contingency contracting, fiscal law, ethics,

administrative law, military justice and operational law issues. JAQK also provided program attorney support for \$1.8 billion worth of large acquisitions. One such procurement was a \$950 million Architect-Engineer Design and Construction Services contract for the design and construction oversight of Military Construction, Military Family Housing, and Sustainment, Restoration, and Modernization programs at Air Force installations. JAQK also contributed to 241 administrative actions (including 18 suspensions and 100 debarments) and the recovery of approximately \$24 million for the Air Force.

Legal Information Services Directorate

The Legal Information Services Directorate (JAS) is the DoD executive agent for the Federal Legal Information Through Electronics (FLITE) system. It provides a broad range of information technology solutions to the Air Force and DoD legal communities that enhances case, knowledge, and content management while encouraging collaboration, and facilitating decision-making dominance.

In May 2016, JAS, in collaboration with JAJM, added a new feature to the Air Force Judge Advocate General's public website to increase transparency of the military justice system. In addition to posting a docket with information about courts-martial as they are scheduled for trial, the website now also posts courts-martial results. JAS' changes to the Automated Military Justice Analysis & Management System (AMJAMS) enable the system to push courts-martial results following trial to the website.

This past year, JAS partnered with the Air Force Judge Advocate General's School to launch an upgraded learning management system the School has named CAMPUS. The School began using CAMPUS in January 2016 for in-residence course requirements. Subsequent releases incorporated distance-learning needs to include on-demand training, online instructor facilitated courses, and previously recorded instructional webcasts. JAS also added an access feature to CAMPUS, allowing Sister Service and other DoD students with a DoD identification card to enroll in courses and access substantive materials.

In September 2015, JAS, working with the Special Victims' Counsel Division, facilitated contract award for the design, development, and implementation of a case manager for Special Victims Counsel and Paralegals to track, work, and report on sexual assault cases. Completing the design work in early 2016, contractor development followed, with initial rollout and testing of the developed program targeted for June 2016.

U.S. Air Force Academy

The U.S. Air Force Academy legal office designed and published the Air Force Academy Sexual Assault Prevention and Response (SAPR) Guide, a unique tool across the Air Force. The Guide enables commanders and critical support agencies to quickly and efficiently vector holistic support to sexual assault victims. The Guide also provides initial legal guidance regarding likely sexual assault situations in a university environment, enabling uniform and comprehensive initial command action



Cadet launching a small hand-launched remote-controlled UAS

taking into account law enforcement and victim care concerns alike. The Guide was recognized by the Department of Defense as an office “Best Practice” – one of few such determinations across the Department, and was later distributed as a model across the Air Force and to other Military Service Academies. The Guide is linked to every USAFA computer through a unique Helping Agencies desktop icon, which provides immediate access to every Airman on base.

The demands on the Air Force, and the Air Force Academy, to develop leaders who specialize in unmanned aerial surveillance (UAS) has grown exponentially, so that future military leaders can conduct operations across the globe. This demanded a new core competency in the Academy Legal Office—advising on Academy UAS operations, research and development and training in an academic environment. UAS law balances critical privacy and safety concerns with operational needs to support the war effort, from personnel protection to force projection. The Academy legal office assisted with establishing guidance and a management directorate to facilitate compliance with legal and regulatory requirements. The USAF Academy, and the USAF Academy Legal Office, are on the cutting edge of UAS operations, law, and policy.

MAJOR COMMANDS

Legal offices generally operate at two levels—wing or base level and higher headquarters. There are about 90 offices operating at the wing level; ranging from 10 or fewer personnel up to 60. Higher headquarters legal offices are located at the Numbered Air Forces (NAFs) and Major Commands (MAJCOMs). In addition to supporting their commanders, these higher headquarters offices exercise professional supervision over subordinate legal offices.

Air Combat Command



*Cyber Airmen from the 24th Air Force at
Joint Base San Antonio-Lackland, TX*

Air Combat Command (ACC) legal professionals provide support to America’s combat air forces. ACC is the lead agent responsible for organizing, training, equipping and maintaining combat-ready forces for rapid deployment and employment, while ensuring strategic air defense forces are ready to meet the challenges of peacetime air sovereignty and wartime air defense. ACC tackled many diverse issues this year.

Air Education and Training Command

Air Education and Training Command (AETC) legal offices had another outstanding year. AETC hosted an Industry Immersion at JB-SA-Randolph on 4 September 2015. During the event, AETC provided industry the opportunity to engage with the AETC Commander and other Air Force representatives about ideas, plans, and concepts for a next generation trainer. While allowing for dialogue between Air Force leaders and industry, which is key to leveraging cutting-edge ideas and technology in aerospace engineering, this meticulously

planned event ensured equal contractor access to Air Force officials, thereby preserving the integrity of the procurement process in fact and in appearance.

In April 2016, AETC presented an innovative MAJCOM-level Status of Discipline meeting with all AETC commanders at the wing level or higher. The AETC Status of Discipline featured command-wide data on sexual assault prosecutions, discussion of increased congressional and social media scrutiny of administrative and disciplinary actions, and several case spotlights for commanders to share their experiences addressing challenging military justice issues.



The Luke AFB legal office was recognized by Arizona Business Magazine as the "In-House Legal Department of the Year"

In April 2016, AETC/JA presented a highly informative VTC on Accident Investigation Board procedures for all AETC SJAs and staff. Accident investigations have come under increasing scrutiny in AETC due to AETC participation in the training of international students in aircraft flying and technical support operations. The VTC produced innovative ideas and best practices based upon actual lessons learned in conducting these legal investigations.

Air Force Global Strike Command

Air Force Global Strike Command (AFGSC) is charged with providing strategic deterrence, global strike and combat support to our Nation. AFGSC stood up in August 2009 and in 2015, AFGSC continued to undergo numerous changes as the Command evolved to fully embrace this mission. First, the Secretary of the Air Force and the Chief of Staff of the Air Force recognized Nuclear Command, Control, and Communication (NC3) as a weapons system and designated AFGSC as the Air Force lead for this system. In July 2015, General Robin Rand took command of AFGSC, making it a 4-star command, and in October, the Command added two new bases to 8th Air Force (Dyess AFB, TX; and Ellsworth AFB, SD) and one to 20th Air Force (Kirtland AFB, NM). This transfer united all Air Force bomber assets, nuclear and conventional, under a single command and expanded the size of the Command by over 35%. By October 2015, there were 240 legal "Strikers" in the Command: 108 judge advocates, 96 paralegals, and 36 civilians.

Legal Strikers were deeply involved in all aspects of the AFGSC mission, from advising on acquisitions such as the Long Range Strike Bomber (LRSB) and Ground Based Strategic Deterrent (GBSD) to creating standardized training for nuclear convoy operations to working with USSTRATCOM and JCS legal advisors to evaluate the policy issues related to countering threats from unmanned aerial vehicles (UAV). Strikers successfully



JAG Corps members and family at Barksdale AFB, LA, welcome Maj Maxwell (Shane) Smart home from deployment

completed 19 deployments and 8 AF/JA entered into a memorandum of agreement with STRATCOM/JA to establish new shared responsibilities for legal support to Joint Forces Component Command. Strikers are ready to "Deter...Assure...Strike!"

Air Force Material Command

The AFMC Law Office Procurement Fraud Division (AFMCLO/JAF) safeguards the integrity of AFMC's procurement process by partnering with the Air Force Office of Special Investigations, program and contracting offices, and the Department of Justice in aggressively pursuing fraudulent contractors, returning taxpayer dollars to the Government, and working to eliminate safety threats to our nation's Warfighters. In the last eighteen months this award-winning division aggressively enhanced acquisition integrity by successfully securing seven contractor suspensions and 24 debarments. During this same period, the Procurement Fraud Program recovered a total of \$103million on AF contracts; returned \$13million in value to AFMC with the remainder to the U.S. Treasury.



AFMC attorneys provided hands-on legal advice to the Long Range Strike Bomber Program Office in support of an \$80 billion classified weapon system program, which directly led to the successful completion of a \$40 billion source selection. Counsel advised on the Air Force's number one acquisition priority; they ensured a top quality source selection and assisted in the development of a 40-plus key milestone document approved by the Milestone Decision Authority. In response to a protest filed before the Government Accountability Office (GAO), AFMC program counsel served as members of the Air Force's protest litigation team. They thoroughly dissected the protest allegations, compelled early dismissal of multiple protest grounds, overcame the protester's litigation strategy and limited further litigation exposure. Their mastery of the source selection record so clearly conveyed the procurement process it avoided the need for a time-consuming hearing and led to a resounding protest denial at GAO.

Air Force Space Command

The Air Force Space Command (AFSPC) legal professionals are responsible for supporting the provision of military-focused space and cyberspace capabilities with a global perspective to the joint warfighting team. Exploding smart phone usage nationwide heightened the need to search for wireless radio frequency spectrum, with a Presidential directive for Federal users to share the use of their spectrum frequencies. When cell phone carriers sought opportunities to operate in the same spectrum used by Air Force satellite earth stations, AFSPC collaborated on language to craft a frequency-sharing license. It defined "harmful interference" for the first time, consistent with a statutory mandate to protect Federal uses. The resulting license ensures the use of critical military satellites will continue without interference, and taxpayers will not shoulder the bill if cell phone carriers discover their interference mitigation measures are ineffective.



An unarmed LGM-30G Minuteman III ICBM test launch earlier this year at Vandenberg FB, CA. (USAF Photo/Michael Peterson)

To focus Air Force cyber efforts on military-unique functions and to take advantage of the expertise, scalability, and agility of the commercial sector, the Air Force Space Command Commander, as the Air Force Cyber Core Function Lead, directed DOD's first-ever contract for commercial cloud e-mail and "collaboration" services [i.e., chat, VTCs, data-sharing, and Voice over Internet Protocol (VOIP)], to be used by AF organizations throughout the United States. With this goal in mind, AFSPC led a team, working with the contractor, to tailor its commercial license to satisfy military-unique requirements. The license now includes non-

disclosure agreements from all contractor employees with access to sensitive DOD data. The negotiated language highlights statutorily-mandated protections for various categories of Federal data. The DOD Commercial Cloud Pathfinder has begun implementation, with over 60,000 Air Force and Defense Logistics Agency users, scaling to half a million in CONUS, and with capacity to add Army, Navy and other DOD users at the election of those organizations. The negotiated language assures commanders their data is secure in the commercial cloud, and, given the apparent success of the Pathfinder, is likely to serve as a template for Federal Cloud contracts in the future.

Air Force Special Operations Command

Air Force Special Operations Command (AFSOC), headquartered at Hurlburt Field, Florida, provides special operations forces (SOF) for worldwide deployment and assignment to regional Combatant Commands. The AFSOC Legal Office delivers professional, candid, independent counsel to SOF Commanders worldwide. In 2015 and 2016, AFSOC's main focus continued to be on special operations to deter, disrupt, and defeat terrorist threats.

AFSOC judge advocates deployed in direct support of AFSOC operations. These attorneys provided advice relating to contract law, fiscal law, and international law. They also provided

necessary guidance on close air support, combat search and rescue, and combat operations. One of these attorneys was also assigned by his deployed commander to lead combat planning in addition to his legal duties. That attorney provided logistics planning for over 400 successful SOF combat missions. Candid environmental law advice was key to allowing permanent basing of ten additional CV-22s to operate at various AFSOC locations within the United States. The AFSOC Staff Judge Advocate led a Military Justice Solutions Summit to discuss how to improve processing time for AFSOC's significant criminal law workload and share best



Maj Monica Nussbaum, assigned to Cannon AFB, NM, deployed downrange



Capt Jo Philips, assigned to Cannon AFB, NM, deployed downrange

practices. Centered around a three-day workshop at Hurlburt Field, wing staff judge advocates, chiefs of Military Justice, and noncommissioned officers in charge of Justice from around the Command discussed processing efficiencies and proposed policy changes to increase efficiency.

Air Mobility Command

The Air Mobility Command (AMC) legal offices support a major command of more than 133,700 personnel that is responsible for worldwide cargo and passenger delivery, air refueling and aeromedical evacuation. The command also transports humanitarian supplies to hurricane, flood, and earthquake victims both at home and around the world.

In 2015, the 62nd Airlift Wing (Joint Base Lewis-McChord) legal office (62 AW/JA) led the Air Force's first Sexual Assault Legal Workshop. The workshop was highly regarded and resulted in the creation of similar workshops at other MAJCOMs. In April of this year, the 62 AW/JA office held their second annual workshop. The guest speaker was Maj Gen James Johnson, the Director of the Air Force Sexual Assault Prevention and Response Office. Maj Gen James Johnson spoke to 55 Team McChord commanders and first sergeants. Following his speech was an interactive breakout session, where a JAG and paralegal partnered together to work through a sexual assault fact pattern. It encouraged leaders to talk about what they might do in a given situation. The workshop received praise from those in attendance, including Maj Gen Johnson who said the workshop was a "phenomenal initiative" that "inspired much-needed dialogue."



An Assistant Staff Judge Advocate assigned to the 62 AW/JA leads a discussion at the Sexual Assault

Judge advocates and paralegals from Air Mobility Command, Eighteenth Air Force, and the Aviation and Admiralty Law Branch of the Claims and Tort Litigation Division collaborated on the Air Force's most complex Aircraft Investigation Board in over a decade. On 2 October 2015, a C-130J departing from Jalalabad Air Base, Afghanistan, crashed shortly after takeoff. Eleven people on board, a mix of active duty personnel and contractors employees from two countries, as well as three Afghan soldiers on the ground, were killed. The unique circumstances of the mishap required the investigation team to coordinate with two foreign governments, translate the report into three languages, brief 29 next-of-kin family members, and assist the Air Mobility Command Public Affairs Directorate in responding to numerous press inquiries. The investigation also ushered in a new standard for Major Command and Headquarters Air Force legal teams' collaborative efforts to achieve more timely, top quality investigation reports for public release and use in litigation, claims, disciplinary action, and adverse administrative action.

Pacific Air Forces

The Pacific Air Forces (PACAF) legal offices provide advice to a major command responsible for providing ready air and space power to promote U.S. interests in the Indo-Asia-Pacific region.



PACAF/JA support to Joint Indonesian Subject Matter Expert Exchange

The Yokota Air Base legal office collaborated with the 374th Medical Group and established a legal framework to create Yokota's first-ever Japanese Physician Observership Program (JPOP). Although medical care is available in the Tokyo area for almost any ailment, language barriers and lack of formal agreements with local hospitals can make it difficult to gain admittance for patients in emergency situations. Consequently, the medical staff looked for a way to break down those barriers and streamline the process for

admittance into local hospitals when necessary. The legal team met with medical staff and the civilian personnel office to create the JPOP. This program allows Japanese-licensed physicians to work at the local Military treatment facility (MTF), during which time they receive training on U.S. medical practices. The JPOP physicians are also able to assist the U.S. medical staff in coordinating patient issues with Japanese medical facilities. The program ultimately allows Air Force members to save lives and break down cultural barriers. The first year of the JPOP has been a huge success.

In May 2016, the Joint Base Elmendorf-Richardson (JBER) Legal Office launched an initiative to help qualified military members reach a successful divorce settlement via Alaska's Early Resolution Program (ERP). An attorney and paralegal partner together to help the client determine his or her goals, facilitate a negotiation between the client and the opposing party, and draft proposed settlement documents for the Court. Once an agreement is reached, JBER attorneys represent the military member in a limited capacity to facilitate the divorce in Alaska's Superior Court.

During May and June 2015, PACAF legal offices in Korea worked closely with commanders, Air Force medical professionals, and authorities at U.S. Forces Korea to respond to a sudden outbreak of Middle East Respiratory Syndrome (MERS), which infected scores of Korean nationals and killed more than 35 people across the country. From advising on legal authorities for quarantine and isolation, to installation security, host nation employment laws and U.S. obligations under the Status of Forces Agreement, judge advocates and paralegals helped guide U.S. Air Force leaders through a myriad of legal issues to ensure all Airmen and their family members were protected from the epidemic.

U.S. Air Forces in Europe / Air Forces Africa

As the Air Force's only MAJCOM responsible for supporting two combatant commands, the U.S. Air Forces in Europe and Air Forces Africa (USAFE-AFAFRICA) is fully engaged to respond to an ever-changing global dynamic.

In Africa, USAFE-AFAFRICA legal professionals worked diligently to ensure the proper agreements were in place to expand our capabilities on the continent while supporting the counter terrorism missions against Islamic State forces. To counter continued Russian aggression within the European theater, USAFE-AFAFRICA increased the operations tempo and operational JAGs provided advice on a daily basis. Operation ATLANTIC RESOLVE deployed numerous fighter aircraft to include F-15s, F-16s, A-10s, and F-22s into theater to train and exercise alongside our European allies. A robust exercise schedule further enforced the NATO alliance. Legal advice on \$300 million in contracting actions ensured the right goods and services were purchased with the correct funding for the intended purpose. The strategic message is clear: the United States is capable of real time global presence across the European theater to maintain the safety and sovereignty of our allies.



An F-15 Eagle taxis as an F-22 Raptor prepares for landing at Royal Air Force Lakenheath, England (USAF photo/TSgt Eric Burks)

In November 2015, USAFE-UK attorneys finalized negotiations and the United States signed an immigration memorandum of agreement with the United Kingdom Home Office that implemented sweeping changes. The agreement triggered Parliamentary legislation that became the first modification of immigration rules for U.S. Forces in over 40 years. The new legislation exempts spouses and most children of active duty members from immigration control and allows these dependents to move to the U.K. with the active duty member without requiring residence visas and biometrics collection. These changes will save the Department of Defense over \$3 million per year in fees.

Due to the security situation in Southern Turkey, the Department of State ordered the departure of U.S. citizens residing in certain Turkish provinces beginning March 2016. As a result, approximately 800 U.S. military dependents were forced into a short-notice departure from Incirlik Air Base and Izmir. USAFE-AFAFRICA lawyers advised the command on numerous immigration issues and application of the NATO Status of Forces



Seven C-17 Globemaster III aircraft parked at Spangdahlem AB, Germany (USAF photo/A1C Timothy Kim)

Agreement. Over 200 U.S. military dependents were school-aged children enrolled in a Department of Defense Education Activity school who needed to complete their school year, requiring the families to obtain temporary safe-haven status in Germany. Their presence in Germany for 90 days required significant coordination with the German Federal Police and the German Ministry of Finance to ensure

they could legally obtain the necessary logistical support during their stay.

Conclusion

Air and Joint Force commanders at all levels face increasingly complex legal and operational issues in carrying out military operations, and as legal wingmen, JAG Corps professionals stand at the ready to support them at every step. Our highly talented personnel, supported by JAG Corps, training and resources, ensure we are providing those services in an outstanding, comprehensive, and responsive manner. Relying on our guiding principles of *Wisdom, Valor and Justice*, the Air Force JAG Corps will tackle our current and future challenges in the delivery of legal services to advance the Air Force mission and strengthen our national security. JAG Corps lawyers, paralegals, and civilian support staff remain dedicated to providing world-class legal advice and services to commanders, Airmen, and their families.



The Air Force Judge Advocate General's Corps

"Charged with Excellence"



