

Spouse Connection Justice

The Reporter

Volume 36, Number 4

The Judge Advocate General's Corps

Service Above Self

Making A Difference

VANGUARD Leadership

Initiative

Family

JAG Corps

Wisdom

Valor

Make It Happen

Earn It

Excellence In All We Do

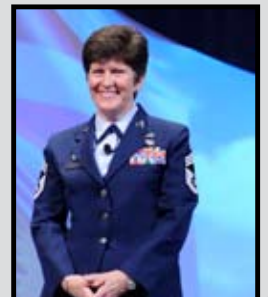
Our Corps

**Our
Contribution**

**KEYSTONE
Leadership
Summit
2009**

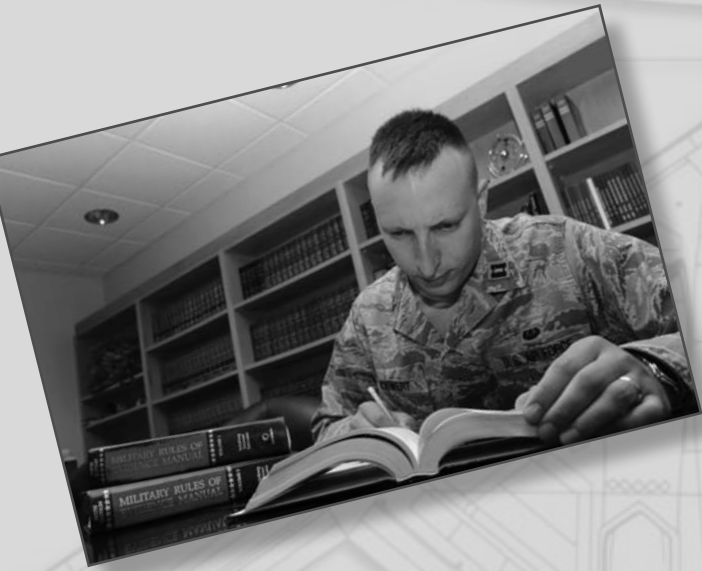
The Year In Review 2009

Speak The Truth



KEYSTONE 2009

Integrity





Message from the Editors	IV	Spotlight on an Environmental Issue	73
OUR CORPS	1	Spotlight on the Labor Law Field Support Center	76
Perspective of The Judge Advocate General	2	IAJ	78
Spotlight on a Deputy Staff Judge Advocate ...	15	Spotlight on Perspective of a Senior Trial Counsel	81
Paralegal Perspective	16	IAQ	83
Spotlight on a Deployed Paralegal.....	21	IAS	85
Air Force Reserve Component Perspective	22	Spotlight on a Paralegal Manager.....	87
Spotlight on a Citizen Airman.....	23	Other Field Operating Agencies	88
Air National Guard Perspective	24	Direct Reporting Units	91
Spotlight on Our 60th Anniversary.....	26	Spotlight on an Air Force Academy Law Professor.....	93
Spotlight on Capt Wendy S. Kosek.....	27	Major Command Legal Offices	94
TJAG Annual Award Winners	28	Air Combat Command	94
JAG Corps Scholarly Articles and Writings	34	Spotlight on a Military Commissions Paralegal.....	95
Spotlight on a JAG Author	38	Air Education And Training Command	96
OUR CONTRIBUTION TO THE FIGHT	39	Air Force Global Strike Command	97
Perspective of the Secretary of the Air Force ...	40	Air Force Materiel Command	98
Perspective on the Vice Chief of Staff of the Air Force	46	Air Force Reserve Command	99
Perspective of the Chief Master Sergeant of the Air Force	52	Air Force Space Command	101
HQ AF/JA	57	Air Force Special Operations Command	102
JAA	58	Air Mobility Command	104
JAG	60	Pacific Air Forces	106
JAH	61	United States Air Forces In Europe	107
JAO	62	Spotlight on a Host Nation Advisor.....	108
JAT	64	Numbered Air Force Legal Offices	109
JAX	65	Spotlight on a NAF Judge Advocate.....	111
JAY	66	Spotlight on Nineteenth Air Force Senior Paralegals.....	116
JAZ	67	Spotlight on a Wing Paralegal.....	117
Field Operating Agency:		Base Legal Offices	118
Air Force Legal Operations Agency	68	Spotlight on a Base Office Legal Advisor.....	120
AFJAGS	69	Spotlight on a Court Reporter	124
JAC	70	Spotlight on Perspective of a Defense Paralegal	126
Spotlight on a Medical Law Consultant.....	72	Area Defense Counsel Program	127

Spotlight on the Al Udeid Area Defense
Counsel's Office 129
Spotlight on a Deployed JAG 130

KEYSTONE LEADERSHIP SUMMIT 2009 131

KEYSTONE Overview..... 132

VANGUARD Leadership: Earn It!
by Major General Charles J. Dunlap, Jr..... 134

Perspective of the Air Force General Counsel
by the Honorable Charles A. Blanchard..... 142

The Fundamentals of Good Leadership
by Major General (Ret.) John D.
Altenburg, Jr. 146

One Marine's Story
by Mr. Donovan Campbell..... 150

Senior Military Lawyers Leadership Panel 158

Becoming a Master of Negotiation
by Dr. Stefan Eisen, Jr. 164

Hi-Tech, Hi-Touch
by Chief Master Sergeant of the Air Force (Ret.)
Robert D. Gaylor..... 170

Winning the Future
by Major General Keith L. Thurgood..... 176

**The Robotics Revolution and Conflict in the 21st
Century**
by Dr. Peter W. Singer..... 180

Defending Liberty, Pursuing Justice
by Ms. Carolyn B. Lamm..... 188

**Learning Organizations for an Era of
Persistent Conflict**
by Dr. John A. Nagl 192

**Sexual Assault Prevention and Response:
Leadership In Action**
by Ms. Anne Munch 198

**The U.S. Coast Guard: The Challenges of the
Last Global Commons**
by Admiral Thad W. Allen..... 204

Spouse Connection
by Ms. Joy Dunlap 212

KEYSTONE 2009—Final Thoughts
by Lieutenant General Jack L. Rives..... 215

Acknowledgements

ASSISTANT EDITORS

Col Tonya Hagmaier
Lt Col Peter W. Teller
Maj Thomas E. Byron
Maj Mechel A. Campbell
Maj Jin-Hwa L. Frazier
Maj Robert M. Gerleman
Maj David M. Houghland
Maj Tammie L. Sledge
Capt Sean M. Elameto
Capt Scott A. Hodges
MSgt Christine M. Herrera
SSgt Kellie D. Harner
SSgt Mark D. Simonds
Mr. Wade A. Scrogam
Mr. James R. Whitaker, Jr.

COURT REPORTERS

MSgt Bryan F. Cawvey,
Wright-Patterson AFB, OH
Ms. Maureen A. Nation, Tinker AFB, OK
Ms. Joyce Stephens, Sheppard AFB, TX

PHOTOGRAPHERS

Mr. James E. Varhegyi,
Headquarters U.S. Air Force, DC
SrA Alexandre Montes, Bolling AFB, DC

The Reporter

2009
Volume 36, Number 4

The Reporter is published quarterly by the Judge Advocate General's School for the Office of the Judge Advocate General, United States Air Force. Contributions from all readers are invited. Items are welcome on any area of the law, legal practice, or procedure that would be of interest to members of the Judge Advocate General's Corps. Items or inquiries should be directed to The Judge Advocate General's School, AFLOA/ AF-JAGS (150 Chennault Circle, Maxwell AFB AL 36112-6418) (Comm (334) 953-2802/DSN 493-2802).

**LIEUTENANT GENERAL
RICHARD C. HARDING**

The Judge Advocate General
of the Air Force

**MAJOR GENERAL
STEVEN J. LEPPER**

The Deputy Judge Advocate General
of the Air Force

COLONEL TONYA HAGMAIER
Commandant

The Judge Advocate General's School

**MAJOR JOSEPH F. DENE
MAJOR RYAN D. OAKLEY**
Editors



MESSAGE FROM THE EDITORS

Over the course of 2009, our Corps passed a number of milestones. First, this year's KEYSTONE Leadership Summit marked the fifth such event. What started as a onetime conference has become an annual forum to discuss leadership and to keep abreast of emerging issues in law and national security. Second, in 2009 we celebrated the 60th anniversary of our Judge Advocate General's Corps. Just a couple of years younger than the Air Force we serve, we have a rich tradition of honorable, important contributions to the defense of the Nation of which we can all be proud. Finally, 2009 is the notable because it marks the last full year of service of our two most senior officers, Lieutenant General Jack L. Rives, The Judge Advocate General, and Major General Charles J. Dunlap, Jr., the Deputy Judge Advocate General and our most senior non-commissioned officer, Chief Master Sergeant Ann D. Stocks, the paralegal Manager to The Judge Advocate General. They have lead the JAG Corps through what is probably the most sustained, positive and profound period of change since its inception.

In his address to members of the JAG Corps at this year's KEYSTONE Leadership Summit, Secretary of the Air Force Michael B. Donley, observed our Service is at an inflection point, "a time where changes in the strategic environment, new technologies, and a period of constrained resources force us to reassess our priorities and set us in new directions." It is hard to look back at 2009 and not think we are emerging from our own inflection point. From implementation of enterprise-level change through JAG Corps 21 to dedicated service at home station and deployed legal offices around the globe, members of the JAG Corps continued to enhance our legal practice while remaining true to a long heritage of committed service to command and the warfighter.

The 2009 Year in Review is intended to not only highlight the year's accomplishments, but also to reflect on the enduring character of the JAG Corps. In this edition's first section, Our Corps, JAG Corps leaders provide perspectives on leadership, notable accomplishments by JAG Corps members and thoughts on the challenges before us. Additionally, the JAG Corps' annual award winners are recognized, along with the many members of the Corps who wrote and published during the year.

In Our Contribution to the Fight, the Secretary of the Air Force and the Vice Chief of Staff offer their perspectives on current Air Force issues and the JAG Corps' role in meeting these challenges. Also included are articles from JAG Corps organizations and people across the Air Force. From headquarters and base-level organizations to judge advocates and paralegals working in deployed locations, the section highlights the broad range of work performed by members of the JAG Corps.

The third section, KEYSTONE Leadership Summit 2009, captures many of the outstanding presentations delivered at this year's summit in Dallas, Texas. You will find leadership perspectives from current and former military leaders and thought-provoking addresses on topics as timely and diverse as irregular warfare, robotics on the battlefield, and preventing sexual assault.

As we continue to shape the organization for the future through JAG Corps 21, members of the JAG Corps remain committed to our bedrock principles in our legal practice today and mindful of the fundamental values established by those who came before us. We trust this 2009 edition of the Year in Review provides a fitting record of these efforts.

Our Corps





Lt Gen Jack L. Rives
The Judge Advocate General

These remarks, which have been edited for this publication, were made by Lieutenant General Rives at the KEYSTONE Leadership Summit on 26 October 2009.



VANGUARD Leadership

This is our fifth Leadership Summit. Over the years, we've gathered across the country to discuss concepts and learn about leadership and to share stories and to learn how to be more effective. Since the birth of JAG Corps 21, we've seen our Corps' transformation go from the cradle to a healthy adolescence -- and we're continuing to move into the future.

The 2005 KEYSTONE Leadership Summit was designed to be a one-time meeting. We learned, however, that even though we make great use of today's communication tools and technology, there's no substitute for getting together once a year, looking each other and ourselves in the eye, and thinking about the things that are really important. Technology is great, but it's no substitute for being here and conveying critical information face-to-face.

VANGUARD Leadership

This week we're going to talk about the future: The future of the Air Force and the future of the JAG Corps. At last year's KEYSTONE, General Schwartz called the legal profession "the vanguard of our service's integrity." Our theme this year is VANGUARD Leadership. We need VANGUARD leaders for the challenges we're going to face over the horizon.

To be in the vanguard is to be in the forefront of an action or movement. A VANGUARD leader points the way, moves ahead, and anticipates challenges. The VANGUARD leaders bridge the gap between the challenges of today and the challenges of the future. No one can predict the future with certainty, but a leader prepares for the future.

When we look to the future, we can see three basic kinds of people: Those who let it happen, those who make it happen, and those who wonder, "What happened?" A VANGUARD leader makes it happen.

VANGUARD leaders reduce the amount of time it takes the Corps to seize on good ideas and to go from thinking, "I wonder if we could ever do that ..." to, "It seems like we've always done it that way."

VANGUARD leaders get the mission done. They look ahead and they get us ready for the emerging mission needs. VANGUARD leaders continue our transformation.

VANGUARD Leaders are like trapeze artists. They understand the risks involved, and they do not take foolish risks. They prepared. They know what they're doing and they practice. Yes, they sometimes spend precarious time hoping that the right things happen. And sometimes there's no safety net below. We need those VANGUARD leaders.

President Theodore Roosevelt said it well: "It is not the critic who counts.... The credit belongs to the man and woman who is actually in the arena." Some people will criticize you if you're less than perfect -- but they're second guessing the person in the arena. You're not always going to get things right, but VANGUARD leaders always try their best, they always do what's right, and they always treat others with dignity and respect. Even when they don't succeed, VANGUARD leaders will know they tried to do the right things.

At our first KEYSTONE, we introduced the publication "I LEAD". It's a product of thoughts and experiences from members of the JAG

Corps. It's now four years old, but it's a dynamic document. We continue to come up with good anecdotes to help people develop their leadership skills. The name of the publication says it all: "I LEAD". It's not "you lead" or even "we lead." We make it personal: "I LEAD". There are no born leaders. People have different personalities and different leadership styles, and the right traits and the skills must be developed. You have to be true to yourself. You can learn lessons from others, but what they do may not adapt to your style.

There are some enduring and consistent traits of good leaders, and they're tied to our Corps' mission, which is "to deliver professional,

VANGUARD leaders get the mission done.

candid, independent counsel and full spectrum capabilities to command and the warfighter." The mission is accomplished through our guiding principles: Wisdom, Valor, and Justice. These are the enduring traits of JAG Corps leaders. Those leaders do the things that enable commanders and the warfighters to accomplish their missions effectively.

Today, I have a challenge for you. Most of you saw the 1998 movie, *Saving Private Ryan*. In the movie, Captain Miller and his company are sent on a mission during World War II to rescue a surviving family member, Private Ryan. At the end of the movie, Captain Miller suffers a fatal wound. As he's dying, Private Ryan holds him and says he was not worthy of the sacrifices Captain Miller and his company had made. In his dying breath, Captain Miller looks at Private Ryan and says, "Earn it." That's the challenge to you.

You're in a leadership position. You've been placed there because of your background, your skills, your qualifications, and your potential -- now you must prove yourself worthy -- you must earn it, every day. VANGUARD leaders always strive for more.

Our Past, Present and Future

Let's examine where we've been, where we are now, and where we're going. Yes, we live in a time of change. That's always true; things are always changing. We could look back on the JAG world 50 years ago, or 30 years ago, or 10 years ago and show how we've changed. But we don't need to go back that far. Real change has happened fast recently for the JAG Corps.

Let's go back just four years, to the first KEYSTONE in 2005. The JAG Corps was very successful in 2005. But consider how VANGUARD leaders throughout the Corps have transformed our world since then.

Look at the trial judiciary. Four years ago, we had five judicial circuits. Military judges and the circuit counsel were clustered at just five locations. Leadership opportunities were few, and they were reserved for relatively senior members of the Corps.

Court reporting was managed at each base. Our court reporters did a great job, but the local docket drove their workload.

Personal property claims were processed base-by-base across the Air Force. The program was very good, but it was also extremely manpower intensive.

Hospital Recovery programs had a mixed record. Some offices were extraordinarily effective; but others failed to treat it as a priority and their programs were quite poor.

Labor law already featured a center of excellence. The Central Labor Law Office was created three decades earlier. It was very effective, but it had a limited charter and manpower.

In the environmental law area, base legal offices were essentially on their own for the day-to-day work, and they often lacked expertise. They could get very good help from their major command staff and from JACE in Washington.

Medical law and the Medical Law Consultant Program were success

stories. The Surgeon General community was extremely pleased with their in-house judge advocate resources.

Accident investigation boards (AIBs) were handled differently from major command to major command. In some cases, the base legal office ran the programs with very little help. The typical judge advocate recorder would serve as legal advisor to only one or two AIBs in a career.

Paralegal utilization was more potential and promise than development of paralegals and using them in new areas. We knew we could improve.

The Judge Advocate General's School (JAG School) was a point of pride, but the JAG School was undermanned and underfunded. Four years ago, they had 33 faculty and staff members. In fiscal year 2005, their operating budget was \$507,000.

Four years ago, the JAG Corps was very successful. We were respected and valued. However, in many respects, our offices ran as they had since the 1950s. We could have continued along that path. We could have made modest changes, including some restructuring. But the men and women of the JAG Corps had an opportunity for real change. You helped us seize it.

Air Force leaders told us, "Start with a clean sheet of paper and tell us how you should be organized to provide legal service in the 21st Century." Early on, we wrote on the top of that paper "JAG Corps 21," and we've been filling in the story ever since.

JAG Corps 21 gave us a framework and the opportunity to look at everything. We had literally thousands of people -- including current members of the JAG Corps, former members of the JAG Corps, friends of the JAG Corps, and even people who weren't particularly "friendly" to the JAG Corps -- give us ideas on how we could do things better. We took all those inputs and came up with a plan. We briefed the senior leadership of the United States Air Force. Almost four years ago, the Chief of Staff approved our new program, and the Secretary of the Air Force indorsed it. Since then, our JAG world has really changed.

My grandson, Brandon, is four years old. He does not know what a typewriter sounds like. If he saw a rotary phone, he would have to experiment to use it. Brandon lives in a world of digital cameras, computers, and Wii. His world will never revert to conditions as they existed in 2005.

Now, realize that 40% of the active duty judge advocates and paralegals earned their specialty badges after that first KEYSTONE in 2005. Just as my grandson Brandon will never use carbon paper and a typewriter, the newest members of the JAG Corps have only known the world of JAG Corps 21. Their world will not revert to conditions as they existed in 2005.

Shortly after the JAG Corps 21 initiatives were approved, we had the PBD 720 personnel cuts. The JAG Corps faced significant reductions from the active duty force; 212 paralegals and 112 judge advocates have now been cut from our active duty force. However, we were able to absorb those losses because of the efficiencies that are inherent in JAG Corps 21.

Of course, over the last few years, we have gained some new manpower positions as the Air Force has come up with new missions and new requirements for members of the JAG Corps. Even with the PBD 720 reductions, we have the right manning to do our jobs effectively because the JAG Corps 21 initiatives enabled us to streamline operations. Manpower was cut; services were not.

As General Dunlap, Chief Stocks and I travel the globe, commanders and airmen throughout the Air Force tell us how very pleased they are with their legal staffs. They tell us that they're getting better service than ever. That's because you and the people you represent continue to improve the way we deliver legal services.



Let's look at how some VANGUARD leaders took advantage of opportunities -- or created them -- and then implemented some incredible new processes quickly and effectively. When bold ideas were suggested, we moved quickly from "I wonder if we could ever do that" to the reality of today, "It seems like we've always done it that way."

People in the JAG Corps recommended that we create some new centers of excellence. We did; we call them Field Support Centers. Who do they work? The local legal office remains the face of the JAG Corps. If a commander or a junior airman has a legal problem, whether it's personal legal assistance, advice on a disciplinary matter, or anything involving the mission, they rely on the local legal office. But, the local legal office now has a reach-back capability that never before existed: our Field Support Centers.

This month, we created a new Field Support Center; we now have a total of 11. We expanded our CAPSIL modules and other training to ensure that our people at all levels of command have the expertise they need. Part of the training is knowing the Field Support Center experts are available whenever needed. Members of the JAG Corps can call or email and get the help they need from the Field Support Centers. Our Field Support Centers enable us to respond quickly to clients, provide consistent advice across the Air Force, and avoid duplication of services among the major commands. And again: While the field support center provides assistance, the local legal office remains the face of the JAG Corps.

For the trial judiciary, we heard suggestions to eliminate the circuits. They had become artificial barriers. We studied the issue and then decided that the circuits had become a limiting factor, so we eliminated them.

Others wondered why the trial judges were consolidated at five locations. We decided there was a better way. Now, judges are assigned at 13 locations around the world.

Circuit Trial Counsel were also located at five locations. Their leadership believed they could be more effective if they were disbursed, so we moved them to 13 locations, most co-located with general court-martial convening authority legal staffs. Now, we have a total of 19 Senior Trial Counsel, including three instructor-litigators at the JAG School. The instructor-litigators spend a third of their time prosecuting tough cases and the rest of their time instructing at the School. This new system is working extremely well.

Our defense counsel spoke of problems with the scope of responsibility for the five Chief Circuit Defense Counsel -- too many Area Defense Counsel to supervise. They were also concerned that the Chief Circuit Defense Counsel sometimes lacked current trial experience. To remedy these issues, we created our Senior Defense Counsel program. 18 majors now supervise four to six Area Defense Counsel and three to five Defense Paralegals. They mentor

their subordinates, and they maintain a regular caseload themselves. It's a great leadership opportunity and the program has worked extremely well. We also have three defense instructor-litigators at the JAG School. Just like the trial counsel, our defense instructor-litigators spend a third of their time defending the difficult cases around the world and the rest of their time instructing at the School.

We needed court reporters to be centrally managed and now they are. We created the Judicial Docketing System to facilitate and synchronize work flow for court reporters. We've purchased state of the art equipment, both hardware and software, for every court reporter. Now our court reporters can focus on their core responsibility, and when their own workload is low, they can easily assist others.

A court reporter at Beale, for example, who does not currently have a case, can go on-line and download data from a court-martial being conducted anywhere in the world. That court reporter could transcribe the prior day's court-martial while the local court reporter is in court, taking the trial as it continues.

We now have eight enlisted court reporters. They go where needed, whether to a nearby legal office, or Guantanamo, Cuba, or the Persian Gulf. They've proven their value many times over. Our enlisted court reporter cadre averages over 125 days a year performing duties away from their home base.

A paralegal gave us an idea for our claims program. "Why not consolidate operations at one location?" Some laughed at the suggestion, some said, "There's no way we could do that." Others said, "Maybe we can do that." And indeed: We have consolidated claims operations from some 100 legal offices around the world to one location in Ohio.

This past year, we implemented the Full Replacement Value program. Because of this, fewer people are filing claims through the Claims Service Center. As a result, we've been able to reduce manning at the Center by about 70%, and the excess manpower is being moved to where they're most needed.

The Hospital Recovery program became the Medical Cost Reimbursement Program. We consolidated operations to eight regions. We adopted best practices from the offices that had had outstanding Hospital Recovery programs. Four years ago, we collected about \$9 million. Last year, collections increased to \$15.5 million. Our Medical Cost Reimbursement Program offices are not yet fully manned; when they are, expect further increases in recoveries for the government.

Members of our Central Labor Law Office saw an opportunity to improve and expand services. We now have the Labor Law Field Support Center in Virginia and four regional offices. We partnered with personnelists to ensure that our experts are actively involved in all cases.

Our specialists evaluated the best way to provide environmental law services. The new Environmental Law Field Support Center in San Antonio consolidates



27 environmental law experts in one location. They average more than ten years of environmental law experience. We now have an unprecedented ability to provide rapid, consistent, expert advice and assistance.

We also have an environmental law liaison officer at our major command legal offices. They're attached to the Environmental Law Field Support Center, but they're embedded at the major command office so they can best serve local command and the staff judge advocate.

Our medical law specialists determined it was time to move to a new model. We created the Medical Law Field Support Center about a year ago. It includes 12 Medical Law Consultants at the major medical centers, and 7 medical law specialists at Air Force headquarters. A superb program has been refined to make even better use of the limited number of judge advocates who can

specialize in medical law.

When we looked at Accident Investigation Boards, we received a number of suggestions for improvement. We created the AIB Field Support Center. We no longer have the difficult learning curve at the installation level. We now have a cadre of attorneys and paralegals who view AIBs as their vocation. Each judge advocate at the Field Support Center has done more than five AIBs. Processing times to complete an investigation for some types of mishaps has been cut in half, and we know that time will be further reduced.

We're also creating a pool of dedicated paralegals to support our recorders. Several Board presidents have complimented the quality and contributions of our expert paralegals.

Paralegal utilization efforts have been very successful. Two years ago, we issued a policy memorandum

explaining how we need to use paralegals. Paralegals cannot do the work of an attorney, but they can do a lot to support lawyers. I met with our senior paralegals at their Leadership Summit two years ago, and one of them said, "At my base, the lawyers won't let us do a lot of things because they say that takes work away from lawyers." Of course: That's the point. We want the paralegals to do everything they can to take work away from lawyers. That way, we use paralegals more effectively, and lawyers can focus on the things we need lawyers to do.

Our Field Support Centers have created tremendous opportunities for paralegals. At the Centers, they are doing tasks we've never had paralegals do before, and in many cases, they are taking work from lawyers. And often, the paralegals are doing that work better than the lawyers had. Paralegals at the Field Support Centers are helping with discovery requests,

research, legal writing, and with case preparation.

At Osan Air Base, Korea, earlier this year, there were a couple of drunken brawls involving Airmen from the same squadron. The Security Forces Report of Investigation seemed to call for court-martial charges, but the Staff Judge Advocate, Lieutenant Colonel Jeff Brown, studied the report and believed more investigation was needed. He asked a couple of military justice paralegals, Staff Sergeant Stephanie Clark and Staff Sergeant Andrea Lindsey, to assist. They studied the report, created a witness list, drafted questions, and conducted interviews. They determined that some Security Forces procedures had not been followed, and that the facts were not as aggravated as originally thought. They briefed the commander and he decided against the court-

martial option, and to handle it with a less serious administrative action.

At Hanscom Air Force Base, Massachusetts, Staff Sergeant Carrie Jordan is the noncommissioned officer in charge of acquisitions. The leadership at Hanscom realized that attorneys were doing a lot of the administrative things that could be better handled by a paralegal. And they turned many of those tasks over to Sergeant Jordan. She now works with contracts and Freedom of Information Act issues. She also developed a first-of-its-kind ethics conference and invited 150 different federal agencies in the northeastern United States. Realize, again, that much of the work Sergeant Jordan is doing had been done by attorneys in the recent past.

We've had a transformation at the JAG School. The School moved

from Air Education and Training Command to the Air Force Legal Operations Agency. In the last four years, manpower has increased from 33 faculty and staff members to 65. In fiscal year 2005, the Operations and Maintenance budget was \$507,000. In fiscal year 2009, it was \$4.3 million. We have plans to build an annex at the school.

We train more effectively than ever, and we use a variety of methods. People can go to the JAG school or attend training provided at other locations. The TRIALS program, run by a traveling team of reservists, offers advocacy training at the local base. And we offer a lot of courses through computer-based training, much of it over the Internet.

We currently have 169 active learning centers and 60 distance learning classes available on-line



from the JAG School. This year, we've already completed more than 25 webcasts. 1200 people from 145 different offices participated in one of the webcasts; because of the timing, only the Pacific installations missed that webcast, and they were able to log on later and view it through CAPSIL.

We're making good use of current technology. For example, a few years ago we purchased video-conference (VTC) machines for every legal office. Having an office VTC means that we no longer are limited to using a VTC only when the wing commander's conference room is available. Most of our VTCs are in courtrooms, and we are using them.

Judge Terry O'Brien used VTC to conduct an arraignment from Charleston Air Force Base while the accused and counsel were in Georgia. Judge Dave Castro used VTC to conduct

a post-trial Article 39(a) session from Nellis Air Force Base, Nevada while everyone else was in Montana. Base legal offices throughout the Air Force tell of their experiences having witnesses testify at courts and boards via VTC, rather than having to travel from locations around the world.


In April, we held our annual awards board, but for the first time we did it as a "virtual board." The members scored records locally then got together in VTCs to discuss their recommended award winners. We saved \$22,000 by conducting the awards board "virtually."

The VTCs enable me to reach out to senior JAG Corps leaders on a regular basis. I've conducted almost six dozen "virtual visits" with installation legal offices from the Pentagon. While these virtual visits are not a substitute for an Article 6 inspection or for the

interplay that comes from physically being there, they allow General Dunlap, Chief Stocks and me to sit in my office and talk with our legal offices, anywhere in the world.

We have also used the VTC to support our JAG Corps family. Recently, Staff Sergeant Tanya Cortez, a paralegal at Sheppard Air Force Base, was promoted to technical sergeant. Her husband could not attend because he was deployed to Al Dahfra Air Base in the UAE. We used the VTC, and across an ocean, across a continent, the family was together for this important ceremony.

Under JAG Corps 21, our Field Support Centers have become a real force multiplier. In July of 2009, a T-6 Texan II crashed in rural Mississippi. A foreign student pilot was in control of the aircraft; he ejected safely. The debris field covered more than a



Under JAG Corps 21, our Field Support Centers have become a real force multiplier.

mile. Within 90 minutes of the crash, Captain Ken Arnst, the Deputy Staff Judge Advocate at Columbus Air Force Base, was on the scene. Captain Arnst was asked to locate potential claimants. The homeowner who suffered the most property damage from the crash was an 85 year old woman who could not be found. A day and a half after the crash, she returned from a gambling junket in Memphis to find that her home, cars, and yard had been damaged. She didn't know where to start to have the damage repaired. Captain Arnst walked her through the claims process, but he didn't stop there. He traveled to her home for several weeks to make sure we helped her fully recover from the damage caused by the crash.

While there are a lot of things the local face of the JAG Corps can do, realize Columbus Air Force Base is a two-JAG office. Captain Arnst is very good at his job, but he's got a lot on his plate. He wanted to help this homeowner. So, what did he do? He reached back to our Field Support Centers.

Since a foreign pilot caused the damage, the claim would have to be paid by his home country. As you can imagine, it takes a long time to process such a claim. The homeowner needed her home fixed sooner, rather than later. Captain Arnst worked with the Air Force Claims Service Center and attorneys at Headquarters Air Force, and found a way for the Columbus office to pay the claim immediately. The Air Force then filed for reimbursement with the foreign country.

The Safety Board was held, and Captain Arnst knew we also needed an Aircraft Accident Investigation Board (AIB). Where did he turn? To the AIB Field Support Center. They gave him advice on the AIB, sent in a recorder, and ran the AIB.

Throughout this entire, complex process, the Columbus legal office remained the face of the JAG Corps to the local commander and to the elderly homeowner. Although the local office had limited resources on

hand, they were backed by the JAG Corps 21 team.

JAG Corps 21 has been a vehicle for change. We now have a new paradigm to accomplish the mission. Our younger attorneys and paralegals simply see this as today's reality. And we will not go back to old ways of doing things; no more "holy joes" to order or rotary dial phones.

The JAG Corps 21 initiatives will continue because of ideas from members of the JAG Corps. We need your thoughts. We need your creativity. We need your inspirational leadership. We need VANGUARD Leaders to take us into the future.

Future of the Legal Profession, the Air Force, and Our Corps

No one can really predict the future. Fortune tellers are glad to take your money in exchange for their story about what might happen. But of course, they do not know the future. Some things are hard to anticipate, and no one can predict everything with certainty. In 1876, President Rutherford B. Hayes was shown a new invention, the telephone, by Alexander Graham Bell. The president commented, "You know, that's an amazing invention, but who would ever want to use one of them?" Keep an open mind to the possibilities that come with change.

The current economic downturn has caused some to question the future of the legal profession. We've had layoffs and pay cuts. Some say that current economic conditions may bring a fundamental change to the legal profession.

Richard Susskind, a British author, has written a new book provocatively entitled: *The End of Lawyers*. He compares today's legal profession to candle makers and wheelwrights of the 1800s. Mr. Susskind says we will need to embrace new technology to survive as a profession. We need to move into second generation on-line research. For example, how many of you have an automatic web alert for the seminal cases in your area?

You should. Mr. Susskind says we need to move to cooperative virtual workspaces and create virtual on-line legal communities. He warns us that the law does not exist to provide a living for lawyers any more than disease exists to provide a living for doctors.

Where is the legal profession headed? Well, we're moving into virtual workspaces. There's an increase in collaborative on-line work. Websites such as Legal On-Ramp, an invitation-only legal cooperative joint group, enables you to sign up, have new cases pushed to you, collaborate, and communicate virtually with people you will never meet. Legal blogs and Wikishave proliferated. They represent the leading edge of technology in our profession.

We will also see growth in e-lawyering as more law firms start functioning, some exclusively, through the Internet. Clients meet the attorney through the Internet, sometimes never in person. As a business model, this is much less costly. It provides a quick service and is built on volume. It's "McLegal."

We know clients expect speed in legal services. For example, "do-it-yourself" legal document kits have walked into most of your offices. There's a kiosk at the Los Angeles Superior Court where individuals can answer a divorce petition in as little as 15 minutes. While we may question the quality of legal advice given by kits and blogs, it's quick and easy and what many clients expect today.

We will also see a rise in specialty firms. A recent article in the Philadelphia Business Journal featured a roundtable discussion on the future of large law firms. The panel concluded that the old law firm business model is not sustainable. Specialization is needed. Boutique firms, handling very specific types of cases, will be the new model.

The JAG Corps has already moved to this future. What are some issues that will affect the JAG Corps? Population changes are one. Our people are getting older. The Census

Bureau projects that 20 years from now, about a fifth of the residents of the United States will be age 65 and older. Today, 38 million Americans are 65 and older. In 20 years, that number will grow to almost 90 million.

We have complex family relationships. Marriage rates for Americans were about 50% for adults in the 1980s. Now, it's 41% and falling. We see blended families; stepchildren, second families, children outside of marriage, and so forth. We can expect to find an increase in homes with three or more generations living under one roof. And children are becoming guardians for their aging parents. It's been projected that many people who were born after 1975 will take care of their mothers longer than their mothers took care of them. And, by 2030, we're going to live five years longer.

For JAG offices, this means we'll have an increase in legal assistance. And we'll see more clients on personal financial issues and medical ethics issues. We'll need to be prepared for these emerging issues.

Another area that will impact our future is the rise of cyber-law. We're currently defining and refining some very important concepts.

Consider the nature of cyber-warfare. When the United States was threatened militarily in the 18th and 19th century, it was by a ship that took weeks to cross the ocean. By World War II, aircraft could cross the oceans in hours. A few decades later, missiles could attack in a matter of minutes. And today, cyber attacks can occur in milliseconds.

At the Air Force Association convention in September, Air Force Secretary Mike Donley observed that while it has been more than 55 years since the last American serviceman came under attack from the air, the last time an American servicemember suffered a cyber attack was at the beginning of this sentence.

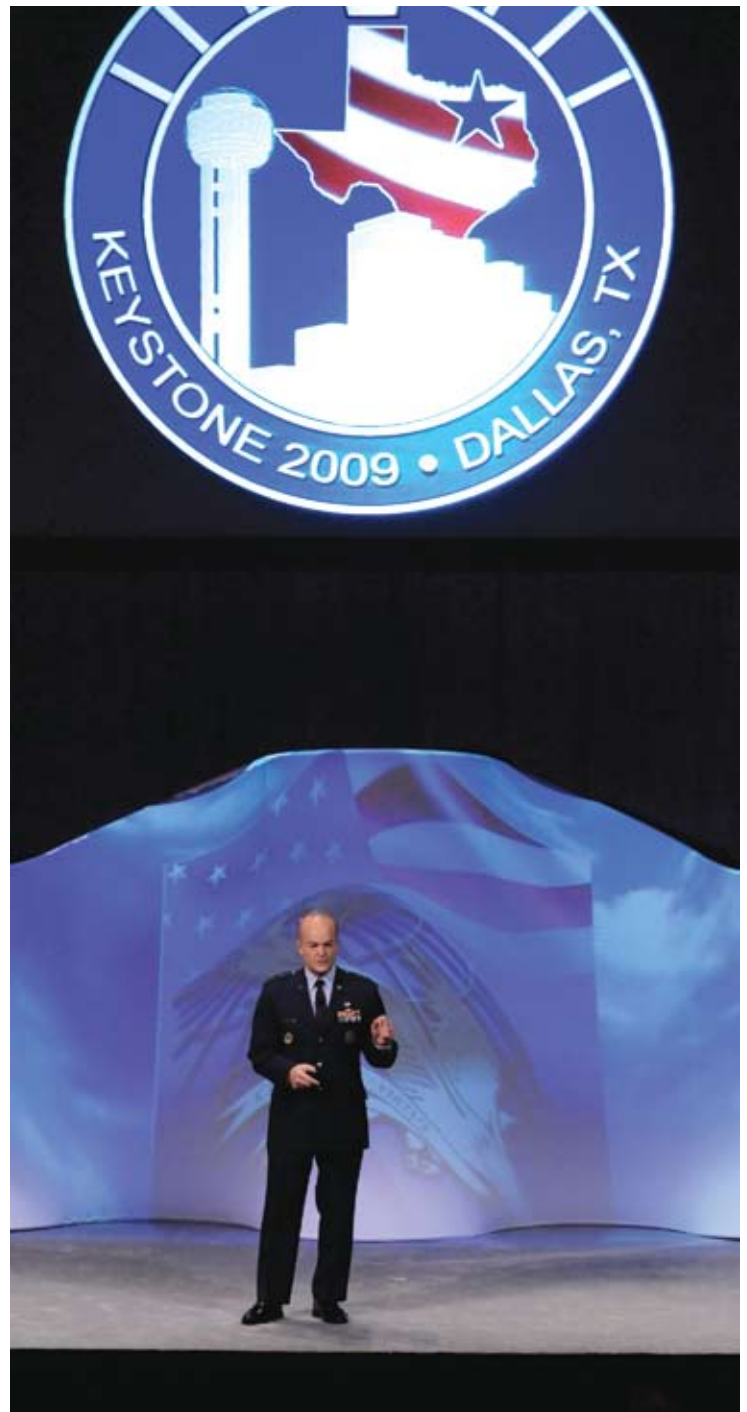
Just a few years ago, our networks were primarily administrative; now they're command and control. The Department of Defense has 15,000 networks and more than 7 million computers. They are all targets, and the environment is not friendly. In a cyber attack, the aggressor may be a hostile nation-state; it could be a foreign intelligence service; or maybe just a teenager, from a Starbucks around the corner.

Organized crime has infected huge numbers of computers with bot-nets, preying on unsuspecting victims for possible systems attacks. And they're selling their codes to the highest bidder.

Does the rise of cyber-warfare bring legal issues? Absolutely. For years, we've prosecuted Internet crimes and responded to on-line scams, including identity theft. We now face the emerging threats of cyber terrorism and cyber warfare. We have witnessed new tactics; some interrupt the Internet, on-line banking, ... even utilities. How do we deter enemies when we don't know who they are? Can we go on the offensive with cyber-operations? What is proportionality when responding to an enemy's attack on

our electrical grid? How do we protect systems that are in private or state hands? These are among the issues that members of the JAG Corps are already working.

The Air Force has changed. For the first time, the Chief of Staff of the Air Force is not a bomber pilot or a fighter pilot. General Schwartz is a C-130 pilot. During the Cold War era, we developed responses to the threat of the powerful Soviet Union. And as that threat ended, the Air Force returned to its expeditionary roots. Now, we see a future dominated by unmanned aircraft. This year, the Air Force is training more unmanned aerial system operators than we are fighter and bomber pilots combined.



The Chief of Staff has said that we're living at an inflection point, one of those times when the path of history is shifting. The question is whether the Air Force will be "on the wave" or left behind. The JAG Corps is ahead of the overall legal profession as we face the changes in our profession. We are on the wave.

While the private sector is moving to specialty boutique firms, our Field Support Centers have already taken us there. One example is the Utility Law Field Support Center. They are actively involved with renewable power projects. They helped plan the solar array at Nellis Air Force Base, which is now the largest in North America. It provides 25% of the base's electrical power. Last year, the Utility Law Field Support Center and others on the project team earned the Chief of Staff Team Excellence Award.

We're getting ready for the future by training our leaders. One innovation is our new mid-career course for judge advocate majors, GATEWAY. The course has been created using challenging new methodologies to prepare a new generation of leaders for opportunities in the future Air Force.

And while private sector attorneys are just beginning to explore cooperative on line legal communities, we're already there. CAPSIL is available on-line, wherever you may be.

We introduce our new cooperative on-line communities to students at the JAG School. The School issues laptops to students in the longer courses, and wireless Internet access is available. Our students at the Judge Advocate Staff Officer Course, the Paralegal Apprentice Course, and the Paralegal Craftsman Course are all on the 'net throughout the day, every day. They can e-mail classmates and faculty members. They can download assignments. They can collaborate on a Wiki and ask questions on message boards. The newest members of the Air Force JAG Corps have embraced technology. They thrive in today's virtual legal environment.

The H1N1 Learning Center is on CAPSIL, and it includes legal memoranda from the Attorney General of the United States; checklists; source documents; and even PowerPoint presentations that you can download and tailor to local needs. It features a message board where any of the more than 4000 people with access to CAPSIL can post a question and it answered by an expert.

CAPSIL's collaborative legal environment is putting the JAG Corps

Air Force Base, Texas. In two years as a JAG, he prosecuted more than 90 cases. His first case was just four days after he came on active duty. He prosecuted the case by himself and without any JASOC training; the course did not exist back then.

After leaving the Air Force, Bob Jones moved to Shawnee, Oklahoma. He went into private practice. He became a municipal court judge, a part-time responsibility on top of his other duties. Last year, the local Bar

We've come an incredible distance, but we're not finished. JAG Corps 21 is dynamic.

where we need to be today and is where the commentators believe the legal profession is going in the future. We're embracing change.

The JAG Corps 21 initiatives have positioned us well. We've come an incredible distance, but we're not finished. JAG Corps 21 is dynamic. It has evolved in the past year, it's changed in the past few weeks, and it will continue to progress. To make the most of opportunities, we need your ideas and your leadership. We need people to demonstrate VANGUARD leadership to get us ready for 2010 and 2020 and on into the future.

Our 60th Anniversary

The year 2009 marks the 60th anniversary of our JAG Corps. We are honored to have a number of our senior mentors with us here today. These retired members are here to help today's Corps by sharing ideas and nurturing our leadership skills. The accomplishments of today's Corps are only possible because of the tremendous efforts of those who came before us.

Last spring, I heard about Judge Bob Jones. He served as a judge advocate from 1956 to 1958, at Langley Air Force Base, Virginia and Foster

Association celebrated his 50th year as a member of the Oklahoma Bar. They held a special ceremony, and I'm told that Judge Jones spent more than a third of his remarks talking about what it meant to have started his legal career as a member of the Air Force JAG Corps.

After I heard the story, I wrote to Judge Jones and sent him a JAG coin. I told him how proud we are of him and offered our congratulations. In response, he wrote and told me about the memories he has of the Corps and the many excellent attorneys with whom he served. He said his JAG experiences strengthened his ability to practice law.

Our People

When we talk about the future and the challenges we'll face, there is of course much uncertainty. But I can make a prediction with absolute confidence and certainty. Our people will be our strength. Our values will not change. VANGUARD Leaders will shape the JAG Corps for the 21st Century, and they will live by our Guiding Principles: Wisdom, Valor, and Justice. They will implement the Core Values of the Air Force: integrity first, excellence in all we do, and

service before self. Always, the men and women of the JAG Corps will be people of character. Let's consider a few examples.

Major Stacey Vetter

Last spring, Major Stacey Vetter attended the Air Force Expeditionary Center's Advanced Contingency Combat Skills Training. She became a squadron leader. The instructors said she ran the best convoy operations they had seen in the two and a half years, over 40 convoys. The Secretary of the Air Force made an unscheduled visit to the Contingency Combat Skills Training site. Major Vetter was selected to lead a demonstration of convoy operations. Some in the cadre leadership asked about her career field. They were surprised to learn that she is a judge advocate.

Major Vetter is currently deployed to Iraq. She leads an 11-person coalition forces counter-terrorism team. She is incredibly busy, and she doesn't limit how she serves. A few months ago, she traveled through the Red Zone late in the evening to participate in a VTC with two dozen law school Career Services Officers who were attending an orientation course at the JAG School.

Major Vetter is a VANGUARD Leader. She assumes leadership for any mission and she points the way for others.

Ms. Debbie Stone

Ms. Debbie Stone, a civilian attorney at Warner Robins Air Logistics Center in Georgia, is also a VANGUARD Leader. She had a legal assistance client who had moved to Robins from Washington, D.C. The client said, "My landlord kept my security deposit. I fully complied with the lease. I gave them notice. The landlord said that I had satisfied the lease, but she refuses to refund my money."

Ms. Stone literally left no stone unturned. She contacted the Department of Justice (DOJ) and they said, "We can't help you." She contacted the legal assistance division chief at the JAG School and got another point of contact at DOJ and tried again. Ultimately, DOJ accepted the case and filed suit under the Servicemembers Civil Relief Act; its first-ever lawsuit to recover a security deposit.

Faced with the fact that DOJ was pursuing the case, the landlord settled before trial, returned the \$3,000 security deposit, and paid \$1,750 in damages. Ms. Stone is a VANGUARD Leader; she makes it happen.



DIGGING OUT after Ellsworth blizzard.

Master Sergeant Kathy Evans and Technical Sergeant Amber Martin

Let's turn to justice and a blizzard at Ellsworth Air Force Base, South Dakota. What happens when you have a complex Article 32 scheduled, but a blizzard hits at just the wrong time? Well, if you're facing determined paralegals, the blizzard is going to lose.

In March 2009, the legal staff at Ellsworth was set to host an Article 32 hearing on charges of unpremeditated murder in the AOR. It was a high profile case and had national-level attention. The investigating officer, a military judge, had arrived. Four attorneys, four expert witnesses and 11 other witnesses had traveled to Ellsworth. In addition, 13 witnesses were standing by to testify via VTC or telephone. Then, an unexpected blizzard shut down the base. The wing commander declared an emergency; allowing only mission essential people to travel on base. The paralegals in charge of the Article 32, Master Sergeant Kathy Evans and Technical Sergeant Amber Martin, got to work. They had the wing commander declare everyone involved with the hearing to be mission essential. They directed snow plows, picked up witnesses themselves, shoveled snow, and made sure the hearing happened as scheduled. They are VANGUARD Leaders. VANGUARD Leaders move ahead safely and smartly to get the mission done.

Captain Charlton McGinley

Captain Charlton McGinley was the Hurlburt Area Defense Counsel. He defended Airman Mason, who had engaged in a sham marriage for money. Airman Mason

pled guilty at his court-martial to fraud, larceny, and attempted conspiracy. He was sentenced to eight months confinement and a bad conduct discharge.

Captain McGinley believed that Airman Mason was a good candidate for the return-to-duty program. He made a pitch to the staff judge advocate, who responded, "No." He made the request to the Convening Authority and he said, "No." He petitioned the Air Force Clemency and Parole Board and they said, "No." Then Captain McGinley said, "Let me try this again." He went back to the Clemency and Parole Board. This time, they said, "Okay, we'll give him a try."

The return-to-duty program is not easy. Airmen who enter it are really challenged. In the entire Air Force in 2008, we only had six Airmen go through the return-to-duty program. Three of those airmen were Captain McGinley's clients.

And Captain McGinley did not stop there. In February 2009, at the CONUS Trial Advocacy Conference, he told his colleagues about the program and how to identify good candidates. Since then, he has helped six other defense counsel work their clients into the return-to-duty program. Right now, we have ten airmen in the program. Will they all be successful? I'm sure they won't. History tells us what a tough course it is. However, the ones who complete it will return to the Air Force ready to serve just like Airman Mason, who's now performing duties at his new location. Captain McGinley is a VANGUARD Leader.

The JAG Corps is a team

Some attorneys unfortunately give the legal profession a bad name. In the private sector, some seem to believe that if you make other attorneys look bad, then you'll look good by comparison. We don't see it that way in the JAG Corps. We take pride in the accomplishments of people in the JAG Corps, wherever they may be.

We're a family, and we're also concerned about members of the JAG Corps when they face hard times; whether family or health issues or whatever the problem may be. VANGUARD leaders demonstrate Wisdom, Valor, and Justice. Valor means many things. It can refer to strength of character. On a daily basis, members of the Corps demonstrate a willingness to do the right things, even when doing so is difficult. We tell commanders what they need to hear, not just what they want to hear. Valor also involves the strength to confront danger.

On August 21, 2009, six members of the JAG Corps -- paralegals and attorneys -- were in a convoy leaving Baghdad when an improvised explosive device hit one of



CAPT KOSEK in physical therapy.

the vehicles. An Army major, along with our own Captains Wendy Kosek and Maureen Wood, was injured. Captain Wood, who received minor injuries to her face and hand, took immediate action as she had been trained to do. She went to the aid of the gravely injured Army major and helped save his life. Captain Kosek was seriously injured; she did what she could to help others help her. If things had been only slightly different, Captain Kosek could have lost her leg or even her life. However, the team was prepared. They knew what they needed to do, and they worked together.

Captain Wood went back to work the next day. Captain Kosek is currently receiving medical treatment here in the United States, and she's on the road to recovery.

Upon returning to the United States, Captain Kosek wrote a note. She said, "I owe my life to my team. They got

me off that vehicle and they kept me alive. I don't consider myself a hero; those other individuals are my heroes." Captain Kosek saw members of a team, not just the JAG family, but the entire community, working to help her and support her. From the time she was injured, they took care of her. As she was processed through hospitals in Iraq and in Germany, people took care of her medical needs, and the JAG family also boosted her morale.

Regardless of the time of day or night, whether it was in Afghanistan, Germany, Andrews Air Force Base, Scott Air Force Base, or San Antonio, as her medical evacuation flights brought her home, members of her JAG Corps were there. They showed that she's a valued member of our team, and that we care for each other.

Conclusion

Members of the JAG Corps live our guiding principles of Wisdom, Valor, and Justice. Each of you, and your colleagues, are VANGUARD leaders. Changes and challenges lie ahead, but our VANGUARD leaders will rise to meet them, and to improve conditions. We need VANGUARD leaders -- who will make it happen. We need VANGUARD leaders willing to lead the way. We need VANGUARD leaders.

This is your challenge: You're in a leadership position, but, just as Captain Miller told Private Ryan, you have to "earn it." People are looking for you to show you deserve your position. *That's my challenge: Earn it.*

S P O T L I G H T ON ...

a Deputy Staff Judge Advocate

Shortly after arriving at Peterson Air Force Base to begin her tour as the deputy staff judge advocate for the 21st Space Wing, Major Stacey J. Vetter began preparing the legal office for upcoming Operational Readiness (ORI), Unit Compliance (UCI), and Article 6 Inspections. She led the office in building an operations law program from the ground up and ensured the office was fully engaged in the wing's preparatory exercises.

A few weeks before the ORI and UCI were scheduled to begin, Maj Vetter received notice that she would be deploying to the Law and Order Task Force (LAOTF) in Iraq. Soon thereafter, Maj Vetter attended the Air Force Expeditionary Center's Advanced Combat Skills (ACST) Course. At ACST, Maj Vetter was the leader of three fire teams during eight training elements. Her leadership was so exemplary the course cadre declared her flight's convoy operations the best seen in almost three years. The flight's success resulted in it being chosen to showcase the ACST final



Maj Stacey J. Vetter
21 SW/JA
Peterson AFB, CO

mission for Secretary of the Air Force Michael Donley.

In Iraq, Maj Vetter led a 12 person coalition forces/Iraqi counter-terrorism team. She conducted 150 red zone missions and obtained 175 warrants leading to the arrest of 70 terrorists. Maj Vetter's efforts saved the lives of countless coalition forces members and helped to stabilize Iraq. Despite the crushing workload of her position, Maj Vetter took the time after traveling through the red zone during the late hours of the night to participate via teleconference as a panel member during the JAG School's Career Services Officers Conference.

Major Vetter was in Iraq during the 21st Space Wing's ORI, UCI and Article 6 Inspections, but her presence

was felt nonetheless. Her leadership preparing the legal office for the ORI and UCI resulted in the 21st Space Wing receiving the best Air Force Space Command Inspector General results in two years, and TJAG called the Article 6 Inspection "extraordinary."

Paralegal Perspective



CMSgt Ann D. Stocks
Senior Paralegal Manager to
The Judge Advocate General

I have the best job in the Air Force, Senior Paralegal Manager and the Career Field Manager! We've accomplished a great deal over the past year. In terms of paralegal manning, we're over 100 percent, 108 percent to be exact. We cut authorizations in PBD 720, so the people that we had left put us over 100 percent. While you'd think this would be a good thing, it's actually very challenging. We're particularly challenged in the area of technical sergeants and master sergeants with both grades at 121 percent. Although it's down from last year, it's still not exactly where it needs to be. It's concerned me for a number of years now, and I think it's probably time we took a look at a way to fix it. The Air Force has a program to fix that and it's called the NCO Retraining Program. This is a program that we use to get people out of the career field. I hate the thoughts of addressing that our people be able to retrain out, but I'm thinking that we may have to address this or at least talk to the force management people to get ourselves balanced.

Right now, 62 percent of our career field are 7-levels--signed off on all the core tasks and have graduated from the Paralegal Craftsman Course (PCC). It looks like that would be a really good thing, but it creates challenges as we try to transform how we train our paralegals. Sixty-two percent of us are women; that is significant when you consider that the rest of the Air Force is only 20 percent female. We're different. Thirty percent are joint spouse and the rest of the Air Force is 12 percent. So we're a little bit different, but different sometimes is good.

On education and training, I'm absolutely thrilled with the quality being provided at our JAG School. At one time or another, you've probably heard from paralegals ready to go to the craftsman course, "Well I'm already signed off on everything and I know how to do this. Why do I have to attend the craftsman course?" The instructors at the JAG School have heard it too. So, one of the great things they did recently was to develop a diagnostic test. On the first day of the class, they give a brief test to all of the students as they come in, covering all the areas that are going to be taught in the course. The scores were surprising-- the average was about 35. This was an eye-opener for leadership, but more importantly it was a mind-opener for the students preparing to be trained. For those asking, "Why do I have to be here?" can now be told with confidence, "because you don't know everything!" The diagnostic test is now our starting point, and we also test again at the end of the course to measure the learning.

We have a JAG mentoring all the paralegal courses and we have a paralegal mentor in the JAG courses.

This has been a year of fruition and we've had a lot of work. We had a Utilization and Training Workshop in 2007 and we've worked very hard from then until now, but we have finally launched all our new courses. We have a brand-new 3-level course that started a couple of weeks ago with a rewritten curriculum. They are doing more legal research and writing, more than twice as much as they used to do. Many of the foundational paralegal skills are now being taught in the first few weeks. I've followed the first class of the new course very closely, and I can tell you they are doing very well. The JAG School did a good job on rewriting the course curriculum and I think that's promising.

We have new Career Development Courses (CDCs). The complete rewrite hit the streets in June. I think one of the greatest things about the new CDCs is it has one more

volume. The new volume is on foundational paralegal skills -- something that we never had before. The School, again, did a great job

rewriting the CDCs. We started teaching the new 7-level course June of 2009. Not the course we had before, it's much tougher. They, too, are doing more legal research and writing. The first class that went through struggled. They had a hard time with the course, but they realized that they needed each other to make it through. I am so proud of that class because, despite all the struggles, they worked together as a team and every one of them graduated. That is a success story.

The other neat thing we are doing at the JAG School is that the JAGs and paralegals at the school are working together--we no longer have a separate paralegal division. They are embedded with all the different divisions in the school. This is a great visual for our new JAGs and paralegals. We talk all the time about our JAGs and paralegals working together as a team, but then down at the school paralegals were here and JAGs were there and never the two shall meet. Now they are interacting in classes. We have a JAG mentoring all the paralegal courses and we have a paralegal mentor in the JAG courses. They go in and they share perspectives and teach in each other's classes. I think that's working very well and I'm thrilled we're able to do it.

The other thing I have noticed as I travel around with General Rives and General Dunlap, is our younger JAG and paralegal teams. They're working together and it's really different. I have JAGs ask me questions about the enlisted force structure. I'll tell you, five or 10 years ago, most officers had no idea what that was. Now, I have



captains asking me questions about the enlisted force structure and the Career Field Education and Training Plan (CFETP). We're turning the tide, folks, and the school is an important part of that.

One of the other things we've worked on for awhile is to get a full-time AGR paralegal at the school. The position's been approved and we're looking now to hire an AGR paralegal to work full time with Major Houghland.

We've done a great job at building the JAG distance education with CAPSIL, and once we have a paralegal in place, that person can help Major Houghland develop for paralegals. The CAPSIL modules have been touted as a great thing for the ARC, but they are great tools for active-duty, too. CAPSIL is truly a win-win for all of us.

We also launched an electronic CFETP. I've been a paralegal for a long time and year after year I would go to conferences and they would say, "we're almost ready to have an electronic CFETP." Well it's 2009 and we just got it! It's called Training Business Area (TBA) and it rolled out in June. It's a little challenging because it's very different. Everything is done through the computer. My hat is off to Chief Master Sergeant Tom Clark, our chief of manpower and training because he learned TBA and has been sending word out to the field so all our paralegals can use the system.

Last year I talked to you about the Air University ABC program where once you have your CCAF degree you can get a bachelor's degree. But the limited paralegal programs that were out there were not ABA approved programs. For the past year, we've been trying to bring on ABA approved schools to work with us and have found two schools that are very interested. We're reviewing the curriculum and I think that we're going to have success. We'll have two ABA approved paralegal bachelor degree programs. The PAC and PCC courses at the JAG school fulfill the need for face-to-face education, so the rest of the requirements can be done online.

We had an occupational survey this year—something that's done about every three to five years for the enlisted career fields. The results tell us what we're doing, how well we're doing it, and how well we're training for our jobs. There were no big surprises. The highlights and takeaways were that our paralegals like their jobs, they're satisfied with what they're doing, and training seems to be focused on the right areas. There were some areas we need to tweak. We have built the CFETP and the training to take us to where we want to go.

One interesting note about the survey: The Occupation Measurement Squadron (OMS) folks told us that paralegals were the most patriotic career field they had ever seen. They had never seen responses like the one

The OMS folks told us that paralegals were the **most patriotic** career field they had ever seen.

from our career field. I'll tell you that gave me goose bumps. We are truly proud to serve. The occupational survey will only

help us to improve training for our paralegals.

We have challenges ahead. As we develop training, I think we're going to build a better paralegal. So our more seasoned paralegals, the ones who already hold a 7-level, are going to be a little bit behind on knowing--or having all the tools they need to support what we want them to do as

paralegals. I think a big part of that responsibility will fall to the SJAs and the superintendents to help build training programs to get those seasoned paralegals up to speed. We can do it.

For a long time we have struggled to get the right person, in the right job, at the right time. The Air Force now has a big push for enlisted force development. When I read through the description of enlisted force development it talks about strategically building the future leaders of our Air Force. I read everything about the civilian piece, the officer piece, and the enlisted piece. For everybody else it said, put them in the right jobs and give them the education so they can succeed in those jobs. The enlisted part, though, said the most eligible-to-move rules will apply. How do you strategically develop enlisted leaders when your criteria is the most eligible to move? We need to move to a “best-qualified” assignment system, especially as we go into the field support centers. We need to have special traits. We’re working on it and we’ve developed what’s called “special category” on assignments, where we set the criteria. It’s an Air Force problem and I’ve been beating this drum at the Air Staff. A number of career field managers are coming on board to help. I think we’ll see change in that area.

The other concern is the new GI Bill and its effect on retention. Right now our retention is the best it’s ever been, a fact that came out in the occupational survey. I’m not sure if it’s because we all love what we do and we’re very patriotic or that the economy is tanking. It could be a little of both. I am concerned that when we bring in paralegals under the new GI Bill and they may get their education, afterwards decide to do other things and leave the Air Force. Hopefully, the smart people who do the sustainment lines have factored that in to give us the number of people that we need to bring in to sustain our career field. I’m not sure they did, so we’ll have to wait and see.



A1C Lee Herbert

Now I’d like to address the best part: the paralegals. You’ve heard about the Field Support Centers and the different things our paralegals are doing throughout our Air Force. I’m going to tell you about Technical Sergeant Rufus. Technical Sergeant Rufus is a fairly new paralegal; she may have been a paralegal for two years. She deployed to Iraq and had a job at the Rusafa Prison as part of the Law and Order Task Force. When she got in there



they had about 1500 detainees and they had records all over the place. Some of the detainees had been held more than six months without any court action or anybody looking at anything. When she got in there, she quickly realized the cases needed organization. So, she built a database, in-put all the records, and found every record but one. She did such a great job building the records to track detainees, she was asked to brief the Iraqi Ministry of Defense—the first time ever an enlisted member briefed an Iraqi cabinet minister. She is one of our paralegals!

Another example is Technical Sergeant Daniel Velarde. Daniel works at the Environmental Law Field Support Center in Texas. When Daniel arrived he had virtually no training and no experience in environmental law. Let me tell you, he was undaunted. He jumped in, got into the AFIs, went to every course he could, and learned what he was supposed to do. He became a vital part of the team. He just recently worked on a project with his attorney to review an encroachment issue at Nellis Air Force Base. He researched state legislation and how encroachment



works at military airports and civilian airports, and looked at all the nearby states. His legal analysis was incorporated into the final work product, and that's just after one year there. I am very proud of Daniel Velarde, Laura Bright, and Marisa Gibson who are all down at the Environmental Law Field Support Center. This is just one field support center.

The theme at KEYSTONE this year is VANGUARD Leadership. An example of such leadership is Senior Master Sergeant Anita Easter. Senior Master Sergeant Easter is the law office superintendent at Travis Air Force Base, a very busy base. It's a young office, with young attorneys and young paralegals. Sergeant Easter went in there as the Law Office Superintendent and she's been building training and working hard to get the job done. She is truly service before self. Major Speranza at JAX was working through sourcing for AEF 5 and he showed me the list. We had a few senior NCOs that were ready to deploy. I knew that they had all deployed within the last year or had just come back within the last year. I said, I think there are some senior NCOs out there who may have never deployed or haven't in a long time. Would it be okay if we tried to get one of them to take this deployment? So we called Sergeant Easter and asked her if she would volunteer to take this deployment. She said, "Yes, Chief, send me."

That's a leader.

Leadership is not just by the stripes or rank you wear or by the position you're in. Take for example Airman First Class Lee Herbert. Lee is an Airman in the Aviano Base Legal Office. He was out one weekend having fun with his friends at Aviano, when he lost his footing as he was walking up the side of a hill and tumbled through two waterfalls. He shattered both his heels and injured his legs, elbows, and face. He has had a rough time. Why does that make him a leader? I got to meet Lee when he transferred from Italy to Walter Reed. He has inspired me; his attitude is so positive. He doesn't care about himself. I saw what he was going through and how he was healing, and how positive he was. I had had knee surgery in February, and here I am, months later, and I'm still milking it! When I saw Lee I thought, "Oh, my God, what's wrong with me?" He inspired me and shortly after I met him, I started running and I'm still running. It's because of A1C Lee Herbert. He is a leader.

It's been my privilege to serve in the Air Force and as a paralegal. I've been a paralegal since 1986. Your team of chiefs stand together as a total force. We watch out for the paralegals, for our JAGs, for our civilians, for all our Airmen, and for the people that we



LT GEN RIVES joins in a round of applause for CMSgt Stocks.

serve. As I get ready to retire, Chief Master Sergeant John Vassallo will be taking over as the 13th Senior Paralegal Manager. There is no doubt in my mind he will continue to enjoy the same support that I have enjoyed during my tenure. I thank you for all you do.

The previous remarks, which have been edited for this publication, were made by Chief Master Sergeant Ann D. Stocks at the KEYSTONE Leadership Summit on 26 October 2009.

S P O T L I G H T ON ...

a Deployed Paralegal

In May 2009, Technical Sergeant Sylvetris Rufus deployed for six months in support of the Law and Order Task Force (LAOTF) in Iraq. This was her first deployment as a paralegal and her sixth deployment as an Airman in the Air Force. TSgt Rufus served previously as a weapons load crew chief. Although she enjoyed her job in aircraft armament, she felt the legal profession provided more opportunities for her future.

Shortly after TSgt Rufus' arrival in the AOR, she became involved with the Iraqi National Police project. The project evaluated the overpopulation of the Rusafa Prison and attempted to improve the communication between the major players in the Iraqi prison system. TSgt Rufus identified over 1,500 detainees who had not had their cases heard by the courts in the previous six months and who were unable to contact their families. Some detainees had been imprisoned for more than six years.

TSgt Rufus traveled to the Rusafa Prison to review the situation and collect available information on each detainee. She quickly found that the prison did not have a formal filing system; case files and records were often tossed into a cabinet or on the floor, held together by sewing pins or thread, and available only in paper copy. All records were in Arabic. From tireless dedication, TSgt Rufus built the first database which monitored and provided statistical data allowing her to organize and access critical information on each detainee. TSgt Rufus identified 132 detainees from 1,550 that should not have been at Rusafa, many of whom were given amnesty, ordered released or transferred to another facility.

As a result of her efforts, TSgt Rufus was invited to personally brief Mr. Dara Nur Al-Din, Iraqi Minister of Justice on the outcome of the Iraqi National Police Project, a first for any paralegal. Following the briefing, Mr. Nur Al-Din and the Honorable Christopher R. Hill, U.S. Ambassador to Iraq, visited the Rusafa Prison complex to personally review the problems presented. Thanks in large part to the work of TSgt Rufus, a special committee of high-ranking Iraqi Correctional Service officials immediately began work to correct the problems identified.



TSGT RUFUS with Mr. Dara Nur Al-din, Iraqi Minister of Justice.

Air Force Reserve Perspective



Maj Gen Loren S. Perlstein
Mobilization Assistant to
The Judge Advocate General

I'm honored to report to you on your Reserve JAG Corps program. And I'm also enormously proud of the accomplishments and contributions that Reserve JAGs and paralegals have made this year. The state of your Reserve JAG Corps is exceptionally good. This is a team effort and your reservists are extremely proud to be part of that team.

Whether a reservist provides direct support to a commander in a CAT A or Guard unit or augments an active-duty or reserve office, they really are some of your best, most experienced resources. Reservists work independently, multitask, and provide tremendous mentorship to your junior officers and paralegals. On a special note, I was very pleased when I heard that Andy Turley had been selected to be the Air National Guard Assistant to TJAG. Ever since Andy and I were junior officers, we've been planning on ways to integrate the organization. I have always felt, and so has Andy, that the Guard and Reserve could do many more things together. The question is not "what can we do together?" The question is, "tell me why we can't do the task together?"

There are a number of things we have already integrated, are working on integrating, or are planning to integrate in the future. General Turley and I are looking at everything that we do to determine whether or not we can integrate our efforts. So I think you're going to find that your ARC is going to look very different in the future.

Have you had a dual PASCODE problem in the last couple of years? A lot of you have been pressured by your commanders with regard to problems generated by dual PASCODES. Last year, I reported that although there were lots of challenges with dual PASCODES, dual PASCODES were a good thing for the Air Force. They allowed General Rives to attach people at active duty offices all over the Air Force. I've got good news; we have solved the PASCODE problem. A recent change to the validation instruction now allows us to put those assigned wartime PASCODES anywhere we want. We don't have to put 578 validated positions at distant bases in the Pacific. We now can marry up that assigned wartime PASCODE with the attached training PASCODE where all our reservists train. Technically, there will still be two PASCODES, but they will be merged, so it will be transparent to most of you. That means that notices for OPRs, PRFs, awards and decs, you name it, will now, for the first time, go to "the right base." Mission accomplished; we're really excited about that.

Most of you know that ARC StaRS is the program we use to capture what reservists do day in and day out. After a reservist pulls duty, at the end of the day they go into ARC StaRS and annotate what they accomplished that day. We received a lot of great recommendations for changes to make ARC StaRS better. Reservist wanted better and more categories, and easier access to the program. The active-duty SJAs wanted a way to capture what the reservists do as the year goes by; to enter bullets into their programs so at the end of the year they could do the OPRs very quickly and accurately. We have accomplished all that through the great work of our reserve ITRC committee under the direction of John Polk. We've added a whole lot of new

categories and drop down menus to better represent the kind of things that reservists do in their offices.

We redesigned ARC StaRS to better serve active-duty SJAs and supervisors. This will allow training supervisors to record what the Reservist did for a specific project. Another big development allows the SJA to track the status of the Reservist's OPR, as the year goes by, and add comments. So when they get the request for the OPR, they don't have to go searching for the reservist or waiting for them to submit bullets or information; it will all be there. This is now mandatory for reservists and I highly recommend to the active-duty SJAs that they use this page.

One of the things we really focused on this year was training and education. We knew that we could do a much better job preparing reservist to support the Air Force mission. We took a look at all the courses that we require. The first thing we did was completely reformulate the Annual Survey of the Law, our foundational course, where five hundred reservists meet in Denver every year to study developments in the practice of military law. We decided there was a better way to do that training and we broke it down into four four-hour blocks. Now every reservist gets to choose from about 10 or 12 specific areas of the law, and they get four hours of in-depth teaching in that block. We've gotten great reviews and I think it's going to be terrific.

As a result of these changes, we took a close look at the Reserve Forces Judge Advocate Course (RFJAC) that we offer at the JAG School. We decided there was a more productive way to use this time, resulting in three changes. Number one, RFJAC is going away because it essentially duplicates the Annual Survey of the Law. Number two, instead of going to the Annual Survey of the Law every four years, every reservist and Guardsman is going to go every two years. Finally, we are going to require every Reserve and Guard Judge Advocate to take a substantive course at the JAG School from a list of approved courses once every six years. That means the typical reservist will go to the JAG School

about three times in a 20-year career. That seems like a reasonable schedule. We really think these two initiatives; changes to the Annual Survey of the Law with more in-depth instruction and substituting a substantive course at the JAG School will really better prepare our reservists to work in their offices and support the Air Force mission.

The next thing we did is ask General Rives to make the Reserve Orientation Course, which we started a few years ago, mandatory. This is a two-day course that teaches newly accessed reservists how to have a successful career. It takes the average reservist about 10 years to really learn the “ins and outs” of RPA and MPA manning days, how to get their orders, and all the frustrations we have to live through. This course is going to take care of that in their first year. This course has already proven to be a huge success. We have also greatly refined our Commanders Legal Information Course (CLIC) under the direction of Lt Col Dan Rouse and a team of great reservists. That course teaches CAT A unit commanders all the things they need to know, and all the legal problems they’re likely to run into when they command their units. We have gotten great reviews from our commanders.

Finally, as I mentioned, I think our total force integration project with the Guard is really going to change and improve what we do for the Air Force. Reservists face many frustrations and challenges not experienced by their active-duty counterparts, including access to computers, ancillary training, obtaining orders, etc. It is a difficult world. There are very important reasons why these difficulties exist and I don’t argue with those reasons. We really have to protect our computer systems for example, but it does create frustrations for reservists. It’s never been more difficult to be a reservist, and never has it been more important. While acknowledging the frustrations and the challenges, the catchword is “perseverance.” I’ve asked our reservists to persevere and I think they’ve done a tremendous job at that. Thank you for your support for the reserve organization. I am very proud to represent the reserve organization and report to you that it is very healthy and moving forward.

The previous remarks, which have been edited for this publication, were made by Major General Loren S. Perlstein at the KEYSTONE Leadership Summit on 27 October 2009.

S P O T L I G H T ON ...

a Citizen Airman

Lt Col Carl Tierney, 459th Air Refueling Wing Staff Judge Advocate, volunteered for a 90 day tour to Al-Udeid Air Base (AUAB) from December 2008-March 2009. While there he served with distinction as the Deputy Staff Judge Advocate at the 379th Air Expeditionary Wing. Lt Col Tierney’s experience was particularly rewarding because while at AUAB he had the unique opportunity to personally observe the fruits of his labor in his civilian capacity as an attorney with DOD Office of General Counsel. In his civilian job, Mr. Tierney spent nearly a year working as a member of the START Treaty Compliance Review Group to develop a treaty-compliant method for the Air Force to be able to add a sniper targeting pod to the B-1B. The START treaty issues were complex and involved converting the B-1B bomber into a non-nuclear heavy bomber. To do so, the B-1B nuclear bomber needed to be distinguishable from the nuclear variant. In the photo below he is standing near the front landing gear of a non-nuclear B-1B bomber at AUAB. The red dot on the B-1B landing gear was one



LT COL TIERNEY next to the landing gear of a sniper targeting pod-equipped B-1B

of the distinguishing features the Treaty Compliance Review Group came up with at the Pentagon. A red dot was used previously to distinguish Minuteman missiles.

Lt Col Tierney enjoyed talking to the aircrews and got to view the videos of the added sniper targeting pod in action. The sniper targeting pod has had an immense impact on operations in Afghanistan. In his words, he said the capability the sniper pod has added is analogous to going from the 1970’s version of the video game Pong to the current day version of World of War video game! Lt Col Tierney heard many impressive stories from the aircrews about how the sniper pod capability now allows them

to put bombs on target and save the lives of coalition forces on the ground. How gratifying that must have been! For their part, the aircrews were honored to meet someone who was part of making the sniper targeting pod capability a reality. Lt Col Carl Tierney’s experience is a shining example of the true meaning of “citizen airman.”

Air National Guard Perspective



Maj Gen F. Andrew Turley
Air National Guard Assistant to
The Judge Advocate General

I was honored on the 1st of July this year to be selected as the Air National Guard assistant to TJAG, and I'm especially excited to be taking over the leadership role for an exciting organization that has not just a sterling reputation, but a great mission. I'm also thrilled about the fact that I get to serve shoulder to shoulder with my best friend, Loren Perlstein. I'm excited about the future because together we can do some really great things.

We are a 100 percent total force and want to make this a reality. When I was on active duty, I knew the CAT B program. I had no idea about the CAT A program or the guard program. So what I want to do is tell you about this terrific organization called the Air National Guard. It's composed of 471 judge advocates and paralegals, 60 percent of whom have served on active duty as judge advocates, mostly in the Air Force, with a few from the other services. We have 34 percent who come from other career fields such as pilots and staff officers. Our paralegals tend not to come from active duty. Instead they tend to be cross trainees

from other organizations on our Air National Guard bases. And why is this important? Because this gives us the connection within the bases at the enlisted level and it really enhances the practice of our Air National Guard JAGs there.

Interestingly, 57 percent of our folks have come into the Corps, in one capacity or another, prior to 9/11. They were there with the old Strategic Reserve and they are now effectuating our move to what we call an Operational Reserve. Roughly almost half of our folks are employed in the private sector; mostly in the federal government, but also in state and local governments. And 40 percent are roughly in the private sector with law firms, corporations, and so forth. That's a snapshot of who your Air National Guard force is.

This is where we are. We have 90 legal offices in 54 states and territories. The typical office is two judge advocates, two paralegals. We have 54 state and territorial headquarters where we have somebody either at the O-5 or O-6 level. But the most important part is that we are an integral part of the Judge Advocate Corps community. Twenty four of our offices are on active-duty Air Force bases. We've put out a challenge to our Air National Guard SJAs to give that active duty SJA a call. This is a small, but very important way where we not just have legal offices, but an integrated Judge Advocate General's Corps community. Also, we've got another 45 Air National Guard Legal Offices that are within an hour's drive. We're encouraging further integration and you'll see more activity on that in the future.

Regarding the Strategic Reserve, when I joined the Air National Guard the first time around we were the Strategic Reserve. I was with an A-10 unit; we were waiting for the Russians to come through the Fulda Gap and we were going to mobilize and go to Europe. It's not that way anymore. The movement towards the Operational

Reserve has changed the complexion and the character of what your Air National Guard JAGs are doing. We are getting into new missions, and are shifting more towards a focus on capabilities. What that has meant is we're getting into associate unit relationships. We're getting into cyber warfare in a really big way. We're running Predator operations. We're doing all of these things, many times on home stations. And what that requires from our judge advocates and our paralegals is to be really responsive and smarter than ever in terms of the operational environment and be able to work hand-in-hand and side-by-side with our active duty and our reserve counterparts.

What is our mission? The mission of the Judge Advocate General's Corps, as we all know, is to provide professional, candid, and independent legal advice and counsel and provide the full spectrum of legal capabilities for our commanders and war fighters. How does this translate into what our JAGs and paralegals do at their bases? We take care of our people and our big job is preparing units for federal missions. That's the old Strategic Reserve. But we are also preparing for a brand-new domestic mission. Recently the National Guard Bureau Chief was elevated from three to four stars and actually moved up to be principal adviser to the Secretary of Defense because of the increased significance of domestic missions, and who do we reach to for those domestic missions, but the National Guard. The Air National Guard has a role in that and it's important for our folks to be smart on these issues as well. It's a whole new world for us when we're talking about the Operational Reserve.

These are our mission priorities and these are our mission priorities for the Corps as a whole. It's providing on-time on-target full spectrum legal services, taking care of our folks, and also participating fully in all of these JAG Corps 21 initiatives. Integrating

our Corps is a big item on our plate right now because it's what unites us, and that's most important. That's what gives us the collective strength I think as a Corps.

Your Air National Guard and Air Force Reserve folks are serving 30 to 40 percent of the deployed mission. For those of you who have deployed, both the ARC members and the active duty, you were working side-by-side with your ARC members. One particular point of pride with us is the fact that whether you were a guardsman, a reservist, or an active-duty JAG or paralegal, was indistinguishable. Why? It's because we all train to the same standards, which is another important concept that we have.

One of the things that your need to understand is that many of us have served on active duty, and know what it's like to serve on active duty and then to serve in the guard or the reserve. Many folks who are on active duty have not had the chance to serve in the reserve components of course. This provides an appreciation for the fact that you not only have to balance your family responsibilities, but also your work responsibilities. You have to earn money so that you can pay your mortgage and take care of your families. It's an important responsibility.

What we find is that in terms of the ARC's ability to support our JAG mission we have an elastic formula. Not everybody can deploy. I've talked with folks who are in private law practice who say, "That if I deployed for 179 days, I wouldn't have a practice to come back to." So what we're trying to do is through programs, such as home stations support, give them alternatives to serve, and give them the ability to serve the Corps and be able to make a contribution to that mission.

We rely very much on our active-duty folks to help us with our recruiting efforts. Our experience has been that one program like the CAT A and the B and Guard programs, may make sense for a person at one stage of his or her life when they are building a practice say or where it's difficult to take off time during work to participate in the IMA program. At a later time it may be better for them to go into the IMA program. So we ask you to recruit for all components and the standard is the same. Ask yourself as you're conducting an SJA interview, would you want this person working for you in your office? Because when I was working as the Reserve Advisor to TJAG, when I saw that on an SJA recommendation that carried a lot of credence with me. That recommendation is very important. We ask you to help us out in that regard.

These are our recruiting priorities. You've heard of Maslow's hierarchy of needs. I call this Turley's hierarchy of JAGs. We look first from our folks coming off of active duty and then go right down the list in terms of our preference. Our objective is to have a full-up trained to the same standard as all of us in this room and able to function as an integrated member of the Corps.

These are some of our leadership challenges that we face. Our people and retention issues, and preparing for new missions. That has been a particular challenge because you've got to get the training and the experience,

We have 90 legal offices in 54 states and territories.

then take advantage of all of those things to make sure that we are doing it right. How do we translate these leadership challenges into VANGUARD leadership? We are focused on taking and developing the JA role in new missions. We're looking at home station responsibilities as well as training opportunities. We're also looking at how we're going to continue to meet Air Force operational challenges because we're an integrated part of the Corps and we are going to deploy to do that federal mission. That includes home station support as well. My view has always been that boots on the ground doing a backfill assignment at Barksdale is just as important as boots on the ground in Baghdad and we want to take this holistic approach.

We want to enhance good order and discipline. Right now, especially in some of the associate units, we're dealing with a situation where you may have some disparities with the federal UCMJ. In an associate unit, you have active duty, Guard, and Reserve folks working side-by-side and there's a big disparity between military justice under these various state codes and the federal UCMJ. What we have promulgated and what I'm going to be briefing the standing committee on armed forces law next week on is a model code that was developed so there's a lot more parity and that will enhance the ability of us to participate in associate units.

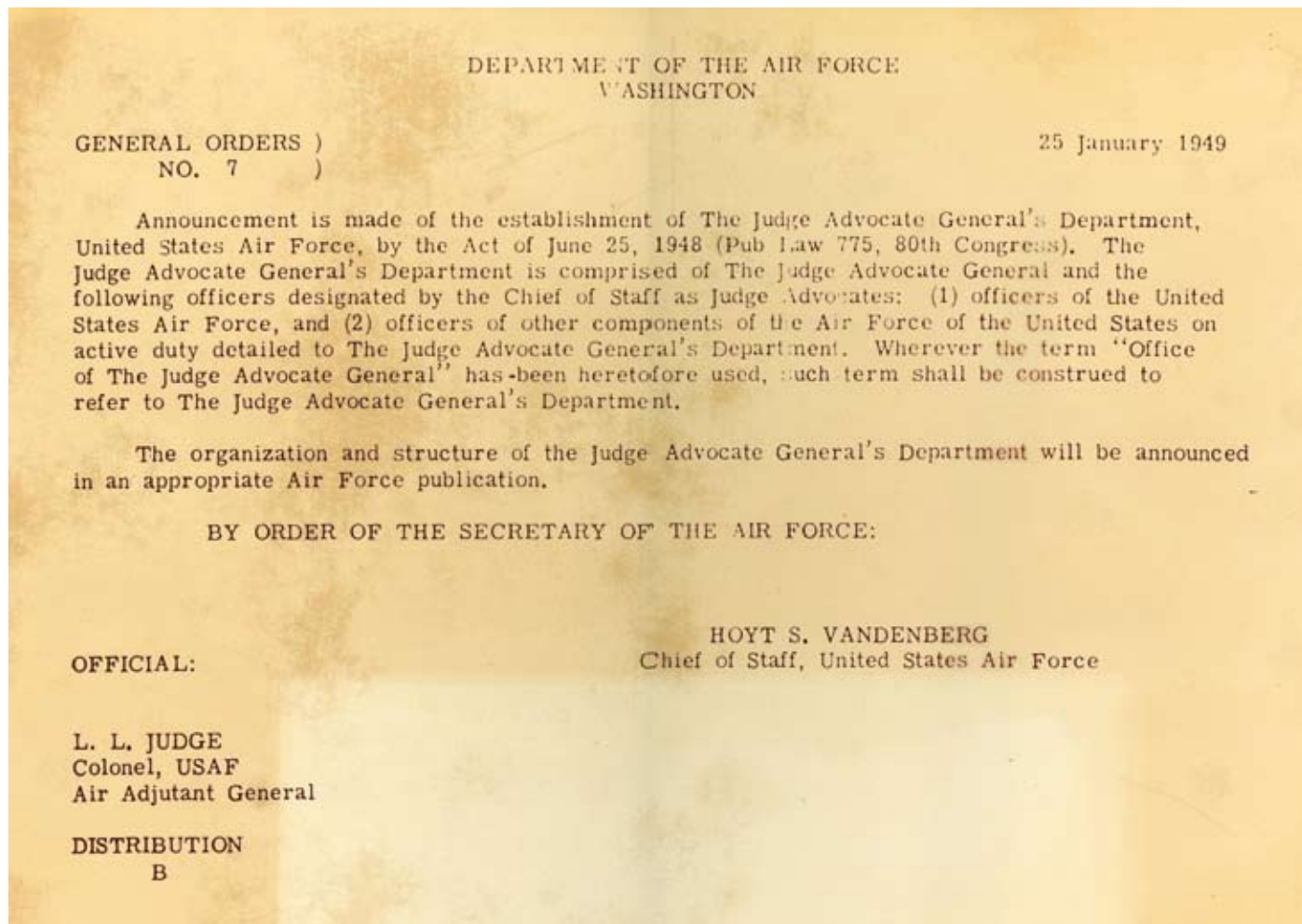
These are the pillars of success that I believe our Guard and Reserve folks need. Engagement; be a fully engaged member of the Guard and Reserve. We ask people to be the best that they can be every time they put on that uniform and make sure that there's sufficient balance between your family, employer, and military responsibilities. As I tell my folks, "Send me." Do something extra, be a part of it, because as General Perlstein said, we've never asked so much of our people, yet at the same time it has never been so important, both now, and in the future.

The previous remarks, which have been edited for this publication, were made by Major General F. Andrew Turley at the KEYSTONE Leadership Summit on 27 October 2009.

S P O T L I G H T

ON ...

Our 60th Anniversary



Sixty years ago Air Force Chief of Staff Hoyt S. Vandenberg issued General Order No. 7 establishing the Judge Advocate General's Department. The new organization encompassed 205 officers at its inception. Within a year the Office grew into a Department of over 400 attorneys. The Department of the Judge Advocate General matured during the 1950s, adding enlisted "Legal Specialists" to the team in 1955, and evolved over the course of six decades while operating in an increasingly complex legal environment. Through wars both "hot" and "cold," the men and women of the Air Force legal community have persevered. In 2009, the Judge Advocate General's Corps looked back to celebrate the accomplishments of

judge advocates, paralegals, and civilian employees who served with distinction over the past six decades. On 28 January 2009, Chief of Staff Norton Schwartz expressed congratulations to the more than 4400 members of the JAG Corps. "For 60 years, your successes have been a reflection of your constant focus on our mission, our people, and our Constitution. I know commanders will continue turning to the JAG Corps to anticipate and help resolve their most pressing challenges, and that you will continue working with our Airmen in exemplary fashion to address their legal needs. We all appreciate what you do every day and the Secretary and I extend our sincere congratulations on your 60th Anniversary."

SPOTLIGHT ON ...

Capt Wendy S. Kosek

On 6 June 2009, Capt Wendy S. Kosek deployed from Little Rock Air Force Base, Arkansas to Baghdad, Iraq as part of Task Force 134. Everyone who knew her had no doubt that she would do well on her deployment. However, no one had any idea how much she would be called on to prove herself.

A native of Dallas, Texas, Capt Kosek began her Air Force Career through the Reserve Officers' Training Corps (ROTC) at the University of Notre Dame. After graduating in 2004, she was commissioned as a second lieutenant and accepted an educational delay to attend law, also at Notre Dame. After graduating law school in 2007, she joined the legal office at Little Rock in January 2008. Capt Kosek proved to be an exemplary young JAG, active within the office and around the base. Her go-getter approach to life was always evident and she strove to perform at the highest level not just in her job but in everything. She told co-workers that it was her goal to score a 100 on her PT test using the men's points system. And she did.

Barely two months into her six-months deployment, her convoy was struck by an explosively formed projectile (EFP). As smoke filled the vehicle, and the gunner began yelling "IED! IED! IED!" Capt Kosek's training kicked in. "I remember seeing red and white and I knew there was something really wrong with my leg," she said. "I was trying to stay really calm." Capt Kosek credited the training she and her teammates received in Advanced Contingency Skills Training Course (ACST) at the U.S. Air Force Expeditionary Center at Joint Base McGuire-Dix-Lakehurst, New Jersey, for saving her life. Teammates got Capt Kosek and her fellow passenger out of the vehicle.

They tended her wounds, kept her conscious and guarded against secondary attacks. "I am not the hero here... they are," Capt Kosek said.

Her injuries were extensive: the blast shattered a portion of her tibia and part of her femur. Three

plates and screws now piece the fragments back together. During her time at Brooke Army Medical Center, at Fort Sam Houston, Texas, she has received three surgeries to repair her leg. The prognosis is good and Capt Kosek is expected to recover. Part of what the doctors have said will help her is the good physical condition in which she kept herself. Another part is that positive, "can do" attitude with which Capt Kosek has approached everything in her Air Force career.

On Thursday, 27 October, before over

700 of her colleagues, Capt Kosek was awarded the Purple Heart by Lieutenant General Jack L. Rives and Major General Charles J. Dunlap, Jr., at the KEYSTONE Leadership Summit. Capt Kosek was also joined by her father, Joe Kosek, her mother, Sue Kosek, her brother, Army Capt. Joe Kosek, as well as Lt Col Norine Fitzsimmons, Little Rock AFB staff judge advocate, friends and co-workers at the ceremony. "My family, fiancé, friends, co-workers at Little Rock, peers that I was deployed with, and fellow Airmen have been extraordinarily supportive and their strength pushes me forward."



TJAG ANNUAL AWARDS

STUART R. REICHART AWARD

THE OUTSTANDING SENIOR ATTORNEY OF THE YEAR

Mister David W. Chappell distinguished himself throughout a career of federal service that started in 1973 and continues to the present day as Chief, Labor Law Field Support Center, Arlington, Virginia. With over 36 years of outstanding contributions to the Air Force, Mister Chappell has built an unsurpassed record of excellence, beginning as a missile combat crew member and crew commander and continuing with staff judge advocate and deputy staff judge advocate duties at the wing, numbered air force, major command, and joint command levels. In those assignments, he supported missions around the globe. He represented Air Mobility Command in talks to achieve a cooperative military agreement with South Korea; negotiated United States Transportation Command-United States Pacific Command Pacific rim airlift support; and collaborated on agreements with Turkey that paved the way for coalition force deployments for Operation DESERT STORM. Mister Chappell began civilian service as a Trial Attorney, General Litigation Division, Central Labor Law Office and was then selected to create the first-ever field support center in The Judge Advocate General's Corps. He molded a group of labor law veterans and rookies into a team, creating training, securing equipment, and establishing a center for subject matter experts to support five regional offices. He led the Air Force effort to implement the National Security Personnel System and managed an \$8 million litigation support contract for a \$400 million federal class action lawsuit in which the United States prevailed. The distinctive accomplishments of Mister Chappell reflect great credit upon himself and the United States Air Force.



Mr.
David W. Chappell

ALBERT M. KUHFELD AWARD

THE OUTSTANDING YOUNG JUDGE ADVOCATE OF THE YEAR

Major Tiffany A. Dawson distinguished herself as Deputy Staff Judge Advocate, Office of the Staff Judge Advocate, 48th Fighter Wing, Royal Air Force Lakenheath, United Kingdom, and Legal Advisor, Combat Operations Division, Combined Air Operations Center, Al Udeid Air Base, from 1 January 2008 to 31 December 2008. As Deputy Staff Judge Advocate, Major Dawson led the legal office in garnering the American Bar Association Legal Assistance Distinguished Service Award and the United States Air Forces in Europe Dr. Richard S. Schubert Award for improving host nation-US relations. In response to an international crisis, she traveled on short notice to Lithuania, where she guided the United States ambassador and Air Force commander through the successful assertion of United States military jurisdiction in a high-profile vehicular homicide case. While deployed in support of Operations ENDURING FREEDOM and IRAQI FREEDOM, she expertly vetted 38 time-sensitive airstrikes and 612 missions supporting troops in contact with hostile forces. She also briefed the rules of engagement to over 100 naval aviators onboard the USS Abraham Lincoln. Finally, her efforts during the multi-day defense of an endangered outpost resulted in her receipt of the Combined Air Operations Center Performer of the Month Award. In recognition of her outstanding performance, she was named 48th Fighter Wing Field Grade Officer of the Year. The distinctive accomplishments of Major Dawson reflect great credit upon herself and the United States Air Force.



Maj
Tiffany A. Dawson

TJAG ANNUAL AWARDS

KAREN YATES-POPWELL AWARD

THE OUTSTANDING PARALEGAL SENIOR NONCOMMISSIONED OFFICER OF THE YEAR

Sergeant Kristen M. Orcutt distinguished herself as Noncommissioned Officer in Charge, Legal Operations, Office of the Staff Judge Advocate, 435th Air Base Wing, Ramstein Air Base, Germany, and Law Office Superintendent, Office of the Staff Judge Advocate, 380th Air Expeditionary Wing, Al Dhafra Air Base, United Arab Emirates, from 1 January 2008 to 31 December 2008. For the 435th Air Base Wing legal office, Sergeant Orcutt developed a paralegal recognition program that resulted in two annual and 12 quarterly wing staff agency awards and created a court-martial checklist that the Air Force Legal Operations Agency distributed Air Force-wide. While deployed to the United States Central Command Area of Responsibility, she initiated both a legal assistance roadshow and a legal readiness seminar. For improving legal support to the airmen of the wing, she was twice selected Wing Staff Agency Senior Noncommissioned Officer of the Month. On her return to Germany, Sergeant Orcutt was chosen as the major command's inspector for a staff assistance visit to Geilenkirchen Air Base, where she identified deficiencies and provided solutions that secured the legal office an "excellent" rating for its unit compliance inspection. The 435th Air Base Wing Commander recognized her superior performance and ranked Sergeant Orcutt fifth out of 271 master sergeants in the Air Force's largest contingency support wing. The distinctive accomplishments of Sergeant Orcutt reflect great credit upon herself and the United States Air Force.



MSgt
Kristen M. Orcutt

STEVE SWIGONSKI AWARD

THE OUTSTANDING YOUNG PARALEGAL OF THE YEAR

Technical Sergeant Jesse D. Bascombe distinguished himself as Noncommissioned Officer in Charge of the Legal Office, Office of the Staff Judge Advocate, 23d Wing, Moody Air Force Base, Georgia, and Noncommissioned Officer in Charge, Criminal Law Division, Office of the Staff Judge Advocate, 316th Sustainment Command (Expeditionary), Logistics Support Area Anaconda, Iraq, from 1 January 2008 to 31 December 2008. At Moody Air Force Base, Sergeant Bascombe successfully performed the duties of a senior noncommissioned officer and led the 23d Wing legal office to a 99% compliance rating in an Air Combat Command unit compliance inspection. His meticulous management of the budget secured an additional \$20 thousand for 20 computers and accessories and resulted in his selection as the wing staff resource advisor, administering the \$821 thousand budget of 20 agencies. On his second deployment in support of Operations ENDURING FREEDOM and IRAQI FREEDOM, Sergeant Bascombe was the sole airman on a 70-member legal team. He oversaw the military justice workload of 36 paralegals to administer 17 general courts-martial and over 600 non-judicial punishment actions. In recognition of his contributions to the joint fight, Sergeant Bascombe was coined by the Army Judge Advocate General and honored as the 23d Wing Staff Noncommissioned Officer of the Year for 2008. The distinctive accomplishments of Sergeant Bascombe reflect great credit upon himself and the United States Air Force.



TSgt
Jesse D. Bascombe

TJAG ANNUAL AWARDS

REGINALD C. HARMON AWARD

THE OUTSTANDING AIR RESERVE COMPONENT JUDGE ADVOCATE OF THE YEAR



Maj
W. Chad Austin

Major W. Chad Austin distinguished himself as Deputy Staff Judge Advocate, 21st Space Wing, Peterson Air Force Base, Colorado, and Team Chief, Joint Investigations Committee, Law and Order Task Force, Multi-National Force-Iraq, Baghdad, Iraq, from 1 January 2008 to 31 December 2008. During this period, Major Austin was the ultimate force multiplier, serving for six weeks as the Deputy Staff Judge Advocate at Peterson Air Force Base. He advised commanders on a wide range of complex issues, including deactivation of the wing maintenance group and release of medical information after an airman's suicide. Major Austin then volunteered to deploy to the Law and Order Task Force in Iraq, where he led a team of investigators in handling over 100 terrorism cases and overhauled the case tracking system. He also served as the liaison with 26 Iraqi judges and made over 70 trips into hostile areas where he obtained more than 200 warrants for the detention of suspected terrorists. To track and execute these warrants, he designed a new warrant database, enhancing its effectiveness by gaining the cooperation of 15 key leaders of international agencies to share information. His initiative and innovation had a direct, positive impact on the ability of the Task Force to accomplish its mission. The distinctive accomplishments of Major Austin reflect great credit upon himself and the United States Air Force.

DAVID WESTBROOK AWARD

THE OUTSTANDING AIR RESERVE COMPONENT PARALEGAL OF THE YEAR



SMSgt
Imelda B. Johnson

Senior Master Sergeant Imelda B. Johnson distinguished herself as Senior Individual Mobilization Augmentee Reserve Paralegal Training Manager, The Judge Advocate General's School, Maxwell Air Force Base, Alabama and Individual Mobilization Augmentee Paralegal Manager, Office of the Staff Judge Advocate, Ninth Air Force, Shaw Air Force Base, South Carolina, from 1 January 2008 to 31 December 2008. Over those 12 months, Sergeant Johnson continually demonstrated superior initiative. A recognized authority on paralegal education, she restructured the Air Reserve Component Paralegal Course into a high-impact one week course that saves the Air Force \$30 thousand annually. As a subject matter expert on reserve utilization and training, she was selected to update course content for both the Annual Survey of the Law Conference and the Law Office Management Course. Sergeant Johnson also unhesitatingly stepped up to serve a month-long tour as the Air Force Reserve Command Paralegal Manager. In that leadership role, she updated the records of every Individual Mobilization Augmentee paralegal, created the command's first Computer Systems Administrator position, and developed a program to validate, track, and announce Home Station Support requests. The distinctive accomplishments of Sergeant Johnson reflect great credit upon herself and the United States Air Force.

TJAG ANNUAL AWARDS

JAMES O. WRIGHTSON, JR. AWARD

THE OUTSTANDING CIVILIAN ATTORNEY OF THE YEAR

Miss Renee M. Collier distinguished herself as the Chief, Environmental Law Field Support Center, San Antonio, Texas, from 1 January 2008 to 31 December 2008. To establish the Field Support Center, Miss Collier recruited a team of environmental law superstars. She filled 18 vacancies with subject matter experts on regulations pertaining to air, water, and the National Environmental Policy Act, each with an average of 15 years experience in their respective fields of practice. She then increased her staff's proficiency, planning and executing a three-day training workshop for the personnel at the Center's seven geographically separated units that included a virtual town hall meeting with The Judge Advocate General. To guarantee that the Field Support Center was prepared for any issue when it opened for business, she collected and inventoried every Air Force major command's environmental files and records. She also successfully advocated for office space requirements, furnishings, and equipment and secured new construction and follow-on workspace modifications at no additional cost. Even while launching the Center, Miss Collier achieved environmental law successes, closing 11 Affirmative Cost Recovery cases and settling another that resulted in a \$7 million recovery for the Air Force. Ultimately, it was her vision and foresight that ensured the Environmental Law Field Support Center stood up on time, on target. The distinctive accomplishments of Miss Collier reflect great credit upon herself and the United States Air Force.



Ms.
Renee M. Collier

HAROLD R. VAGUE AWARD

THE OUTSTANDING LEGAL SERVICE CIVILIAN OF THE YEAR

Miss Melissa L. Keesee distinguished herself as Paralegal Specialist, Office of the Staff Judge Advocate, United States Special Operations Command, MacDill Air Force Base, Florida, from 1 January 2008 to 31 December 2008. In that period, Miss Keesee was solely responsible for administering the combatant command's ethics program, including conducting almost 100 post-government employment ethics briefings and managing more than 320 Public and Confidential Financial Disclosure Reports. Demonstrating information technology expertise, she created an internal database to track over 700 legal tasks, transitioned the office website to a Sharepoint portal site, and designed an automated civilian time sheet. In addition, she went above and beyond the call of duty and helped over 720 legal assistance clients. Miss Keesee worked tirelessly over a nine-month period to develop and orchestrate the first-ever Joint Special Operations Legal Advisor Course. She also took charge of planning the 2008 Special Operations Forces Legal Conference, which was attended by 85 lawyers and paralegals. For her extraordinary achievements, Miss Keesee was honored with the 2008 Major General William F. Garrison Award for Legal Excellence for Lifetime Support of Special Operations Forces, the first paralegal to win the award since its origination in 1997. The distinctive accomplishments of Miss Melissa L. Keesee reflect great credit upon herself and the United States Air Force.



Ms.
Melissa L. Keesee

TJAG ANNUAL AWARDS

THE OLAN G. WALDROP, JR. UNSUNG HERO AWARD



The Olan G. Waldrop, Jr., Unsung Hero Award is an ad hoc award presented by The Judge Advocate General based on the recommendations of JAG Corps personnel. It is open to all judge advocates, paralegals, and civilian employees who demonstrate devotion to their duties, support to others, and dedication to the JAG Corps, with no regard for recognition.

This award is named in honor of Brigadier General (Ret.) Olan G. Waldrop, Jr. Brig Gen Waldrop served with distinction for over thirty years as an Air Force judge advocate. He served as Commander, Air Force Legal Services Agency and as a staff judge advocate four times. He retired as the Staff Judge Advocate, Headquarters Air Force Materiel Command, on 1 February 1999. His career is highlighted by his legal prowess, significant support to others, and dedicated leadership.

At the 2009 KEYSTONE Leadership Summit, Lieutenant General Rives and Brig Gen Waldrop made two presentations of the award to **Lieutenant Colonel Rachael L. Mercer**, an assistant staff judge advocate at 9th Air Force and **Mr. John Martinez**, who serves in the Policy and Program Integration Division, Office of The Judge Advocate General. The outstanding character of selfless service and devotion to duty demonstrated by these individual are the epitome of VANGUARD Leadership

TJAG ANNUAL AWARDS

THE JOY DUNLAP FAMILY SERVICE AWARD



Tom Hagmaier, an active volunteer within the Air Force and Judge Advocate General Corps community for more than ten years, received the first-ever Joy Dunlap Family Service Award Oct. 29 during the annual award banquet, part of the JAG Corps' KEYSTONE Leadership Summit in Dallas. Lieutenant General Jack L. Rives, The Judge Advocate General, and Ms. Dunlap jointly made the inaugural presentation of the award.

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

Mr. Hagmaier is retired from the Air Force and is the husband of Colonel Tonya Hagmaier, Commandant of the Judge Advocate General's School at Maxwell Air Force Base, Ala. At Andersen AFB, Guam, he was active with the Officers' Spouses Club and served as volunteer handyman for his base housing neighborhood. Nicknamed the "Mayor of Rota Drive," Mr. Hagmaier helped countless base residents hook up generators and share power in the aftermath of two typhoons. For his volunteer efforts, he

was awarded the Angel Award.

At Bolling AFB, D.C., Mr. Hagmaier's weekly office drop offs of cookies led to the creation of "Cookie Wednesday;" a morale booster and welcome break for JAG Corps members. Mr. Hagmaier also was active in the JA Spouse Connection and helped host countless new spouses and family members during visits to the National Capital region. Now, as the husband of the commandant of the Judge Advocate General's School, he attends icebreakers, graduations, welcomes and farewells for JAG and paralegals deploying to the AOR. He also hosts meetings with JAG Corps spouses and is often seen running with new students at physical training sessions. His volunteer efforts within the Air Force and, particularly in the JAG Corps, have had a tremendous impact on the JAG Corps family, according to JAG officials.

When accepting the award, Mr. Hagmaier said that he was humbled by the award and that he volunteered because he believed that if he helped take care of the JAG Corps family that would help ensure his spouse could focus on getting the mission done. Later, discussing the award, Colonel Hagmaier lauded her husband's volunteer efforts. "The students love talking with him," she said. "The spouses trust him and I couldn't do my job without him."

JAG CORPS SCHOLARLY

ARTICLES AND WRITINGS

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

Maj Gen Charles J. Dunlap, Jr., *Reasons To Write*, THE REPORTER, Vol. 36, No. 3.

Maj Gen Charles J. Dunlap, Jr., *A JAG In La La Land*, THE REPORTER, Vol. 36, No. 3.

Brig Gen Steven J. Lepper, *Remembering Judge Everett*, THE REPORTER, Vol. 36, No. 2.

Col Mark Allred, *Depositions and a Case Called Savard*, 63 A.F. L. REV. (2009).

Col James M. Durant III & Frank Anechiarico, *Looking Back to Go Forward: Remaking U.S. Detainee Policy*, AMERICAN BAR ASSOCIATION NATIONAL SECURITY LAW REPORT (March/April 2009).

Col Paul E. Pirog, *Should Ethics Trump the Rule of Law? A Symposium Response*, 50 S. TEX. L. REV. 859 (2009).

Col Lisa Turner, *The Detainee Interrogation Debate and the Legal-Policy Process*, JOINT FORCE QUARTERLY, Issue 54, 3rd Quarter.

Col Lisa Turner & Lt Col Jeanne Meyer, with Harvey Rishikof, Chapter 3: *Understanding the Role of Northern Command in the Defense of the Homeland*, in THE EMERGING LEGAL FRAMEWORK-AUTHORITIES AND CHALLENGES HOMELAND SECURITY: LEGAL AND POLICY ISSUES, by Joe D. Whitley and Lynne K. Zusman, Editors.

Lt Col Todd A. Brown, AL ANG, *Legal Propriety of Protecting Defense Industrial Base Information Infrastructure*, 64 A.F. L. REV. (2009).

Lt Col Thomas Dukes, Jr., USAFR & Lt Col Albert C. Rees, Jr., USAFR, *Military Criminal Investigations and the Stored Communications Act*, 64 A.F. L. REV. (2009).

Lt Col Eric F. Mejia, *Eligible to Serve: Chaplains on Court-Martial Panels*, THE REPORTER, Vol. 36, No. 2.

Lt Col Eric F. Mejia, *What Can You Tell Me? Disclosure of Adverse Actions to Victims and Witnesses*, THE REPORTER, Vol. 36, No. 3.

Lt Col Patrick W. Franzese, USAF, *Sovereignty in Cyberspace: Can it Exist?*, 64 A.F. L. REV. (2009).

Lt Col Lee Gronikowski, *Disclosing Client Confidences: Even a Casual Conversation Can Create Ethics Problems*, THE REPORTER, Vol. 36, No. 1.

Lt Col Joshua E. Kastenberg, *THE BLACKSTONE OF MILITARY LAW: COLONEL WILLIAM WINTROP*, Scarecrow Press, 2009.

Lt Col Joshua E. Kastenberg, USAF, *Changing the Paradigm of Government Information Systems: A Solution to the Need for the DOD to Take Time-Sensitive Action on the NIPRNET*, A.F. L. REV. (2009).

Lt Col Joshua E. Kastenberg, USAF, *Non-Intervention and Neutrality In Cyberspace: An Emerging Principle in the National Practice of International Law*, A.F. L. REV. (2009).

Lt Col Kenneth R. Sibley, *Mountains or Molehills? Certifying Digitally Signed Documents*, THE REPORTER, Vol. 36, No. 2.

Lt Col Graham H. Todd, *The Banner and the Privilege: In the Age of the New DOD Notice and Consent Banner*, THE REPORTER, Vol. 36, No. 3.

Lt Col Graham H. Todd, USAF, *Armed Attack In Cyberspace: Deterring Asymmetric Warfare With an Asymmetric Definition*, A.F. L. REV. (2009).

Lt Col Le T. Zimmerman, *The Trial Script: Everything You Didn't Even Know You Didn't Know But Were Afraid To Ask*, THE REPORTER, Vol. 36, No. 2.

Maj Brian L. Bengs, *Legal Constraints Upon the Use of a Tactical Nuclear Weapon against the Natanz Nuclear Facility in Iran*, 40 GEO. WASH. INT'L L. REV. 323 (2009).

Maj R. Aubrey Davis III, *The Balancing Act: Computer Searches in the AOR*, THE REPORTER, Vol. 36, No. 3.

Maj Christopher S. Morgan & Major Shawn D. McKelvy, *The "Ethical" Case for Trying Civilian Contractors Under the Uniform Code of Military Justice*, 50 S. TEX. L. REV. 859 (2009).

Maj Christopher S. Morgan, *Multiplicity: Reconciling the Manual for Courts-Martial*, 63 A.F. L. REV. 23 (2009).

Maj Bryan O. Ramos, *Never Say Die: The Continued Existence of the Government Officials' Good Faith Presumption in Federal Contracting Law and the Well-Nigh Irrefragable Proof Standard After TECOM*, 63 A.F. L. REV. (2009).

Maj Theodore T. Richard, *Government Personal Services Contracting and Antidiscrimination Laws: Tenure for Contractors?*, 7 J. CONTRACT MANAGEMENT 127 (2009).

Maj Ronald L. Spencer, Jr., *State Supervision of Space Activity*, 63 A.F. L. REV. (2009).

Maj Theodore T. Richard & Capt Amy Bryan, with Matthew Chow & Tara Ward, *Court of Federal Claims Task Order Bid Protest Jurisdiction and Expectation Damages: The 2009 McKenna Long & Aldridge "Gilbert A. Cuneo" Government Contracts Moot Court Competition*, 38 PUB. CONT. L.J. 975 (2009).

Maj Arie J. Schaap, *USAF Cyber Warfare Operations: Development and Use Under International Law* 64 A.F. L. REV. (2009).



Maj Brian M. Thompson, *Judge-Only Sentencing: Judicial Power Grab?*, THE REPORTER, Vol. 36, No. 1.

Maj Brian M. Thompson, *Schoolhouse Rock v.2.0: The Strangely Typical Journey of S.475 – The Military Spouses Relief Act*, THE REPORTER, Vol. 36, No. 3.

Major Jeremy S. Weber, *Convening Authority Actions: Why It's More Important Than Ever to Get Them Right*, THE REPORTER, Vol. 36, No. 1.

Capt Ryan N. Hoback, *An Open Letter to Trial Defense Counsel: Protecting Yourself Against IAC Claims*, THE REPORTER, Vol. 36, No. 2.

Capt Aaron L. Jackson, *Expanding the Government Contractor Defense to Reflect the New Corporate Role in Warfare*, 63 A.F. L. REV. (2009).

MSgt Lisa Swenson, *The Combined Joint Paralegal in Afghanistan*, THE REPORTER, Vol. 36, No. 2.

SSgt Steven A. Morley, *Federal Asset Forfeiture and the Military*, 63 A.F. L. REV. (2009).

Additional papers written in satisfaction of educational requirements

Col James H. Dapper, *A New Generation: The Impact of Counterinsurgency and Stability Operations on the Profession of Arms* (National War College).

Col Melinda L. Davis-Perritano, *Clausewitz on Trial – An Application of Military Strategic Thought to Litigation* (Air War College).

Lt Col James E. Key, *This Land is My Land: The Tension Between Federal Use of Public Lands and the Religious Freedom Restoration Act* (LL.M. program).

Maj Jennifer Aaron, *Listing the Polar Bear as Threatened Under the Endangered Species Act: The Legal Consequences of Basing Predictions of Species Decline Entirely from Highly Speculative Computer Model Projections of Global Warming and Future Species Demographics* (LL.M. program).

Maj Richard E. Alford, *Universal Jurisdiction – Did the ICRC Get it Right in Light of the United States' Disagreement and Recent Events* (LL.M. program).

Maj John Bellflower, *The Influence of Law Upon Command and Space* (LL.M. program).

Maj Vicki A. Belleau, *The Need for a Cyber Warfare Treaty?* (LL.M. program)

Maj Chad C. Carter, *Halliburton Hears A Who? Political Question Doctrine Developments in the Global War On Terror and Their Impact on Government Contingency Contracting* (LL.M. program).

Maj Robert P. Chatham, *Defense of Nationals Abroad: The Legitimacy of Russia's Invasion of Georgia* (LL.M. program).

Maj Don D. Davis III, *China and Russia Into Africa* (Air Command and Staff College).

Maj Kari M. Fletcher, *Defining The Crime of Aggression: Is There An Answer To The International Criminal Courts Dilemma?* (LL.M. program).

Maj Paula Grant, *The Need for (More) New Guidance Concerning Religious Expression in the Air Force; winner of the ACSC 2009 Dean's Award for Leadership, Command and Communications Studies* (Air Command and Staff College)

Maj Francis D. Hollifield, *Yet Another Industry on the Taxpayer-Subsidized Dole: Why Section 8093 of the Continuing Authorization Act of 1988 (40 U.S.C. § 591) Should Be Repealed* (LL.M. program).

Maj Jennifer C. Hyzer, *The Provider Conscience Regulation: Federal Employment Discrimination Laws and the Debate over the Religious Accommodations of Health Care Professionals* (LL.M. program).

Maj Joseph Imburgia, *Space Debris and its Threat to National Security: A Proposal for a Binding International Agreement to Clean up the Junk* (LL.M. program).

Maj Aaron G. Lake, *Lead Systems Integrators – Terminated Before Their Time* (LL.M. program).

Maj Deric W. Prescott, *The Air Force's Energy Strategy: Above All or Needs To Aim Higher?* (LL.M. program).

Maj Theodore Richard, *Reconsidering the Letter of Marque: Utilizing Private Security Providers Against Piracy* (LL.M. program).

Maj Michael Safko, *Cross-Border Operations Against Non-State Actors: A Normative Counterterrorism Approach* (LL.M. program).

Maj Damon Scott, *Bootstrapping Climate Change to Boots on the Ground: Using Renewable Energy Projects to Mitigate Climate Change and Defeat Insurgency in Afghanistan* (LL.M. program).

Maj Kevin P. Stiens, *Uncontracting: The Move Back to Performing In-House* (LL.M. program).

Maj Lynn R. Sylmar, *Warrior Civilians: Non-Military Personnel on the Battlefield* (Air Command and Staff College).

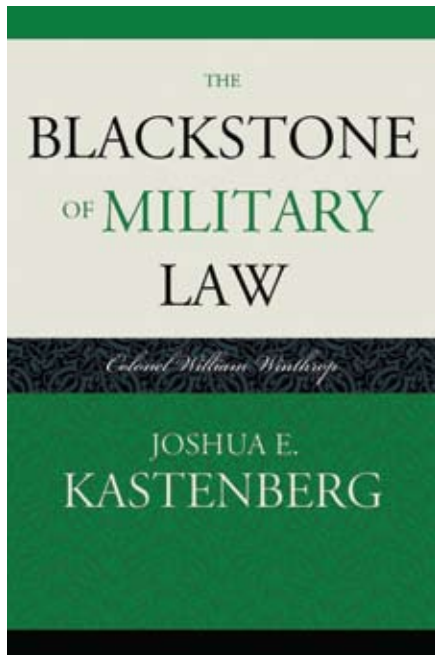
Capt Amy Bryan, *Unraveling the Mysteries of Contract Bundling* (LL.M. program).

S P O T L I G H T

ON ...

a JAG Author

A half-century ago, the U.S. Supreme Court called Colonel William Winthrop (1831-1899), the singularly most influential person in developing the military law of the United States. Although Winthrop has been cited over 20 times by the Supreme Court, most recently in *Hamdan v. Rumsfeld*, and well over a thousand times by federal and state courts, no



biography of his historic life and legal scholarship existed—until Lt Col Joshua E. Kastenberg came along.

In *The Blackstone of Military Law: Colonel William Winthrop*, (Scarecrow Press, 342 pages), Lt Col Kastenberg provides the first comprehensive account of Winthrop's

vast contributions to the areas of military justice, civilian-military affairs, constitutional and international law, which continue to impact the legal community to this day. The idea for a biography began in the spring of 2000 during a heated motion hearing where Kastenberg, as trial counsel, cited Winthrop's century-old treatise, *Military Law and Precedents*, in support of an Article 133 specification. "The defense objected and the whole argument got me interested in who Colonel Winthrop was and what he did. I only intended to write a sketch, but there was enough to keep going," said Lt Col Kastenberg.

Writing the book took several years, as Lt Col Kastenberg balanced full-time work and family obligations. "I was lucky enough to be stationed in the NCR and the proximity to the Library of Congress and the National Archives made the book possible," said Lt Col Kastenberg. "Winthrop was an extraordinary man who had so many qualities to him that he is a figure worthy of emulation...I think JAGs in all of the services should know something about him."

In a recent review for the National Institute of Military Justice, Jonathan Tracy praised the biography as "an excellent starting point...which adds life and context to Winthrop's scholarly work. Kastenberg shows a man of strong moral principle who supported the abolition of slavery, a man of adventure who practiced law on the nation's frontier, a man of strength and courage, who fought on the battlefields of the Civil War,

and a passionate advocate in the courtroom."

Based on his experiences writing a book, Lt Col Kastenberg's advice for budding writers is to "have passion," and be original in the topics they choose to write about. "Writing is a journey. I think Major General Dunlap is absolutely correct in encouraging writing and in particular



Lt Col Joshua E. Kastenberg
332 AEW/JA
Balad AB, Iraq

military writing. It makes us better officers and contributes to the defense of our national security. We ought to encourage it more."

Our Contribution To The Fight



Perspective of the Secretary of the Air Force



The Honorable Michael B. Donley
Secretary of the Air Force



At an inflection point

Over the past year we devoted many hours to addressing our most pressing issues, and we are now transitioning beyond the immediate challenges to the longer-term challenges facing our Air Force. Foremost is the convergence of several factors that suggest we are at an “inflection point”

The Air Force has long been recognized as the Service for exceptional commitment to families

in our Service’s history – a time where changes in the strategic environment, new technologies, and a period of constrained resources force us to reassess our priorities and set us in new directions.

The events of 9/11 and our conflicts in Iraq and Afghanistan have dramatically changed how we look at national security. While we are still challenged by these two ongoing conflicts, there is broad consensus that the security challenges we’ll likely face in the coming decades should not be classified as regular or irregular, high-end or low-end. The most dangerous will have multiple components, which will require new thinking about the composition of our force structure, and the ways we employ it. In the words of Secretary Gates, “what is needed is a portfolio of military capabilities with maximum versatility across the widest possible spectrum of conflict.”

It’s also increasingly clear that emerging technologies will continue to fundamentally alter our Air Force. While innovation is nothing new to us, there are times when technology brings dramatic, new military capabilities to the Joint team. Radar, nuclear weapons, stealth, and precision weapons are all great examples. In the immediate years ahead unmanned aircraft, cyber, hypersonics, and directed energy, are a few technologies that may also bring dramatic changes to our force. But, as we continue to develop these advanced means, we must be mindful that our

adversaries also seek them, and that we must reaffirm our commitment to stay one step ahead.

It’s important to note that this inflection point is occurring in an increasingly resource-constrained environment, while growth in personnel and operations costs will soon force us to make some difficult choices. Consider the following:

- Since 2000, we’ve reduced our air craft inventory by 10%, while at the same time our operations and maintenance costs have increased 19%.
- During that same period, we reduced our end strength by 7%, but our personnel costs rose 16%.
- Since 2003, we’ve decreased energy use by 16%, but our costs have tripled nonetheless.
- Some projections show a doubling of defense health costs in the next ten years if left unchecked.

At the same time our costs are increasing, we are almost assured of little to no growth defense budgets in the coming years. As Secretary Gates wisely observed, we can’t expect to eliminate national security challenges through higher defense budgets; to do everything and buy everything. We’re not in a situation where we can adapt to changing requirements by adding people and money; instead, we’ll have to make trades within our existing functions and resources. For example strengthening nuclear sustainment and C4ISR capabilities.

Strategic Balance

As a result of the confluence of these strategic, technological, and budgetary issues, and the current

conflicts in Iraq and Afghanistan, we are now driving more strategic balance into our force. This effort has caused a fair amount of second-guessing by observers, both internal and external, because we are now building an Air Force that is significantly different than the one we envisioned just a decade ago. But, we don’t have the luxury of concentrating only on today, or only preparing for tomorrow – we have to do both.

That said, our short-term priority is clear: Bring air, space, and cyber capabilities to bear in concert with the Joint and Coalition team to win today’s fight in Iraq and Afghanistan. We have made great efforts to do so, including providing a wide number of combat and enabling capabilities the Joint team depends on, to include airlift; airdrop; air refueling; intelligence, surveillance, and reconnaissance, and close air support to name just a few.

Continued importance of people

In addition to these missions, the nature of these conflicts has also highlighted many Airmen from what we formerly considered to be “support” career fields--Security Forces, civil engineers, EOD, contracting, aeromedical evacuation, and yes, our lawyers and paralegals too. The irregular wars we are fighting today have thrust these incredible men and women out of the shadows and into the spotlight...directly and prominently contributing in ways we could not have envisioned even a decade ago.

The contributions of these Airmen remind us yet again that it is the aggregate contributions of individuals in all specialties and skills that make our Air Force a strong, reliable, and respected partner in the Joint warfighting team. Our people have always been the linchpin of our force, a fact that will remain true in the future. And behind each one of these men and women is a critical support network of family and friends.

The Air Force has long been recognized as the Service for



exceptional commitment to families. This reputation is well-deserved, but will only continue through the dedicated effort and focus of our senior leaders. Accordingly, General Schwartz and I designated July 2009 to July 2010 as the “Year of the Air Force Family.” Along with Chief Master Sergeant of the Air Force Roy, who’s been an exceptional advocate for our enlisted force, we stand dedicated to the well-being of our Total Force Airmen and civilians, and our Air Force families. During this year we’re celebrating their contributions and sacrifices, and addressing their hardships and needs; ultimately determining what we might do to make Air Force life more compatible with family life, and how we can build a greater sense of community across our force.

Air Force families and communities backstop, underwrite, and share the sacrifice in all our

Airmen do. Supporting families is not only the right thing to do for our Airmen; it is the smart thing to do for our Air Force.

Long-term vision

With a continuing focus on our Airmen and their families, and our short-term gains consolidated, we are now beginning to develop our long-term vision to make the Air Force even more capable. Necessary to implement this long-term vision is decision space -- time and money that can only be acquired by determining which of our missions and programs are congruent with the future security environment, and which are excess drag that will slow us down. We’ll gain this decision space by determining which programs maximize our capability for each of our core functions, and continuing to make the hard decisions that

will advance our Air Force in those directions.

Our plans are relatively clear in several areas:

- Complete F-22 production, but continue with planned upgrades; focus on ramping up F-35, minimize investments in 4th generation aircraft to essential modifications only
- Build more ISR systems - MQ-9s, RQ-4s, and similar platforms
- Press forward with our plans for the C-5Ms and CV-22
- In the satellite world, continue with AEHF, WGS, and GPS-3
- Further develop our “building partner capacity” and IW capabilities
- And among the most important,



succeed in the coming KC-X procurement.

Further change and growth also seem likely in the space and cyber domains. And certainly, we have more work ahead in the nuclear mission, in long-range strike, and personnel recovery.

Some of these directions are clear today, some remain to be written; but consistent with our heritage, these new directions will always be forward.

How the JAG Corps is meeting these new realities

As our Air Force confronts the challenges of today and tomorrow, we'll depend on VANGUARD Leadership in all career fields to meet and overcome them. And the career fields encompassed in the JAG Corps embody the inflection point of which I spoke.

Your work is at the heart of

many of the changes in the strategic environment. Knowing they can't confront us directly, our adversaries increasingly use irregular methods. They will continue attempting to blend into the civilian population, abusing the law of armed conflict and American goodwill by placing their assets in and around sensitive and prohibited facilities. Non-state actors will continue attempting to gain access to weapons of mass destruction and embed themselves in host countries, blurring the lines of legal targets and international law. And as General Dunlap has written so eloquently, our adversaries will increasingly attempt to use international law to constrain our military and political power.

You're also helping us grapple with the legal aspects of new technologies and their implications for our Air Force. While there are certainly a number of legal questions involved with unmanned aircraft, cyber warfare is a perfect example of how our laws have failed to keep up

with technology. Because of this time lag, we'll depend on men and women of good conscience and intellect like you to help find the lines between Title 10 and Title 50 legal authorities, and among the many other laws and ethical issues that touch this area.

And, with great foresight, you've worked to help preempt many of the fiscal constraints we are now experiencing. The JAG Corps 21 initiative has been a great success, and is transforming our legal operations and our legal support to our Airmen while saving us precious resources. The ten new Field Service Centers have fundamentally changed how we provide on-call advice and assistance to our base-level legal offices. The Air Force Claims Service Center has also been a significant achievement, shortening both claims processing and reimbursement times for our Airmen. Additionally, restructuring the Medical Cost Recovery Program has allowed collections of over \$15 million dollars this year, which is nearly a 40%

increase from 2008. These are but three initiatives of many that have simultaneously increased the effectiveness and efficiency of our legal services, and I applaud your efforts.

I'm also very appreciative of Mr. Blanchard's and General Rives' efforts to improve how we deliver legal advice at the headquarters-level. This effort to closer integrate the GC and JA communities mirrors your efforts for the larger Air Force, and I look forward to your implementation of a single mission directive by the end of the year.

Additionally, to help win today's fight, you've also stepped up and become a more expeditionary JAG Corps. I'm sure the families in the audience know this better than anyone, but as we sit here today, Air Force JAGs are deployed to Iraq and Afghanistan, helping these countries set up and maintain the rule of law and undercut corruption; a precursor that almost all experts consider pivotal to the current and future legitimacy of these governments. Air Force JAGs also proudly serve at the side of almost all of our combat leadership in the field. It's telling that many commanders note that two of the most indispensable personnel are their comptroller and their JAG.

It is a similar view from our Air Force Headquarters. The further I have progressed over my years in public service the more I have come to rely on and appreciate the value of our IGs, auditors, and legal counsel.

In the field and at home, one of the reasons you're so vital is your stalwart legal counsel on personnel and discipline issues. I've recently relied on this expertise in responding to the DOD Inspector General's report on the Thunderbird Air Production Services, commonly referred to as "TAPS."

TAPS has been a difficult and painful experience for our Air Force. Over the past four years, including three reports from the DOD IG, many officers at every level of our Air Force have been affected, and six received administrative action. This matter is not yet complete; but when it is, it is my intent to direct preparation of a case study to capture the valuable lessons learned from this experience and pass them on so that incidents of this kind are not repeated.

Conclusion

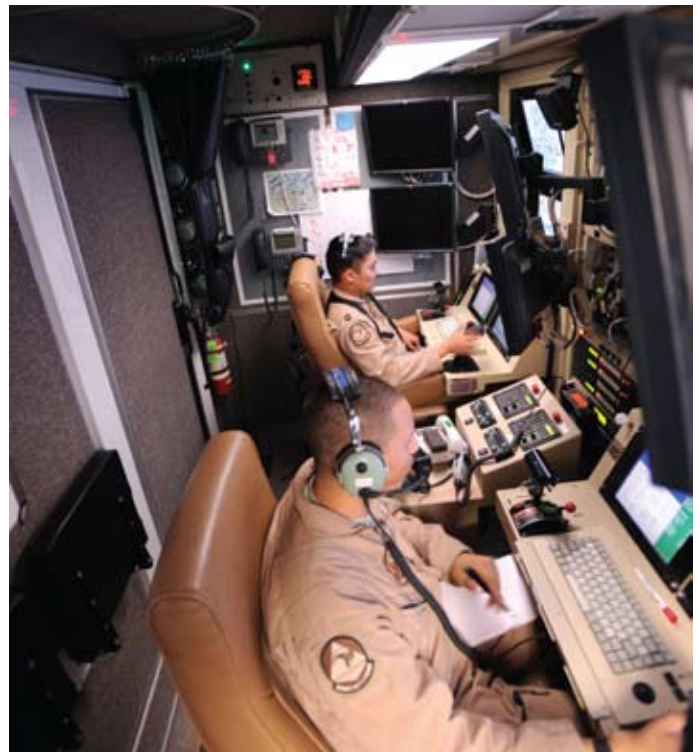
Air Force leadership and our commanders in the field will continue to rely on your unbiased and unvarnished legal advice, and I ask that you continue this proud ethic of dispassionate counsel. Founded on our core value of integrity, this ethic is eternal and is not affected by the changes I've addressed today. That said, I would ask for

Your work is at the heart of many of the changes in the strategic environment.

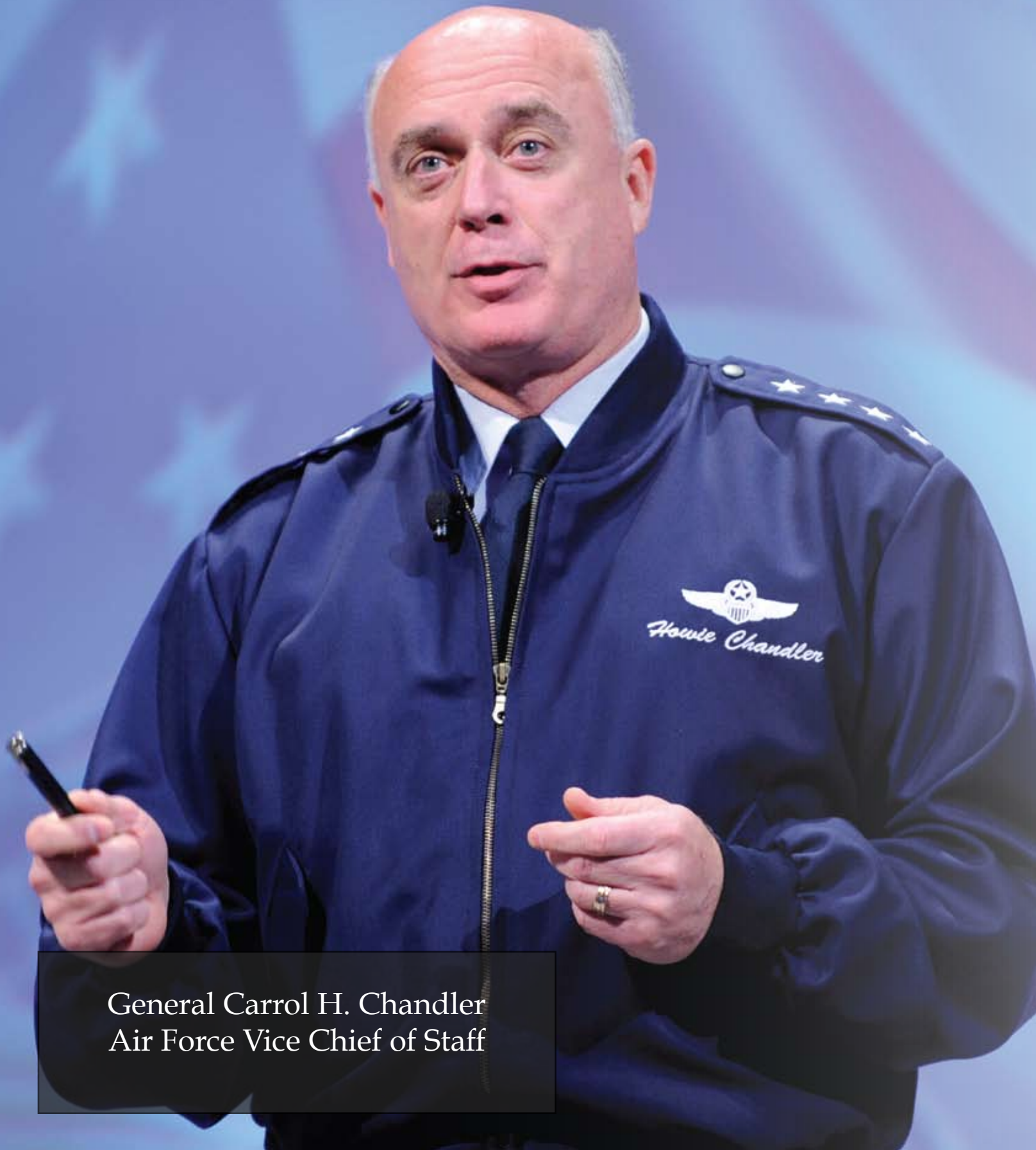
your continued leadership in the areas that are changing. I challenge you to continue working to solve the complex and evolving legal issues spawned by the post-9/11 strategic environment, and those driven by emerging technologies. Also, while JAG Corps 21 has been a resounding success, don't stop looking for new and innovative ways to provide better legal services for our Airmen and their families, and do it more efficiently. Your service has been crucial to the success of our Air Force, and will continue to be as we meet the challenges ahead. Thank you for your service.

The previous remarks, which have been edited for this publication, were made by The Honorable Michael B. Donley at the KEYSTONE Leadership Summit on 26 October 2009.

Mr. Michael B. Donley is the 22nd Secretary of the United States Air Force. He is responsible for the organizing, training, equipping, and welfare of its more than 334,000 men and women on active duty, 176,000 Reserve and Guard members, 170,000 civilians, and their families, overseeing an annual budget of more than \$110 billion. Secretary Donley has three decades of experience in the national security community, including service in the Senate, White House, and the Pentagon.



Perspective of the Vice Chief of Staff of the Air Force



General Carrol H. Chandler
Air Force Vice Chief of Staff

The Chief of Staff has made it clear that we are all in. To succeed as an Air Force today, it is going to take all of us. It is going to require prudent risk taking through the next few years. What we provide the Joint Force needs to be persistent, it needs to be reliable, and it needs to be actionable for the commanders on the ground. This is why we are here. This is why we all ought to go to work every day, to do the things we do, and contribute directly to the mission.

The Air Force is All In

Global vigilance is what your Air Force does for our nation. We are doing a number of things today that we have not done in the past in terms of remotely piloted vehicles.

Last year alone we flew 172,000 combat hours in remotely piloted aircraft. We are on track this year to fly far more. We operate more than 100 satellites that help facilitate that as well as provide communications and conduct intelligence, surveillance and reconnaissance (ISR) activities. We fly dedicated ISR systems such as J-STARS, EC-130s, RC-135s, and fighters and bombers with pod systems providing additional ISR to find and fix the targets that we're after today. But the coin of the realm has become full motion video. Every month we provide 16,000 hours of full-motion video across 37 combat air patrols (CAP) today moving toward 50, 31 of those are Predator CAPs, five of those are Reaper CAPs, and one of those is a Global Hawk CAP.

As global reach is concerned, General Art Lichte and his group at Air Mobility Command launch a sortie every 90 seconds, 24 hours a day, seven days a week, 365 days a year. They offload six million pounds of fuel to aircraft every month. They are part of a medevac system that has allowed us to have a 97 percent success rate with wounded warriors, and can evacuate them from the AOR to hospitals in this country. The heart of what we do in our Air Force is to hold targets at risk anywhere on the globe. Those targets don't care if they are serviced by manned fighters, manned bombers, or remotely piloted vehicles. That's part of global power.

Air Force Priorities we're responsible for two of the nation's three nuclear legs of the triad: intercontinental ballistic missiles (ICBMs) and the nuclear bomber force. This is a zero defects business. It was a zero defects business for years, but it has become an issue for our Air Force, and it's one that we need to address very aggressively. As you know, we relieved a commander at Minot as a result of some

failings in this area.

When the Chief and the Secretary came to the Pentagon, they put a high premium on Joint and Coalition warfare, and us being part of the Joint team. I think General John Jumper said it very well when he said competency is the best way to get at being part of the Joint and Coalition team, so every one of us every day needs to go to work to demonstrate our competency in our particular career field, as part of the Joint team.

The standup of Global Strike Command, and 24th Air Force as our cyber component to U.S. Cyber Command, are two examples of how we are adapting our service organization to better meet the changing nature of military competition. Similarly, we are modifying training to better prepare our Airmen for current and future challenges. We

What we provide the Joint Force needs to be persistent, it needs to be reliable, and it needs to be actionable for commanders on the ground.

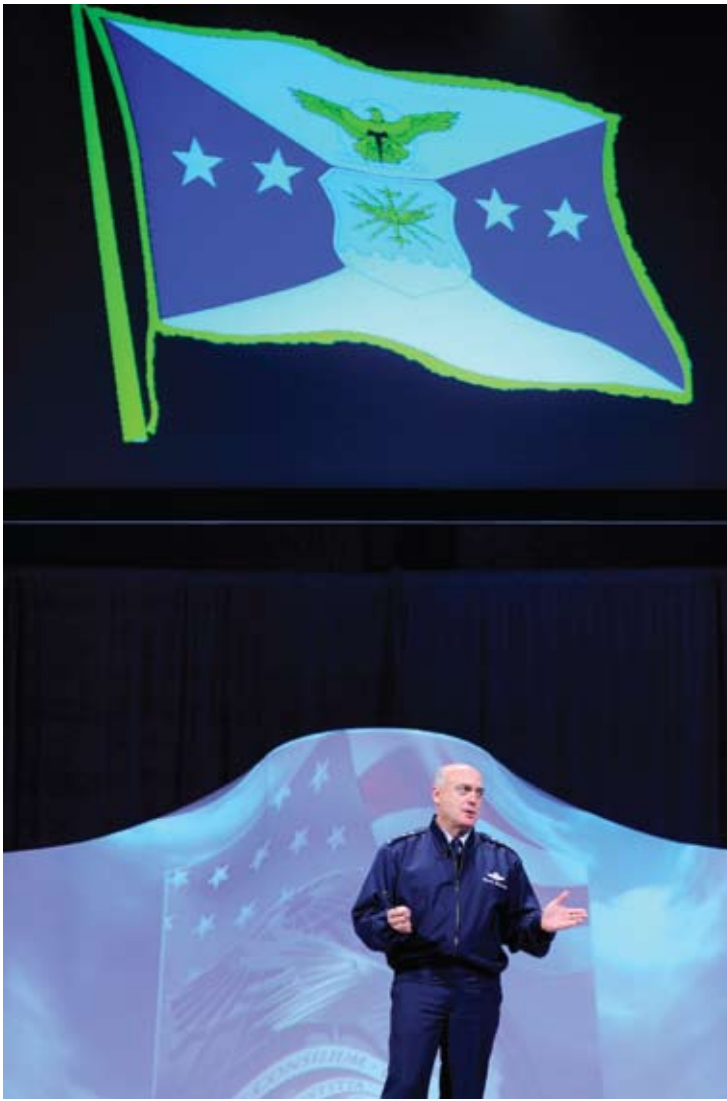
increased not only the length of basic military training, but shifted some of the focus toward expeditionary training for our Airmen. An example relevant to the JAG Corps is the

421st Combat Training Squadron at McGuire AFB in New Jersey. Every Airman—including every JAG—completes expeditionary combat training there prior to deploying to Iraq or Afghanistan. This training certainly helped save the lives of two JAG captains, and the Airmen with them, when their convoy was hit by an IED in Iraq in August.

In terms of recapturing acquisition excellence, General Don Hoffman and his team at Air Force Materiel Command are working very hard on a five-part approach to solve some of the acquisition issues we've dealt with in the Air Force. Now, we're going to increase the acquisition career field by about 630 members. We are looking at ways to clean up the lines of command and control, moving away from the wing, group, and squadron organization that we put into the Air Force Materiel Command several years ago, and back to a less confusing structure, similar to the organization of the past. We're looking very hard at how we instill discipline in the budget process, in the requirements process and then, ultimately, in the selection process. We are not finished, but we are going to have a big test this summer. Having come from the Pacific, I will tell you there is no place where a tanker is more important to your Air Force, and the rest of the Joint team. We need to succeed at the tanker acquisition.

Reinvigorate the Nuclear Enterprise

How do we walk our way through these priorities in terms of the nuclear enterprise? We are focusing on



compliance and accountability. At the top of this effort is the Nuclear Oversight Board, chaired by the Chief and the Secretary. This body ensures we have our rules and compliance standards in order. We centralized both nuclear operations by creating Global Strike Command and nuclear logistics in the Air Force Nuclear Weapons Center. These actions will give us an opportunity now to attack our challenges as a nuclear enterprise rather than a series of incremental fixes. The Air Force has already come a long way in only a short time. As we continue this effort we'll have to ensure the resources match the priority of this effort. We've dedicated people and some hardware to this enterprise, but there's more to do.

The Joint and Coalition Team

More than 40,000 of our Airmen are deployed, and more than 30,000 of those are deployed in the CENTCOM AOR. People tend to forget that every day we have an additional 130,000 Airmen providing strategic mobility,

space and missile operations, homeland defense, national command and control support, and ISR functions. These Airmen are contributing combat power from their homestation. In the end, 41 percent of the active, guard, and reserve forces in your United States Air Force support the combatant commanders every day. Consider also how much of our ARC force we're actually able to get into the fight. Over 143,000 of those folks have deployed. Marking a significant change in the notion of the Total Force, an ARC member who has not deployed is in the minority.

I'm extremely proud of what the Air Force has been able to do for our wounded warriors. That program is very strong. We provide support to these young men and women from the time they are injured through their separation from the Air Force, and then an additional five years thereafter. I anticipate that our support will continue well beyond five years.

Develop and Care for Airmen and Their Families

So, how do we develop and care for our Airmen and families? I was around in the PBD 720 days, when we actually started to take the force down in size to about three hundred and sixteen thousand people. We decided that really wasn't working because, quite frankly, as we drew down the force we found the anticipated savings we hoped to apply to recapitalization had evaporated. Some of that was a function of increasing personnel costs that we, just as any other industry, are dealing with today. Consequently, we made the decision to stabilize the force at 331,700 people. That, in my opinion, was a good decision. We will get there very shortly.

An appropriately sized Air Force is important, but only part of the solution. We're attempting to shift our mindset from improving Airman quality of life toward a focus on enhancing the quality of service. Improving the quality of service seeks to increase the level of job satisfaction and fulfillment. Among other things, this means more money spent taking care of the mission-related aspects of our people and workplaces. For instance, we're spending \$240 million on new fitness centers as well as \$313 million on family housing, child development centers, dormitories, and a new Basic Military Training facility. When you look at the infrastructure in the Air Force today, you see decades-old investment. We are living, in large part, on the money spent in the 1980s and early 1990s. That infrastructure is getting old. If we do not manage this wisely we are going to see the same problems we have with our aging aircraft fleet played out again in our infrastructure.

The Air Force has a proud history of taking care of our Airmen and their families. We recruit Airmen. We retain families. We are a uniquely retention-based force in terms of the skills and the training that we give our Airmen, but

there are some things we can learn from the other services. Out of necessity, unfortunately, the Army and the Marine Corps have become very good at dealing with some of the tragedies borne by families. The Army's covenant with their families is an elemental aspect of their service's relationship to each soldier. Similarly, the Chief and Secretary initiated the Year of the Family in July of 2009 to solidify our service's relationship with Air Force families.

Health and wellness is a big part of this effort. First, if we are going to be an expeditionary Air Force, we have to be physically and mentally fit. Developing rigorous PT standards is an important part of this, both as it relates to our service culture and individual wellness. The Air Force and the Department of Defense face many of the same problems caused by the rising cost of health care that affect the rest of this country. One of the ways to tame this spiraling expense is preventive healthcare. Second, we need to be able to take care of family members while we're deployed so that we can do our job to the best of our abilities. Even in the end, when you retire or simply separate, we would like you to live a healthy, full, and productive life.

Improving family housing was one of the things we pursued intently from the very beginning. Our CONUS housing will be 100% privatized by the end of FY11. Moving to privatized housing allowed us to provide quality housing to our young, mid-level, and senior Airmen, far faster than we could have with military construction, and at a fraction of the cost. At the same time, you can understand how altering the traditional structure of base housing can be seen as yet another move away from Airmen taking care of Airmen. This is an issue with the Chief, so we are now looking at family housing as a way to preserve a sense of community in the Air Force.

Joint basing can be lumped into this as well. Joint basing can increase efficiency and decrease costs across the Department of Defense. How the U.S. Air Force implements Joint basing also affects the sense of community. This too must be carefully managed if we hope to minimize any unintended, negative consequences.

The Air Force has a long tradition of caring for its Airmen. The intent behind the Year of the Family is certainly not new to our service. Unfortunately, this aspect of our Airman culture has not kept pace with society and the needs of our youngest Airmen. When a young Airman walks onto an installation, he or she may have a difficult time figuring out what programs they qualify for, and how to enter the system. So we have asked the A1 to look at what's available for our folks, and how we best organize it, given

the electronic age in which we live today. Although we will remain focused on the military member's personal and professional development, we will also ensure spouses and families are aware of the benefits and programs available to them.

Modernize Air and Space

Our aging air and space inventories are perhaps the greatest concern for our Air Force. In many instances we are

The Air Force has a long tradition of caring for its Airman. The intent behind the Year of the Family is certainly not new to our service.

living on old investments. The fighter fleet is getting older. The bomber fleet is getting older. On the positive side, we successfully recapitalized the mobility fleet with the C-17. We are aggressively working on remotely piloted aircraft and related efforts. Space inventories are, in large part, systems that were designed for the Cold War, but that we've adapted to today's dynamic needs. Despite our work to constantly modernize, a number of nations are also working feverishly to blunt our military advantages. It's important that we continually move forward to avoid the erosion of our technological edge.

Modernizing training is incredibly important as well. We've just finished our first class of remotely piloted aircraft pilots – some of whom did not have a flying background. We will continue to work our way through that. As you know, we have awarded a distinctive set of wings to that particular group of folks. We will continue to refine this program. To further normalize remote aircraft operations we moved remotely piloted aircraft capabilities into the Weapons School. I expect this will aid us in continuously improving how manned and unmanned vehicles work together. Today we are really operating what I would contend are the Wright Flyers of remotely piloted aircraft. These systems are going to continue to accelerate in capabilities and complexity and we, as an Air Force, need to get our feet on the ground and in front of this particular issue.

As you know, we do our journeyman training in Air Education Training Command, and they have done it successfully for years and years. As we normalized space it became evident that it was time to transfer space professional development to AETC as well. We need to look ahead at cyber and how we start to develop the cyber warriors that we are going to need for U.S. Cyber Command.



Recapture Acquisition Excellence

We need to posture ourselves to succeed with the KC-X. The source selection should be announced sometime this spring or summer. As for the Joint Strike Fighter, the Secretary of Defense, the Air Force and other services, and seven of our allies have hung our hats on this particular fighter program. Collectively, we need to see it succeed. You are going to see some things start to play out. In fact, you already have seen developments in the media about where we are and where we're going with the program. I've kept close watch on this program, and visited the factory to see the aircraft. We learned a lot with the F-22 program that we have applied to the F-35, but the thing we need to avoid is the death spiral that ensues when you cut the number of fighters produced, thereby increasing the cost of the fighters, resulting in fewer orders – and you can see where that leads. We owe more to the services of this nation than to let that program fail.

There is also a lot of discussion about light attack and light mobility capability in our Air Force. We are still defining the specific requirement and thinking through how we'll incorporate this into our Air Force and our Building Partnership Capacity efforts.

Conclusion

The Chief has made it clear that we are going to either succeed or fail as a Joint team. No Service goes it alone. We all need to be interoperable, and we need to go out every day, you and I, and do our best to contribute not only to the Chief's priorities, but to the Joint team.

It is important to note the high-end competition we face around the world today, and from my past life in the Pacific I would tell you that it is good, and getting better.

We, as an Air Force, are charged with the responsibility of maintaining our high-end capabilities while conducting low-end operations. What you find today is an Air Force that's in the process of adapting not just to today's fight but to what we will need for tomorrow. We are, and we will remain, a full-spectrum Air Force.

The JAG Corps is part of the greatest Air Force in the world. In order to remain the best Air Force in the world, we need your best effort every day. We must continually support the Chief's priorities and do the right things to take care of our folks along the way. We appreciate what you do every day. A smart commander knows that in today's world most of what he or she does needs a legal review, not as a self-protection mechanism, but because that's the way the world functions. I thank you for what you do in the war fighting effort, not just in your primary career field, but what you are doing in reconstruction teams in the Middle East and similar efforts around the world. I applaud your vanguard leadership. You are an important part of the team.

QUESTION FROM THE AUDIENCE: You've alluded to the importance of cyberspace and the infrastructure that we have for our combat capability, not just in cyberspace, but also for air and space. How do we move our perspective on this from treating cyberspace from – the wing commander cares about it only when the e-mail stops working towards – more like a maintenance concept, where the commander knows what jets are flying, and when they are flying, and it's on his radar scope even though that's not his primary focus?

ANSWER: Well, in this way cyber is like anything else. Introducing different ways of thinking into a system that already has a momentum of its own is difficult. I'll tell you how we did it in the Pacific. We started with the net because that is the obvious thing impacting our Airman

and fundamental to the cyber domain. As we go forward this will certainly not be the only cyber thing that we are going to worry about. One of the things we found interesting was that a “healthy” net to the communications guy was not the same as a “healthy” net to the ops guy. As we developed a common understanding of this most basic attribute of the cyber domain we also ignited a new interest among the commanders. Before we were finished, we had commanders that were busily working cyber security issues inside their own wings, to the point of decertifying users and taking their computer away pending retraining. So I would tell you this is going to be a building block approach to change. How we get at this will be one bite at a time. We are not going to be able to eat this elephant all at once, but the place we need to start is with security in cyberspace and then work our way out from there.

QUESTION FROM THE AUDIENCE: You mentioned light, attack and mobility aircraft. In light of the fact that we’re three decades into the Goldwater-Nichols Era, is there any debate going on about the Airmen who are trapped in the Marine Corps, and the Army, and the Navy, and bringing those flyers back into the Air Force, and where the line should be on who has what mission at the more tactical level?

ANSWER: Well, we had a brief shot at that last year, as you know. I think Chairman Skelton asked us to look at some of those things and we actually gave him a reply. There is not going to be, I don’t think in the near future, a heavy roles and missions debate. I’m going to give you my personal opinion here, but I think that dollars are going to drive us to be efficient to the point where we are not going to be able to repeat capabilities among the services. That’s going to become a fact of life. We’ve heard this, or at least I’ve heard it, for almost 36 years. I think it’s probably



true this time, so we’ll see where we go from there, but I will tell you our Chief works very well in the tank with the other service chiefs in terms of what we need to provide to the Joint team. I think you’ll see that continued.

As far as trying to suck missions back into the Air Force, I think we’ve probably got all the missions we need right now quite frankly. I think the other services feel the same way, but our approach to this needs to be that we don’t live and die on the success or failure of one service. We live or die on the successes or failure of the Joint team, and the sooner we get to that, the easier it’s going to be.

The previous remarks, which have been edited for this publication, were made by General Carrol H. Chandler at the KEYSTONE Leadership Summit on 26 October 2008.

General Carrol H. “Howie” Chandler is Vice Chief of Staff of the U.S. Air Force, Washington, D.C. As Vice Chief, he presides over the Air Staff and serves as a member of the Joint Chiefs of Staff Requirements Oversight Council and Deputy Advisory Working Group. He assists the Chief of Staff with organizing, training, and equipping of 680,000 active-duty, Guard, Reserve and civilian forces serving in the United States and overseas. His prior assignments include tours at Headquarters Pacific Air Forces, the Pentagon, Headquarters U.S. Pacific Command, Headquarters U.S. Military Training Mission in Saudi Arabia and Headquarters Allied Air Forces Southern Europe. General Chandler is a command pilot with more than 3,900 flying hours in the T-38, F-15 and F-16.

Perspective of the Chief Master Sergeant of the Air Force



CMSAF James Roy

First and foremost, thank you for what you provide to all of our Airmen and our service. The Secretary, the Chief, and I greatly appreciate what you do. In my current position, I serve as the advisor to the Secretary and advisor to the Chief. Your position as JAG Corps members is much like the position I hold, which is being an advisor to commanders. I've been to a few wings before and one of the things that I appreciated was the advice I received from both paralegals and our judge advocates.

As I advise commanders, I get a chance to put a bug in their ears, but certainly I need that advice as well. When you are out on your installations, always remember the Command Chief because that person has the boss' ear per se on a lot of things and it certainly helps when you have a relationship

I can remember we had a few situations going on in U.S. Forces Japan that were very, very sensitive to the nature. It was that important that we got a chance to sit and chat over a cup of coffee, to establish that working relationship.

I advised the command chiefs as well, it's up to them to get to know you as JAG Corps members. It's up to the first sergeants to get to know you and work with you on a daily basis.

As I have been an additional duty first sergeant, one of the things that I realized pretty quickly was that as you advise your commander, you will have different people telling you how you should do things. One of the groups that I always went to was the JAG Corps because I knew I could get sound advice and direction. It wasn't advice that was followed every time, just as some of the advice I give. But it was advice that I could give to our commander. So I'm very appreciative of what you bring to the fight. The list of accomplishments over the past year of the entire JAG Corps is quite astonishing.

At my first duty station, MacDill Air Force Base, my wife and I went in to see one of the JAGs to sit down and make up a will. And I don't know who was more nervous, the young captain or me, but I got my will and went on my way. The fact of what you provide, we take that for granted an awful lot of times. Sometimes just a matter of getting something notarized, or when a squadron or in a wing that has something pretty severe going on and you need the advice because your commander is about to do something that is going to have an effect on not just your installation, but across the entire Air Force.

As I travel around our United States Air Force I constantly am reminded what a great Air Force it is. Previously to my current position, I served as the United States Pacific Command Senior Enlisted Leader. Now, who would ever have thought that would happen, a Chief Master Sergeant of the Air Force coming from a Combatant Command? It was the first time. Yet this is the way we fight today. We are at war.

This is not the United States Army's war, nor the United States Marine Corps, or the United States Air Force's. This is our nation's war. Whether it be in Iraq, Afghanistan, or in the Philippines, the things are Airmen are accomplishing are tremendous.

We don't do anything by ourselves any more. We do things with joint and coalition forces. For example, I went to technical school at Fort Leonard Wood, Missouri. Little did I know, a few years later, I would be back at that school teaching. Not only did I teach Airmen, but Soldiers and Marines. So I began to learn early what this joint piece was all about. We're partners and we need to act like it.

As I traveled around the United States Pacific Command Theater of Operation, I realized we are part of the best Air Force in the entire world. We are part of this

We are who we are today because of the training afforded to us, and the education opportunities that we've had in our life time.

institution that cares for us, trains us, and educates us in a way that no other nation does. There are some pretty good Air Forces out there, but none of them come close to the United States Air Force. We are absolutely the best airmen in the world. We have a system that put in place for years to get us to where we are today. We are who we are today because of the training afforded to us, and the education opportunities that we've had in our lifetime.

There is something I need your help on. Currently, I co chair the Enlisted Force Development Panel, which plans for the next 20 years of the enlisted force. One of the things I've noticed is that we're focused on today's battles. We're focused on the 5-meter target, but not the five, 10, or 20-year target. We need to be. As I travel around the Pacific Theater and helping other nations, one of the things I realize is, as good as we are, I've seen countries do some things in five years that took us two or three decades. I'm not saying people are going to catch us, but sooner or later, we may not have the same status that we do today. Therefore, we're got to start looking beyond the right here of today.

One of the things we've instituted into the Enlisted Force Development Panel is called deliberate development. How do we develop the Airman of the future? What are the credentials that our Airmen are going to need? What do they need to be the Chief Debbie Stocks 20 years from now? We need to start deciding that now because I guarantee you one thing, it's not what it is today.

How do we best focus on the deliberate development of Airmen? One of our initiatives is joint PME type. We've sent about 22 airmen a year to some of our sister schools, including the Coast Guard, which is an okay, but not exceptional start. I also hope to Airmen into the Senior Academy that just started for the United States Marine

Corps. We have also not sent any Airmen to the United States Army Sergeant Major Academy in five years.

It would be an absolute crime to think that we wouldn't place our officers in joint PME. It's by law, you have to do it; otherwise, you don't get those stars. For enlisted, it's not a requirement; you don't have to do it, but we should be doing it. If that's the way we're going to fight, we'd better be doing it that way.

The other thing we're starting, and have made some progress, is coalition training. I would like to see more, because it's important. Right now, we do a little bit of training in Australia with our loadmasters and a couple of other places around the world. On the PME side, we've sent a Senior Master Sergeant to the Singapore Warrant Officer Course with the idea that we would take that person back and place them into the Kadena NCO Academy. We are getting ready to go to Canada soon. We've got to start doing those kind of things if we're going to be the Air Force of the future.

The training of your paralegals is unmatched but there's some who are struggling out there. We're so busy that we've let training go to the wayside. I was sitting next to a young Airman First Class not too long ago, who leaned over to me, and said, "Chief, they're pencil-whipping my OJT records." I said, "Well, how do you know that? Tell me some for instance." She said, "Well, Chief, an inspector came in to look at our stuff the other day and he pulled my CFETP record, and said 'do this task right here.' But I didn't know how to do that task." The inspector told her, "Well, you signed off on it." Unfortunately, this is happening around our Air Force far too frequently.

Recently, I sat with the Secretary and the Chief being briefed by on what's going on in the maintenance career field and the fact that three Chief Master Sergeants had been sent out across our Air Force to go look at training. Guess what came back? We're too busy to keep up with the training requirements. We're just not doing it. From my position, that's scary. Remember, let's look out 20 years from now. Twenty years from now when the Chief Master Sergeant of the Air Force is standing up here, what types of training opportunities, education will that person have been afforded?

We have a perfect storm brewing. Everybody remembers the PBD 720. It took about 40,000 people away from us, and we kind of forgot about the years before when we lost 35,000. But when PBD 720 hit the streets, we took 14,000 out of enlisted accessions. We now have Technical Sergeants out there who have trained themselves because we were just simply too busy to do it. We have much fewer junior NCOs out there than what we had in the past. We've got to watch it because that's going to bite us if we let it. We can change it though.

I was at Hurlburt Field, and I met with the group commander of the training group who said, "Chief, I think I've got a fix for it—we've stood up a training branch." I said,



"Tell me what a training branch is." The group commander explained that in the first year when a young airman comes to that maintenance group, whatever squadron they would typically be assigned to, they go to the training branch. "Rather slow pace, they do take some of the work off the flight line," the commander said, "but what they have is the same Staff Sergeant looking at that Airman eye-to-eye." At other locations, one day you're getting trained by Staff Sergeant Jones, and tomorrow you're trained by Tech Sergeant Smith and so on.

Our young Airmen today need that eye-to-eye. When I first came in, I needed Technical Sergeant Hurd to push me along, tell me where to go, tell me what to do, guide, and mentor me. Unfortunately, there's not as many of us around and we are so busy, we're not doing it. We need help with that.

This kind of goes into what you work with every day, compliance. You've heard the story before. There is a young Airman out doing some work in a competition, who finishes second place. One of our four-stars goes up and says, "Hey, that's a great job." The Airman says, "But General, if I could have just applied what we do in the theater, the AOR, I could have beat them. When we're in the theater, we don't follow this TO, we don't follow this instruction."

Going back to my roots of serving in the Pacific and having worked with third-world countries and second-rate militaries, guess what they do? They don't have any instructions, let alone follow them. Let's not go down that path. We have got to get back to where we are.

Another issue coming up that's going to touch each one of your bases is going to start 1 January 2010. Read the footnotes. Some people say, "Well, if I just do the minimums, then that means I pass." That's not true. A passing score is still 75, but I guarantee you, if you look



at the minimums, if you add them up, you will not pass. Help our people understand what's coming.

We're now going to be testing twice a year. There are also changes coming up in the physical fitness arena that are going to affect how you advise your commanders. There are huge changes coming up in that arena.

As I travel around the globe, I get a chance to talk with great Airmen and see the great things they're doing. Recently what I thought was a simple question: "Tell me how people have deployed traditional combat forces and combat support forces." The answer came back "Forty thousand. Seven thousand traditional combat forces, the rest are combat support forces." "Really?" I said, "Then tell me how many people are employed across our Air Force. They're still kind of digging that number up. The last number they gave me was, 'there's 160,000 of them, Chief.'" Consequently, not only do we have 40,000 people deployed further to different locations around the world, but we also have 160,000 that are deployed or employed in place. It's like the satellite driver out at Shreiver or the aircrew out of AMC. They're not really deployed forward, but they're still deployed by combat and command.

We need to be able to tell that story because if we go around our Air Force and we go around our joint partners and we keep telling them we have 40,000 deployed, guess what they're going to tell us? "Yeah, but you've got 330,000 in the Air Force. What are the rest of them doing?" When will you be able to tell that? Two hundred thousand people that are actively involved, employed in this war today. We need to be able to tell that.

It is a critical time in our Air Force and of course in our nation. That's what we need to be focused on. How well are we presenting forces to combatant commands? How is our expeditionary training? Our Airmen, our paralegals,

our JAGs are going through these schools. How are we doing? That's our focus area.

QUESTION FROM AUDIENCE: Do you have a sense for what is driving the pencil-whipping of training records? Is it what I would call a concern with our culture, about either integrity or adherence to rules, or is it that folks are just trying busily, mightily to keep doing more with less or at least doing the same with considerably less?

ANSWER: The sense that I get from talking with people is, we're busy. I don't think we're going against our core values, even though I had a young Technical Sergeant ask me the question the other day, "Well, Chief, if our first core value is integrity, why do we need these new fitness testing cells?" I didn't have an answer to that one. Why is that? I thought our PTLs were doing a pretty good job until we recognized it at one of our commands. So I don't think we're going against our core values, I just think they're busy. I think our airmen are just absolutely busy. I don't think they're trying to cut corners, I just think they're so busy and I just think the words of those three Chiefs that came in and briefed the Secretary and the Chief and I. "We're so busy we can do that training." We've got to change that. We have got to change that. We've got to slow down and take a side step every once in awhile.

QUESTION FROM AUDIENCE: Is there a generational gap and if so, what we can do to help overcome that difference in today's troops?

ANSWER: I definitely see a generational difference; however, Technical Sergeant Hurd would have told you there was a generational difference between his tenure, his age group and my age group. What do we do? I think



the most important thing we can do is help educate and continue to educate. I go back to Hurlburt Field where this training branch was set up. The reason the maintenance group commander set that up is because they'd had so many casualties there over his tenure of being the commander and every single one of them had to do something with the generational kind of things that young airmen were doing, unlike how we may be thinking. Well, guess what? They're going to continue to think like they are, we need to be able to adjust as well. It's part of our society, it's part of our culture, but we need to be able to adjust. When you came in in 1989, unlike when I came in 1982, there were probably a little bit differences in that. But in reality, there's always going to be differences, we just need to be able to adjust to those differences.

QUESTION FROM THE AUDIENCE: With the new PT test coming, there's been a lot of emphasis on trying to get a lot of Airmen to meet the minimum standards and a lot of times you see folks saying, "What do you I need to do to meet the minimum?" But on the other side, I don't see that much of an emphasis to people striving for excellence. One thing the Army's done that's been included in their promotion scores for the last 25 years. Is there any discussion in the Air Force to adding it to the WAPS score?

ANSWER: The short answer is no. I am not a fan of putting the score in there. I was an advocate when we put it into the EPR system and the OPR system. Pass, fail, regardless of how it's written, or exempt. To me, I think that's enough. It's about a standard.

Here's what we'll end up with if we go that route. I like to go to the gym as well. You're going to have gym rats. That's really what you're going to have because you're going to have people striving for that, it's going to be one of those checklist items. "Hey, I've got to get at least a 90 on my fitness test in order to get promoted." We're not going to do that. But, what we are going to do is, on your fitness uniform is to give some patches for those that receive the excellent. You receive it one year you'll get one, you'll get another color throughout. So we are trying to recognize that excellence.

QUESTION FROM THE AUDIENCE: In your opinion, what has been the most significant improvement to the enlisted corps Air Force-wide?

ANSWER: Going back to working with other nations and seeing how we have done over the years and for me, it's hard to narrow down to one, but I would say if we had to, I would think our professional development. Now, I say professional development has several components. First, there is technical training, OJT, those kind of things. The other aspect is education, on-duty education, off-duty education and of course, our PME. So enlisted development would be the one thing that I would say would be the most important, most kind of benchmark kind of things that I would say have made the most improvements to our enlisted force over the last 50 years.

The previous remarks, which have been edited for this publication, were made by Chief Master Sergeant of the Air Force James Roy at the KEYSTONE Leadership Summit on 28 October 2009.

Chief Master Sergeant of the Air Force James A. Roy serves as the personal adviser to the Chief of Staff and the Secretary of the Air Force on all issues regarding the welfare, readiness, morale, and proper utilization and progress of the enlisted force. CMSAF Roy is the 16th chief master sergeant appointed to the highest noncommissioned officer position. His background includes numerous leadership roles at squadron, group, numbered air force and combatant command levels.

THE OFFICE OF THE JUDGE ADVOCATE GENERAL

HQ AF/JA



Lt Gen Jack L. Rives
The Judge Advocate General



Maj Gen Charles J. Dunlap, Jr.
Deputy Judge Advocate General

The Judge Advocate General (TJAG) serves as the legal adviser to the Secretary of the Air Force and all officers and agencies of the Department of the Air Force. He directs all judge advocates in the performance of their duties and is responsible for the professional oversight of more than 4400 members of the Total Force Judge Advocate General's Corps worldwide. TJAG oversees military justice, operational and international law, and civil law functions at every level of command.

The Office of the Judge Advocate General supports TJAG in fulfilling these responsibilities and consists of nine divisions. They are: the Administrative Law Division (JAA), the Policy and Project Integration Division (JAG), the Operations and International Law Division (JAO), the Air Reserve Component Advisor to

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

The Office of the Judge Advocate General oversees JAG Corps 21, the JAG Corps' enterprise-level efficiency program. JAG Corps 21 has established a network of eleven specialized Field Support Centers (FSCs), which augment legal offices worldwide with on-call reachback support, the capability to perform tasks that are beyond the experience and expertise of installation legal offices, and emergency/crisis response resources. Two of these FSCs were established in the last year.

JAG Corps 21 has also created a new combination of centralized and dispersed military justice capabilities, including instructor-litigators at The

Judge Advocate General's School, geographically-dispersed prosecutors and military judges, a regionalized defense counsel organization, and an ongoing reinvigoration of military justice processes. The Judge Advocate General's School has substantially expanded, resulting in improved education, training, research, professional writing, and legal assistance resources. The school also designed the JAG Corps' first mid-career leadership course for judge advocates, GATEWAY I. This year saw expanded utilization of technology to provide legal services to the Air Force and enable an unprecedented level of collaboration between legal professionals. Through JAG Corps 21, the entire Air Force JAG Corps continues to advance as a lean, agile, and effective force prepared for the modern legal environment.

JAA



Mr. Conrad M. Von Wald
Director

The Administrative Law Directorate (HQ AF/JAA or JAA) provides legal advice and assistance to the Air Staff; elements of the Secretariat including the Personnel Council, the Board for Correction of Military Records, and the Discharge Review Board; The Inspector General; and command and staff judge advocates on matters relating to the organization, administration, operation, personnel, and functions of the Air Force. In 2009, JAA expanded from 15 to 26 active duty and civilian attorneys, three civilian paralegals, a military administrator, and three civilian administrators. The directorate is also supported by 7 reserve attorneys.

The directorate oversees the administration of homosexual conduct policy Air Force-wide, and reviews adverse personnel actions on officer personnel, including officer administrative discharges, promotion propriety actions, and senior officer unfavorable information files. Three JAA judge advocates provide direct legal and investigative support to the Air Force Inspector General (IG) and his staff on every IG investigation involving a subject in the grade of colonel-select and above, as well as civilian employee equivalents. One JAA judge advocate provides legal advice to the IG Complaints Resolution Division on all investigations of reprisal, restriction, and improper mental health referrals, as well as requests for IG records. One civilian attorney serves as legal advisor to the Air Force Surgeon General (AF/SG). Other divisions handle Information and Privacy, Communication/

Computer, Services, and professional responsibility issues. JAA further provides direct support to AF/SG through a legal advisor position. Finally, the directorate reviews and takes final Secretarial action on complaints under Article 138, Uniform Code of Military Justice, and provides legal reviews for actions pending before the Board for Correction of Military Records.

During 2009, JAA was involved in a number of significant efforts, including:

H1N1 PANDEMIC INFLUENZA RESPONSE

JAA served as the legal advisor to the Disease Containment Planning Group, the entity responsible for the Headquarters Air Force response to the H1N1 Pandemic Influenza outbreak. The Group provided subject matter expertise, and identified operational choke points affecting national security. JAA guided AF/A5 and other personnel in developing a plan to facilitate the protection of the Air Force workforce, and the sustainment of essential functions and services in a non-traditional work environment marked by potential significant absenteeism and disperse operations.

TOTAL FORCE INTEGRATION

The integration of active, Guard and Reserve forces continues to present unprecedented legal challenges,

particularly in the area of Air Guard and Reserve personnel performing duties in addition to statutory duties of organizing, administering, recruiting, training, and instructing the reserve components. JAA has worked closely with AF/A8XF, Total Force Integration, to identify the legal parameters for integrating the regular Air Force and reserve components and craft strategies that will permit the Air Force to leverage the experience and skills of Air Reserve Component (ARC) personnel.

FREEDOM OF INFORMATION AND PRIVACY ACTS

JAA review and input helped ensure continued compliance with federal statutes and government policy on the collection and maintenance of government records containing personal and other sensitive information, to include the implementation of President Obama's FOIA policy and creation of necessary Privacy Act System of Records Notices.

JAA continued to develop its partnership with SAF/XC and HAF/IMIO by providing comprehensive, targeted Freedom of Information Act (FOIA) and Privacy Act training to Air Force personnel world-wide with its participation at the American Society of Access Professional National Training Conference in February 2009 and other training forums, including training on a quarterly basis to Headquarters Air Force and Secretariat personnel. JAA's Information Law Division's website was expanded, providing guidance to legal offices and FOIA professionals on the implementation of President Obama's FOIA policy, the review and implementation of federal statutes and Air Force policy through the Air Force publication process, templates for FOIA legal reviews, and other topics related to the FOIA, Privacy Act, and classification issues.

JAA assisted the DOD and Air Force FOIA offices in implementing

revised policies to review the large increase in high media interest and other significant FOIA requests, playing a key role in managing the world-wide collection, review, and release to the public of DOD information responsive to such requests.

INSPECTOR GENERAL

JAA directed the creation of a core JA Air Force compliance inspection checklist for use by legal offices during SAF/IG compliance inspections. This world-wide effort resulted in the updating of outdated inspection questions and standards. JAA also published an article in TIG Brief on current trends in IG investigations involving allegations of improper mental health evaluations, and briefed the annual Senior Defense Counsel conference on key issues related to IG investigations.

DEPARTMENT OF DEFENSE/AIR FORCE PUBLICATIONS

JAA updated its Publication Comment matrix for use by Air Force legal offices in reviewing Air Force publications, ensuring consistent Air Force wide legal advice on administrative issues involving the implementation of Air Force publications. JAA coordinated on numerous DOD Issuances, to include implementation of an expanded Fingerprint and DNA collection policy, identifying legal concerns and providing solutions. In May, JAA hosted a working group to resolve issues which for several years had stalled issuance of AFI 10-1004, Conducting Air Force Open Houses. JAA and AFLOA attorneys worked with participants from the Aerial Events office, the General Counsel's office, Public Affairs and Air Force Services Agency to craft a regulation giving MAJCOM and installation commander's broad authority and practical guidance for open houses. The AFI gathers planning and

execution guidance from dozens of sources and provides clear legal direction on commercial sponsorship, civilian aerial acts, arrangements with non-Federal organizations, and permissible types of reserved space on Air Force installations.

COMMUNICATIONS

The Communications Law Division (JAAC) contributed to the expansion of communications support to Air Force personnel in both dormitory and quarters environments. In the first case, the division employed a new revision to the DOD instruction governing MWR programs to craft an opinion allowing provision of internet access in dormitory dayrooms. This opinion expanded airmen's access to the internet for both educational purposes and also participation in recreational activities. In the second case, the division produced an opinion and instituted a revision to AFI 33-111 which allowed provision of communications support to the quarters of commanders to enable the occupant to fully discharge his/her command responsibilities.

OFFICER ADVERSE ACTIONS

To expand the pool of officers eligible to sit on officer discharge boards, JAA drafted and sponsored proposed legislation permitting officers of all grades, depending on the rank and grade of the respondent, to sit as board members. JAA acquired sister Service and DOD support for this initiative and the proposal has been forwarded for inclusion in the FY11 National Defense Authorization Act. At the regulatory level, JAA worked with AFPC/DPSOS in their consolidation and revision of AFIs 36-3206 and 36-3207.

JAG



Col Daniel B. Fincher
Directorate Chief



Col Peter R. Marksteiner
Director Of Staff

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

POLICY AND SPECIAL PROJECTS BRANCH

Branch personnel serve as principal policy advisors to TJAG. They are responsible for myriad policy documents, including policy memoranda and mission directives. The Branch examines and makes recommendations concerning a variety of JAG Corps issues and problems, and leads, facilitates, and serves on special project teams. This year's projects included studying the possibility of creating ANG trial defense service, evaluating how judge advocate first assignments are made, and launching judge advocate mid-career course. In concert with the JAG School, the Branch took the results of the mid-career course study group and was a key contributor in the development of the new GATEWAY course. The Branch also develops the agenda for large JAG Corps events (e.g., KEYSTONE and executive conferences). Finally, the Branch manages facility matters for Air Staff directorates within the Pentagon.

STRATEGIC COMMUNICATIONS BRANCH

The Strategic Communications Branch identifies, develops, and implements communication strategies, policies, plans, standards, and procedures for The Judge Advocate General.

The Branch is the liaison to Air Force public affairs offices, and facilitates JAG Corps involvement with media outlets and the general public. The Strategic Communications Branch also collects, consolidates, drafts, and transmits information, briefings, and speeches for internal and external audiences. Additionally, the Branch is responsible for the JAG Corps weekly Online News Service and the JAG Corps Family News, both of which provide direct communication between senior JAG leaders and other members of our Corps.

During 2009, the Strategic Communications Branch provided guidance to various agencies in several high-profile, high-media interest cases and conducted a first of its kind TJAG webcast to the entire JAG Corps. The Strategic Communications Branch also prepared several presentations on behalf of senior JAG Corps leadership, facilitated speaker presentations, and prepared custom graphics for the 2009 KEYSTONE Leadership Summit.

EXECUTIVE SERVICES BRANCH

The Executive Services Branch serves as the focal point for the planning and execution of many JAG Corps events, including KEYSTONE Leadership Summits, Executive Conferences, and other events hosted by The Judge Advocate General or Deputy Judge Advocate General.

During 2009, the Executive Services Branch managed numerous promotion and retirement ceremonies—including but not limited to a swearing in ceremony at the Supreme Court, and visits to the Pentagon by three Judge

Advocate Staff Officer Course classes from The Judge Advocate General's School. During the 2009 KEYSTONE Leadership Summit, the Executive Services Branch coordinated all requirements for distinguished visitors, including the Secretary of the Air Force, the Commandant of the Coast Guard, and the Vice Chief of Staff of the Air Force.

2009 KEYSTONE LEADERSHIP SUMMIT

The TAG is the lead office for the planning and execution of the annual JAG Corps KEYSTONE Leadership Summit. This year, KEYSTONE was held in Dallas, Texas, from 26-30 October 2009. The Summit was an unqualified success, with more than 700 judge advocates, civilian attorneys, paralegals, and distinguished guests participating. This year, our featured speakers included The Honorable Michael B. Donley, Secretary of the Air Force; The Honorable Charles A. Blanchard,

General Counsel of the Department of the Air Force; General Howie Chandler, Vice Chief of Staff of the Air Force; Chief Master Sergeant of the Air Force James A. Roy; Dr. John A. Nagl, President, Center for a New American Security; Donovan Campbell, Author of *Joker One*; Carolyn B. Lamm, President, American Bar Association; and Chief Master Sergeant Robert D. Gaylor, Fifth Chief Master Sergeant of the Air Force. This KEYSTONE also featured novel new training, including Bystander Intervention Training (sexual assault awareness and prevention) and Trauma to Trial: An Anatomy of Article 120.

JAH

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

Oral argument may be heard in a case when either the appellant or appellee requests it or when the court orders it sua sponte. Arguments typically take place in the appellate courtroom at Bolling Air Force Base, Washington, DC. However, periodically the court moves the location of the argument to law schools and military installations across the country in furtherance of "Project Outreach"—a program

designed to educate civilian and military audiences about the military justice system. In 2009, the court heard arguments before law school audiences at University of Connecticut School of Law and Creighton University School of Law. Argument was also heard at the continental United States Trial Advocacy Course at Charleston Air Force Base, South Carolina. The arguments were very well received at all locations, and the argument at Creighton University School of Law set a record with 170 students in attendance.

In 2009 the court upgraded its courtroom technology by installing audio recording devices. The court staff became the first in the military to operate such equipment in an appellate court setting. To complete the project, the court established a website audio file section providing public access to the recordings of all court arguments.

During 2009 the court maintained its strong pace of reviewing more cases than it received. In addition, members of the court went beyond their statutory responsibilities and used their judicial experience to assist the Air Force and Department of Defense in other areas. Four of the appellate judges served on the United



**Col Barbara G. Brand
Chief Judge**

States Court of Military Commission Review (USCMCR). In accordance with the Military Commissions Act of 2006, the USCMCR has automatic appellate jurisdiction over any finding of guilty under the Act and also hears appeals of issues taken prior to and during trial. The judges on the court with trial-level judicial experience provided back-up support for the trial judiciary. During 2009, appellate judges served as trial

judges at Fairchild Air Force Base, Washington; F. E. Warren Air Force Base, Wyoming; Keesler Air Force Base, Mississippi; Lackland Air Force Base, Texas; Luke Air Force Base, Arizona; Mountain Home Air Force Base, Idaho; Sheppard Air Force Base, Texas; Tinker Air Force Base, Oklahoma; Travis Air Force Base, California; and Whiteman Air Force Base, Missouri. The appellate judges continued to conduct environmental impact hearings in accordance with the National Environmental Policy Act. In 2009, the judges conducted hearings in Arizona, Maine, and

Vermont. The hearing in Maine was particularly involved with over five hours of comments from 50 speakers, including Maine's Attorney General and several state representatives. Finally, one of our judges, working with the Air Force Clemency and Parole Board, worked on a supervision violation issue for an Air Force member on parole.

The court saw significant changes in its composition in 2009. The size of the court was reduced again, this time from seven to five active-duty judges. After the departure of the chief judge due to

permanent change of station, one senior judge was selected to become the new chief judge. The court also welcomed one new associate judge and one new honors law clerk after the retirement of two senior judges and the departure of one honors law clerk due to permanent change of station.

JAO



Col Mary V. Perry
Division Chief

During 2009, the Air Force Operations and International Law Division (HQ AF/JAO) assisted The Judge Advocate General in responding to international issues across the full spectrum of Air Force operations. A few highlights follow:

WEAPONS REVIEWS

JAO served as The Judge Advocate General's office of primary responsibility for all areas related to the law of armed conflict. JAO reviewed numerous lethal and non-lethal

weapons systems to ensure compliance with U.S. treaty obligations, domestic law, and customary international law. JAO's United Kingdom exchange officer assisted in supporting a British military legal delegation meeting with the DOD Law of War Working Group and the four U.S. Services to discuss weapons reviews. JAO also provided a course on the topic of DOD legal reviews of weapons at KEYSTONE.

AIR AND SPACE LAW

JAO routinely provided input to the Joint Chiefs of Staff (JCS) for the development of legal guidance regarding potential over-flight restrictions. JAO generated a summary of the legal issues discussed at the Committee of the Peaceful Uses of Outer Space including remote sensing, national legislation, space tourism, transfer of satellite ownership, bilateral discussion with China, and the adoption of the Legal Subcommittee Report. Further, JAO worked closely with DOD General Counsel on the Commercial and Foreign Entities (CFE) Pilot Program to determine the most appropriate means to establish space situational awareness agreements with designated CFE. In coordination with SAF/GCI, JAO assembled research materials, establishing the meaning of international responsibility for national activities under the Outer

Space Treaty. A JAO staff member's article discussing DOD space policy and integrated intersector partnerships was published in the Army/Air Force Integration Newsletter. JAO worked with the JCS, USSTRATCOM/JA, SAF/GCI, and AFSPC/JA to analyze potential legal issues arising out of the collision of the Iridium 33 and Cosmos 2251 satellites. JAO participated as a member of US delegation at the annual meeting of the Legal Subcommittee of the UN Committee on the Peaceful Uses of Outer Space held in Vienna, Austria.

DOD LAW OF WAR WORKING GROUP (LOWWG)

JAO represented the Air Force on the DOD Law of War Working Group on several initiatives. These included the development of DOD's position to the interagency group regarding expanded relations with the International Criminal Court. JAO supported several initiatives. Most recently the working group completed final edits of the first chapter of the law of war manual which is expected to be published in March 2010.

EXCHANGE OFFICER PROGRAM

JAO was fortunate to continue to have two exchange officers, one from the United Kingdom and one from

Australia, as part of its legal staff. These officers provide in depth expertise and perspective from their respective services on critical international law issues. The UK officer attended the JAG FLAG exercise this year. Some of their other activities included: serving as a representative to the Schriever X wargame on space operations, serving as a JA representative to the DOD Law of War Working Group, providing the legal analysis of the Oslo Treaty on Cluster Munitions and its effects on multinational operations with non-state parties, reviewing and revising a paper delivered by a senior UK officer at the United Nations Peace Operations and the Law Symposium, and managing JAO's reviews of all Air Force and joint publications.

FOREIGN CIVIL LITIGATION AND FOREIGN CRIMINAL JURISDICTION

JAO provided legal advice on several foreign civil and criminal jurisdiction matters that involved many different countries. JAO also prepared responses to congressional inquiries relating to foreign criminal prosecutions in PACAF and USAFE areas. JAO served as the JA lead for discussions related to the prosecution of an Air Force colonel in Italy. JAO further provided advice and coordination on several reverse foreign criminal jurisdiction cases involving offenses committed by and against foreign nationals participating in a USAF program in the United States.

INTERNATIONAL AGREEMENTS

JAO provided support on a number of complex international agreement issues. JAO briefed representatives from the Department of State, Office of the Secretary of Defense, and National Security Council on the 2006 shooting of a Kyrgyz national by a USAF Airman at an air base in Kyrgyzstan. JAO continues to maintain the Air Force database for all international agreements and provides the AF's annual report to DOD/GC. JAO provided an in depth briefing at KEYSTONE on international

agreement negotiations.

Detainee and Military Commissions JAO served as TJAG's lead for legal issues related to detainee operations and military commissions. JAO reviewed draft legislation related to Guantanamo Bay, provided legal analysis on court decisions, reviewed the Detainee Task Force LOW Sub-Group proposal, provided comments on the proposed amendments to the Military Commissions Act and support to TJAG's congressional testimony regarding such changes, and reviewed several cases subject to habeas review for LOAC input as part of the DOD Law of War Working Group.

CYBER/INFORMATION

JAO provided support on a variety of cyber related issues this past year, including review of USSTRATCOM's Computer Network Defense EXORD. As part of the Phoenix Challenge Workshop, JAO helped draft a set of guiding legal principles for cyber operators. JAO reviewed and provided comments on a National Research Council report that discussed how USG and DOD could improve their oversight and legal framework for conducting cyber attacks. JAO provided a presentation on weapon legal reviews at the 24 AF Cyber Conference in San Antonio, Texas.

INTERNATIONAL OPERATIONS ISSUES AND JOINT ACTIONS

JAO provided legal support to a wide range of joint actions for 2009 that covered a broad spectrum of international operational issues including overseas base realignment, counter-terrorism plans, the executive order establishing the new Afghanistan Support Office, the OPLAN for the Pittsburgh Summit, various National Security Council proposals, and draft legislative proposals. JAO responded to questions in the area of maritime law to support the USAF employment of naval vessels in the territorial seas at two joint base locations. JAO coordinated on several mobility packages and provided clarification of

command relationships in MAJCOM justification memos.

WORKING GROUPS

This year JAO represented TJAG in several Air Staff level working groups that include interagency participants. Such forums included the DOD Law of War Working Group, Air Force Operations Group, Air Force Doctrine Advisory Group, Aviation Fees Interagency Working Group, COOP Working Group, and the Proliferation Security Initiative (PSI). In working with the PSI, JAO supported weekly classified discussions with DOD/GC and Department of State on international authorities and regimes related to interdiction activities. The COOP Working Group addressed DOD's support to the 2009 Presidential Inauguration and State of the Union address.

TRAINING AND CONFERENCES

JAO served as the Air Force lead for inquiries related to LOAC training under the expeditionary training program, ensuring that bases understood the new requirements. In addition, JAO worked with technical experts to update computer-based LOAC training. JAO assisted The Air Force Judge Advocate General's School in preparing the second edition of the guide, Air Force Operations and The Law. JAO participated in the EUCOM legal conference in conjunction with SAF/GC and DOD/GC. JAO personnel also served on a panel discussing military commissions and related issues at the annual meeting of the ABA Sub-Committee on National Security. Further, JAO provided a representative to serve as an appellate judge in the preliminary rounds of the 2009 National Religious Freedom Moot Court competition held at George Washington University Law School. JAO participated in the Air Counter-Proliferation Seminar co-hosted by JCS and STRATCOM to discuss DOD's roles, responsibilities, and actions supporting counter proliferation interdiction in the air.

JAT



Col Dawn R. Eflein
Chief Trial Judge of the Air Force

The Air Force Trial Judiciary has 17 active duty trial judges, seven reserve trial judges, one noncommissioned officer, and one civilian employee assigned worldwide. The Chief Trial Judge, the Deputy Chief Trial Judge, and one non-commissioned officer are assigned to the United States Air Force Trial Judiciary, Bolling Air Force Base, District of Columbia.

In 2009, military judges presided over 498 general and special courts-martial. They have also served as investigating officers in complex and high profile Article 32 investigations, as legal advisors for officer discharge and other administrative boards, as hearing officers in parole violation hearings, and have presided at public hearings held to consider draft environmental impact statements.

One Air Force military judge, Lieutenant Colonel Tom Monheim, deployed in 2008, and is currently serving a six month tour in Iraq. Additionally, Lieutenant Colonel Mike Savage served with the Office of Military Commissions for a six month tour. Colonel Dawn Eflein, the Chief Trial Judge of the Air Force, and Colonel Bill Orr, the Chief Regional Judge in Europe each presided over a court-martial at Balad Air Base, Iraq; Lieutenant Colonel Jen Cline presided over

a case at Bagram Air Base, Afghanistan; and Lieutenant Colonel Chuck Wiedie presided over a court-martial at Al Udeid Air Base, Qatar. Currently, four trial judges have been detailed to the military commissions in Guantanamo Bay, Cuba.

Air Force military judges have shared their specialized knowledge and expertise by publishing articles in various journals. Colonel Mark Allred published an article in the Air Force Law Review, Depositions and a Case Called Savard. Additionally, Lt Col Le Zimmerman published an article in The REPORTER entitled *The Trial Script: Everything You Didn't Even Know You Didn't Know*.

The Air Force hosted over 120 judges from all the services during the 35th Annual Interservice Military Judges' Seminar. The seminar was held at the The Judge Advocate General's School in Montgomery, Alabama in January. The weeklong seminar consisted of continuing legal education lectures, seminars on emerging issues, a variety of collegium opportunities, and briefings by the members of the National Judicial Education Program, and Professor David Schlueter from St. Mary's University School of Law, San Antonio, Texas.

JAX



Col Roberta Moro
Director

When judge advocates think about the Professional Development Directorate (HQ AF/JAX or JAX), they think about assignments, which is a large part of our business. In 2009, JAX managed over 420 JAG assignments. But JAX does much more. JAX manages all phases of more than 1,200 judge advocates' professional development, including recruiting, accessions, professional education, personnel manpower, deployments, and assignments. JAX also establishes policy, standards, procedures, and guidelines related to the professional development of JAG Corps civilian attorneys, paralegals, and civilian administrators.

JAX truly is a cradle-to-grave resource for judge advocates. Through its management of the base legal offices' recruiting efforts, JAX affects young men and women even before they become judge advocates. In 2009, judge advocate recruiters visited more than 185 American Bar Association-approved law schools and interviewed more than 3,600 prospective applicants, yielding over 1,300 applications for 120 available positions. JAX conducted selection boards and then worked with selectees to ensure a smooth transition from lawyer or law student to Air Force officer and judge advocate. Judge advocate recruiting efforts also garnered over 300 applications for 50 paid summer internship positions in legal offices across the country.

JAX takes an active role in the continued professional development of judge advocates by overseeing all phases of education and training, including continuing legal education (CLE) at the service judge advocate schools

and the competitively selected LL.M. and developmental education programs. In 2009 over 1,500 selections were made for judge advocates to attend CLE courses. Over 40 percent of those selections were centrally funded. Additionally, more than 100 applications were submitted for twenty-nine LL.M., eight intermediate developmental education, and four senior developmental education positions. As in 2008, the LL.M. positions include six government procurement positions, which were funded by the Air Force acquisition community to satisfy the increased need for experienced contract lawyers.

JAX plays an important role in creating incentive programs as well. In 2009, JAX played a lead role in garnering approval of a \$65,000.00 JAG Student Loan Repayment Program from the Secretary of the Air Force. With approval in hand, we are now working diligently on implementing this exciting new program. This program comes on the heels of our successful implementation of a bar dues reimbursement program for judge advocates in summer 2009.

JAX also manages all TJAGC deployment requirements and develops total force sourcing solutions within the AEF construct. In 2009, we deployed over 260 total force judge advocates and paralegals to every area of responsibility in support of contingency operations. Our missions in Iraq stabilized and drew down substantially over the past year. We now prepare to meet our emerging obligations in Afghanistan.

JAY



CMSgt A. Debbie Stocks
Senior Paralegal Manager to
The Judge Advocate General

The Office of the Senior Paralegal Manager (HQ AF/JAY or JAY) is the primary advisor to The Judge Advocate General (TJAG) on all JAG Corps enlisted matters and also serves as the career field manager for paralegals. The Senior Paralegal Manager accompanies TJAG to legal offices around the world for visits under Article 6, Uniform Code of Military Justice, and exercises management responsibility and establishes policy and training requirements for 900 active duty and 400 Air Reserve Component paralegals. Additionally, JAY organizes training and manning levels for paralegals, works with and advises various agencies on programs affecting paralegals worldwide, and coordinates with sister-service paralegal training managers on inter-service training for professional continuing education programs. JAY also serves as the program coordinator for the Annual Worldwide Senior Paralegal and Executive Workshop, TJAG enlisted awards, and other recognition programs.

PARALEGAL TRAINING

JAG Corps 21 continues to shape the future of the JAG and has

extensively examined ways to improve paralegal utilization and training. Some of those efforts came to fruition this year as both the 3-level and 7-level courses were executed with new curriculum. The new 3-level course introduces foundational paralegal skills in the first few weeks and requires more than twice the amount of legal research and writing than the old course. The new 7-level course also places greater weight on writing and research skills and is more difficult than its predecessor. Just as the residence courses have been improved, the Career Development Courses have been completely rewritten, too. Building on the 3-level course's renewed focus on fundamental paralegal skills, the new CDCs contain a new volume on foundational paralegal skills.

PARALEGAL UTILIZATION

Paralegal utilization at The Judge Advocate General's School underwent a substantial change this year. No longer a separate division in the school focused almost exclusively on the Paralegal Apprentice Course and the Paralegal Craftsman Course, paralegals are now integrated in each of the subject matter divisions and the

academic development. Paralegals are now directly involved in all of the courses offered at the school and judge advocates are more seamlessly integrated in the paralegal courses. In addition to improving the quality of instruction, this new organization will further enhance JAG-paralegal teamwork across The Judge Advocate General's Corps.

ELECTRONIC CAREER FIELD AND EDUCATION PLAN

As the Air Force continues to study which program to use for electronic training records, JAY opted into the Training Business Area (TBA) system. The new, electronic Career Field Education and Training Plan became available for use in June of 2009. The new TAB system represents a change in the way we've done business in the past, but it's a change for the better. The new system is more efficient and simplifies the process of creating and maintaining training records.

JAZ



Mr. David E. Sprowls
Division Chief

The Plans and Programs Division (HQ AF/JAZ or JAZ) is responsible for planning, programming, and budgeting for The Judge Advocate General's Corps and the Air Force Legal Operations Agency (AFLOA). JAZ serves as The Judge Advocate General's representative to the Air Force Group, Air Force Board, and Headquarters Air Force Program Budget Review Group and Board. JAZ analyzes programming decisions and develops JA and AFLOA requirements included in the Air Force submission to the Department of Defense Program Objective Memorandum (POM) that supports the President's annual budget submission to Congress.

JAZ develops the annual financial plan and administers the operational and management resources of the Office of TJAG and AFLOA, a budget of almost \$50 million, including \$8 million in annual transformation initiatives. JAZ manages more than 3,000 JAG Corps manpower positions worldwide. The division develops JAG Corps strategic plans and executes them across the Corps.

Significant JAZ projects during fiscal year 2009 included:

JAG CORPS 21

JAZ enabled the standup of the Medical Law and Services Law Field Support Centers, bringing the total specialty law FSCs to 11. JAZ accomplished necessary manpower actions to facilitate significant expansions to the Contract Law and Commercial Litigation Field Support Centers, and to realign or adjust over 500 positions within AFLOA and the Air Staff. JAZ spearheaded the creation of AF/JAQ, an acquisition law and litigation directorate on the Air Staff, directing concept development and authoring a detailed organizational change request. JAZ laid the groundwork for TriCare Medical Activity (TMA) and the Surgeon General's Air Force Medical Support Agency (SG), to collect over \$14 million in reimbursements from third-party claims and set the stage to program funds for the Medical Cost Reimbursement Program (MCRP).

JAG CORPS RESOURCES

JAZ continued to respond to transformational initiatives of JAG Corps 21 by realigning funds within the portfolio to support JA priorities. JAZ transferred \$1.5 million to the Air Force Judge Advocate General's School to overhaul the school's audio-video capabilities. JAZ prepared an FY11 APOM submission to restore manpower to legal offices for the Rapid Airman Discharge Program (RADP). JAZ then coordinated with the Installation Support Panel to bring it forward into the corporate process and shepherded the initiative through corporate deliberations. This resulted in 45 civilian authorizations being funded at base legal offices to support RADP. JAZ acquired an additional \$800,000 to upgrade software programs supporting legal assistance programs AF-wide. JAZ realigned funds to support reimbursement of bar dues for judge advocates, bringing them on par with their AF civilian attorney peers. Finally, JAZ assisted the Surgeon General in obtaining FY09 EOY funds to move the Air Force Drug Testing Lab and facilitated authorization for the move through the new Strategic

Basing Process. When DOD directed and financed for all military services to train judge advocates in prosecuting sexual assault cases as part of the continuing Sexual Assault Prevention and Response campaign, JAZ took the lead and executed a \$1.2 million contract ensuring a high-quality online training tool for trial counsel judge advocates.

PERSONNEL INITIATIVES

JAZ partnered with JAA to build a case for USD (P&R) approval of JAG bar dues reimbursement, performed a cost analysis, wrote the operating instruction, and framed technical requirements for an upgraded software system to combine civilian and JAG bar reimbursements. JAZ framed technical requirements for a quick-turn JAS project to obtain education loan data from JAGs to support SLRP. JAZ joined with JAX to pursue approval and funding for the Student Loan Repayment Program.

When TJAG directed an automated means for ensuring professional responsibility certification, JAZ worked with JAS and JAA on the necessary language and software, drafting the certification language, prepping the system for initial release, evaluating the need for software changes based on the initial certification period, and beta-testing the changes.

JOINT BASING

JAZ continued as lead office for all joint basing issues, advising A7C, writing the legal and command authority annexes for all nine VCSAF-signed memoranda of agreement, and conducting pre-signature Air Staff review of the documents. JAZ brokered base-level negotiations with sister service judge advocate action officers, coached legal staffs through workshop briefings to secure command and OSD agreement on legal support and manpower, and led headquarters-level negotiations with sister services to finalize legal support and manpower. These actions ensured optimal legal support at each joint base.

FIELD OPERATING AGENCY

AIR FORCE LEGAL OPERATIONS AGENCY



Brig Gen Richard C. Harding
Commander



CMSgt Beverly A. Miller
Command Paralegal Manager

The Air Force Legal Operations Agency (AFLOA) is a field operating agency under the command of Brigadier General Richard C. Harding. The Vice Commander is Colonel Charlie M. Johnson. The AFLOA Commander is the only command billet in the JAG Corps and exercises command authority over 870 military and civilian attorneys, paralegals, and support personnel stationed in 75 locations throughout the world. AFLOA consists of five directorates, including the Judiciary (JAJ), Civil Law and Litigation (JAC), and Commercial Law and Litigation (JAQ) Directorates. These three directorates have the critical responsibility of assisting The Judge Advocate General in the administration of military justice throughout the Air Force and responsibility for defending the Air Force in civil litigation before federal and state courts and administrative boards. The other directorates are

The Judge Advocate General's School (AFJAGS), which is the preeminent source of legal education and training for Air Force legal professionals, and the Legal Information Services (JAS) Directorate, which is charged with keeping the Corps at the cutting edge of legal information technology in support of full-spectrum legal services throughout the Air Force.

In 2009, AFLOA continued its development as the central source of legal reachback services within the JAG Corps, providing precision legal expertise to installation, numbered air force (NAF), and major command (MAJCOM) legal offices. AFLOA activated Field Support Centers (FSCs), designed to augment and improve legal services to the field. We now have 10 FSCs: the Utility Law FSC, the Accident Investigation Board FSC, the Environmental Law FSC (ELFSC), the Contract Law FSC, the Medical Law FSC, and the Medical Cost Reimbursement Program (MCRP)

which now has eight regional offices CONUS, the Commercial Litigation FSC, the Labor Law FSC (LLFSC), the Tort Claims FSC (TCFSC), and the Air Force Claims Service Center (AFCSC).

In sum, AFLOA continued its exciting journey of transformation to assist the JAG Corps in maintaining its claim as the model 21st century law firm, streamlined to take advantage of 21st century technology, and with processes designed to provide legal expertise throughout the Air Force wherever the need arises... anywhere, any time.

While we are very proud of our rich history, we are even more excited about the future. Keeping JAG Corps 21 as our guide, our future looks very bright indeed and promises even more exciting advancements reaching across the United States Air Force and to Airmen everywhere!

AFJAGS



Col Tonya Hagmaier
Commandant

The Judge Advocate General's School remained the hub for all JAG Corps 21 initiatives in 2009, spearheading several transformation efforts in response to the evolving needs of the Air Force legal community, and providing ongoing support to overseas contingency operations through personnel deployments. Under the leadership of Colonel Tonya Hagmaier, AFJAGS reorganized its staff during the past year by embedding paralegal instructors in the school's various divisions. The realignment enabled closer cooperation between judge advocate and paralegal faculty, promoting a "total force" approach to enhancing initial training and continuing education. Other significant organizational developments included the arrival of an academic director, the stand-up of an Academic Development Division, and the addition of the JAG Corps Historian. A year of unprecedented growth in both numbers and missions underscored AFJAGS' increasingly prominent role

in the Air Force legal community, as well as its proportionally increasing requirements for additional space and infrastructure.

With an enhanced focus on academics, and more collaborative approach to instruction, AFJAGS continued to equip judge advocates, paralegals, and civilians with the skills necessary to operate and excel in today's legal environment. An already robust schedule expanded to thirty planned courses for Fiscal Year 2010. The school hosted the inaugural offering of the Air Force Legal Community New Civilian Employee Orientation Course in October. Designed as a "foundational step" in the development framework of the legal community's recent civilian hires, the course brought together both the Air Force General Counsel and The Judge Advocate General to orient new employees on their



role in accomplishing the Air Force mission. AFJAGS also finalized plans for GATEWAY, the new semiannual Judge Advocate Mid-Career Course commencing in January 2010. GATEWAY will assist in preparing students for the leadership and challenges that field grade judge advocates face at every level by providing them with three weeks of advanced instruction and realistic exercises.

In addition to supporting a high-tempo curriculum of classroom instruction, AFJAGS faculty and staff contributed to wide variety of efforts in 2009, including new resources such as Air Force Operations & The Law: A Guide for Air, Space and Cyber Forces, as well as ongoing publications such as The Military Commander & The Law, the Air Force Law Review, and The Reporter. Renewed emphasis on the revamped TRIALS training program resulted in thirteen total visits during Fiscal Year 2009, up from six the previous year, with the school dispatching instructors to the majority of these offerings, where local military judges were also in attendance. School personnel also engineered further advances in eLearning and customer service during 2009. The school launched an updated version of CAPSIL boasting an improved user interface, social networking enhancements, and the ability to generate learning center management reports. AFJAGS also collaborated with JAS over the past year to create a new public legal assistance website with a goal of improving convenience and enhancing overall customer satisfaction. The website, expected to streamline certain legal assistance processes, enables clients to access information on a variety of topics, and complete several legal assistance forms and worksheets online. It also provides opportunities for clients to provide individualized customer feedback to base legal offices and personnel.

The faculty and staff of the JAG School remain enthusiastic about AFJAGS evolving roles and missions under JAG Corps 21, and welcome feedback from the field concerning the courses and initiatives they provide to the Air Force legal community.

JAC

The Civil Law and Litigation Directorate (AFLOA/JAC) defends Air Force interests in civil litigation in various forums, to include local, state, and federal administrative bodies, federal district courts, the U.S. Court of Federal Claims, federal appellate courts, and the Supreme Court. In addition to litigation work, AFLOA/JAC oversees the Air Force Claims Program. The Directorate is led by Colonel Robert I. Smith, who joined AFLOA/JAC in June 2009. As AFLOA/JAC Director, Col Smith is responsible for supervising more than 300 judge advocates, civilian and Reserve attorneys, paralegals, and administrative personnel at twelve locations across the United States. JAC includes three divisions: Claims and Tort Litigation (JACC), Environmental Law and Litigation (JACE), and General Litigation (JACL). Embedded within the three divisions are eight Field Support Centers (FSCs): the Air Force Claims Service Center, the Tort Claims FSC, the Medical Cost Reimbursement Program, the Accident Investigation Board FSC, the Medical Law FSC, the Environmental Law FSC, the Labor Law FSC, and the Utility Law FSC.

CLAIMS AND TORT LITIGATION DIVISION

The Claims and Tort Litigation Division, AFLOA/JACC, has a broad and diverse portfolio. The division provides administrative processing of personnel, carrier recovery, and tort claims. It operates the Medical Cost Recovery Program (MCRP) to recover money owed to TRICARE for medical care provided to Air Force personnel and their families. The division also advises Air Force attorneys, commanders, and other officials at every organizational level on issues related to medical and aviation law, and it provides legal support to accident investigations. In addition, JACC represents the Air Force in



Col Robert I. Smith
Director

litigation in a variety of forums. The Division is divided into five branches and five Field Support Centers (FSCs).

AIR FORCE CLAIMS SERVICE CENTER (AFCSC)

The AFCSC paid out approximately \$3.8 million in FY09 to compensate its own claimants as well as those receiving tort settlements from either a base legal office or the Tort Claims FSC. The AFCSC also collected \$4.3 million in carrier recovery claims with an outstanding 92 percent collected-to-asserted ratio.

With the implementation of the Defense Personal Property Program, carriers now are required to reimburse DOD claimants full replacement value for all household goods moves. As a result of the new program, the AFCSC claims workload declined significantly over the past year. This dictated a reduction in AFCSC's manning.

More changes for the AFCSC loom. By the end of FY10, the AFCSC's manning will be reduced to an all-civilian, 31-member staff. In addition, the AFCSC will have fielded

Web AFCIMS, a web-based claims processing system.

AVIATION AND ADMIRALTY LAW BRANCH

The Aviation and Admiralty Law Branch adjudicates aviation and admiralty tort claims and defends the Air Force in litigation arising from Air Force aviation and admiralty activities. The majority of claims seek monetary restitution for property damage and for death or personal injury arising from overflights, sonic booms, and aircraft crashes. The branch also advises the Air Staff on all issues within the purview of aviation and admiralty law and provides Air Force-wide policy and guidance on the accident investigation board (AIB) and ground accident investigation board (GAIB) processes. The branch prepares and presents training for AIB and GAIB board presidents and legal advisors at the Air Force Safety Center, Air University, the Air Force Judge Advocate General's School, and Air Force bases throughout the world.

ACCIDENT INVESTIGATION BOARD FIELD SUPPORT CENTER (AIBFSC)

Working closely with the Aviation and Admiralty Law Branch, the AIBFSC provides JAG legal advisors and paralegal recorders Air Force-wide for Accident Investigation Boards and Ground Accident Investigation Boards. Primarily, it assists with MAJCOM-convened Class A mishap investigations, prepares publicly releasable reports, and secures evidence for potential claims litigation and other actions. It also provides critical reach-back expertise for other judge advocates and paralegals in the field. In the first two years since its inception in September 2007, the AIBFSC supported 45 mishap investigations.

FOREIGN CLAIMS BRANCH

The Foreign Claims Branch adjudicates high-value claims arising worldwide and coordinates with overseas commands and foreign government offices to resolve third party claims falling under international cost-sharing agreements. It also assists in resolving of claims arising in the United States in connection with foreign military sales (FMS) agreements. In 2008, JACC's "International Torts Branch" became the "Foreign Claims Branch" to align its name with the precise federal statute, the Foreign Claims Act (FCA), 10 U.S.C. §2734, which is central to the Branch's legal and policy mission. The branch continued to provide effective reachback to legal offices worldwide seeking guidance on adjudicating foreign tort claims and advanced Air Force training objectives through its update to the Air Force Operations and The Law handbook and its instruction at the Air Force JAG School's Legal and Administrative Investigations Course. During the year, the branch focused on overseas claims involving Japan, Jordan, and the United Kingdom and simultaneously resolved three longstanding stateside claims, one of which involved Singapore.

MEDICAL LAW BRANCH (MLB)

The MLB adjudicates all claims alleging medical malpractice by Air Force health care providers worldwide and provides litigation support to all assistant U.S. attorneys and Department of Justice attorneys defending these lawsuits. Since the stand-up of the Medical Law Field Support Center (MLFSC) in September of 2008, subject matter experts within the MLB have significantly contributed to the success of the MLFSC. MLB attorneys have been recognized for their subject matter expertise both within and outside the Air Force, serving as invited lecturers at the DOJ's National Advocacy Center, the Society of Federal Health Agencies, and the Army Legal Services Agency.

The MLB's Air Force Medical Law Quarterly has become a respected source of medical-legal guidance, with distribution throughout the Air Force medical and legal communities expanded to include professionals from the Army, Navy and Department of Veteran's Affairs. Throughout 2009, the MLB has kept close watch on ongoing legislative and judicial efforts to repeal the Feres doctrine, which bars military members from recovering for tort injuries, including medical malpractice, incident to their military service under the Federal Tort Claims Act (FTCA).

MEDICAL LAW FIELD SUPPORT CENTER (MLFSC)

The MLFSC provides specialized advice and worldwide reachback support to base legal offices and medical treatment facilities (MTFs) on medical-legal issues. The MLFSC is comprised of the MLFSC Chief and 12 Medical Law Consultants (MLCs), 3 paralegals, and 2 legal assistants assigned to nine regional MLC offices. All members of the MLFSC work closely with the subject matter experts in the Medical Law Branch. MLCs continue to serve as the "face of the JAG Corps" for MTF commanders and their staffs seeking medical-legal advice. MLCs provide timely advice on a host of medical-legal issues that arise in healthcare operations, including issues involving the Health Insurance Portability and Accountability Act (HIPAA), adverse privilege actions, informed consent, and training affiliation agreements. While MLCs remain co-located at MTFs to provide medical-legal advice to MTF commanders and their staffs, in 2009, all active duty MLCs were reassigned to the MLFSC. Thus, for the first time since the MLC program began in 1971, MLCs are now part of AFLOA/JACC.

GENERAL TORTS BRANCH (GTB)

The branch provides litigation support for tort claims that are not

within the scope of one of the other branches. The branch also assumed oversight responsibility for pro-government tort claims (e.g., "G claims" for damage to Air Force property). The types of litigation supported by the GTB are as varied as the number of installations we support. GTB attorneys flew around the country to assist the Department of Justice in defending some highly-contentious cases, and took the opportunity to meet with and train base personnel in tort claim procedures. GTB paralegals have become increasingly proficient in investigating and adjudicating complex tort claims, and in sharing their knowledge with installation-level paralegals. Also in support of the field, GTB attorneys and paralegals engaged in a series of VTC conferences with U.S. installations to pass along updates, tools, and training for tort claim practitioners.

TORT CLAIMS FIELD SUPPORT CENTER (TCFSC)

The mission of the TCFSC is to apply specialized knowledge and legal services to the investigation, settlement, and litigation of general tort claims (e.g: motor vehicle accidents, slip-and-fall claims) against the Air Force and to provide reachback expertise to base legal offices to assist them in resolving tort claims within their settlement authority. The TCFSC will soon be staffed primarily by military paralegals, who will interview, research and draft documents involved in adjudicating and settling tort claims.

THE MEDICAL COST RECOVERY PROGRAM (MCRP)

The Medical Cost Reimbursement Program (MCRP) Branch entered 2009 with three regional offices. By May of 2009 it reached fully operational capacity with the opening of five additional regional offices located at McGuire, Langley, Offutt, Nellis, and Travis Air Force Bases. These offices joined the existing

S P O T L I G H T ON ...

a Medical Law Consultant

Captain Charlie Kels is proud to serve as the first-ever Medical Law Consultant for the 99th Medical Group at the Mike O'Callaghan Federal Hospital, Nellis AFB, NV. As an MLC, he's responsible for providing medical-legal support to nine medical treatment facilities and legal offices in a six-state geographic region.

The 99th Medical Group has a staff of over 700 healthcare professionals dedicated to providing preventive, emergency, and acute care to approximately 22,000 active-duty members and their dependents, as well as over 40,000 other beneficiaries in southern Nevada. The robust staff and patient load generate a plethora of medical-legal issues. For example, Capt Kels was able to help Nellis AFB establish the Air Force's first new family medicine residency program in thirty years, and he is currently tackling the complex legal issues involved in creating a fully integrated military-civilian general surgery residency combining Air Force and University of Nevada personnel.

Capt Kels has also had the unique opportunity to participate in drafting statutory language authorizing training affiliation agreements between Nevada hospitals and military medical treatment facilities. The legislation, signed into law earlier this year, was instrumental in Nellis' designation by the Air Force Surgeon General as an approved site for deployment-related trauma and resuscitative skills training.



Captain Charlie Kels

Currently on his third assignment, Captain Kels is thrilled to have the opportunity to concentrate on medical-legal issues. "It's a tremendous honor to work for clients who are dedicated to saving lives every day. I had always hoped to learn more about medical law, and my experiences as an MLC have given me an even greater appreciation for the professionalism and sacrifices of our Air Force medical professionals."

Whether advising on medical privacy, reviewing training affiliation agreements, or handling adverse privileging actions, each day brings something new. "The range of issues MLCs face is both humbling and exciting. Medical providers are relying on you to offer sound and reasoned advice, often in time-

sensitive scenarios implicating profound bioethics issues. The sense of pride and fulfillment - and the camaraderie among MLCs and the Medical Law Branch - is unbeatable. I would highly recommend applying for an MLC position to any JAG interested in the medical law field."

Serving with Air Force medics and playing an integral role in their mission has been especially rewarding for Capt Kels. "MLCs are key to helping us provide world-class healthcare and maximize readiness," says Colonel (Dr.) Christian R. Benjamin, commander of the 99th Medical Group and Chief Executive Officer of the Mike O'Callaghan Federal Hospital. "Although small in number, they are big in impact, and they are highly valued members of the team."

three offices located at Lackland, Eglin, and Langley Air Force Bases. Over \$14 million was collected in FY09. The MCRP is looking forward to even greater success next year since all eight offices will be fully operational for an entire year period.

ENVIRONMENTAL LAW AND LITIGATION DIVISION (JACE)

JACE works to preserve and protect air, land, and other precious resources central to the successful performance of the Air Force mission. JACE assists Air Force clients on complying with environmental laws and on seeking legislative and regulatory resolutions to environmental issues impacting the mission. JACE also defends the Air Force against legal challenges that

threaten mission accomplishment. Reorganized under JAG Corps 21, JACE handles issues previously addressed by attorneys at the major commands (MAJCOMs). This consolidation of environmental law support provides direct reach-back capability that improves consistency of advice, reduces redundancy of effort, and provides our installations and MAJCOMs with an

S P O T L I G H T ON ...

an Environmental Issue

On 19 November 2008 Beale AFB, California was issued a Notice of Violation by the local Air District alleging that the base operated unpermitted generators for 972 days without proper Clean Air Act permits. The potential fine for these violations was \$9,720,000.

For the next 7 months a team of dedicated JAGs from the San Francisco Regional Counsel's Office, the Environmental Law Field Support Center in San Antonio, the Environmental Liaison Office at Air Combat Command and the Beale legal office worked together to address the Air District's concerns and determine the best course of action for the base and Air Force.

Lt Col Pete Teller, the Beale SJA, served as the focal point for the base and was instrumental in developing a negotiation strategy with the local Air District. Maintaining good relations with the local regulators is always a key concern and Lt Col Teller worked hard to strengthen that relationship. Lt Col Robert Black from the Environmental Regional Counsel's Office gathered facts and researched the law and the state penalty issues in California. California has over 30 individual Air Districts, so ensuring consistent interpretation of the law and application of enforcement authorities was crucial. Mr. John Smith at the Environmental



Law Field Support Center (ELFSC) tapped into his 15 years of experience with Clean Air issues at military facilities to determine the validity of the allegations and to apply lessons learned from other similar enforcement actions. Finally,

Major Tom Bucci served as the environmental liaison with Air Combat Command and ensured adequate resources were available to resolve the issue and pay any resulting fine. The team also relied on technical expertise from the A7 community when analyzing the alleged violations.

As a result of all the hard work, the team determined that portions of the Air District's allegations

were valid and that the base should have permitted various generators pursuant to local Clean Air Act rules and regulations. The negotiators, Lt Cols Teller and Black reached back to Mr. Smith and Major Bucci for their inputs and were able to resolve the penalty and fine issues with the Air District. The base only paid \$67,700, a 99.3 percent reduction in the assessed fine. This is a substantial cost savings to the base's O&M account. This is an example of great team work, with a base legal office using resources from AFLOA/JACE's Environmental Regional Counsel's Office and the ELFSC.

unparalleled cadre of environmental law expertise.

ENVIRONMENTAL LITIGATION CENTER

The Environmental Litigation Center pursues Air Force interests in affirmative and defensive litigation nationwide. The Center litigates approximately 40 matters at any given time, including injunctions and encroachment issues with the potential to directly impact

Air Force missions, as well as a potential monetary liability exceeding \$500 million. In addition, the Center pursues affirmative cost recovery (ACR) cases to return scarce remediation funds to Air Force coffers. Center attorneys, in cooperation with attorneys in the regional offices, seek to reduce alleged Air Force liability estimated at \$361 million for contamination at more than 100 sites located outside installation boundaries. The Center also adjudicates environmental tort claims currently worth \$110 million.

For the past year, the Environmental Litigation Center has defended the USAF against a NEPA lawsuit challenging the beddown of the F-35 Joint Strike Fighter at Eglin Air Force Base, Florida. During the litigation, the Environmental Litigation Center met the exceptional challenge of balancing the interests of two wings, the base, a tenant Center, three Major Commands, Air Force Headquarters, two sister services, the F-35 Joint Program Office, and the Department of Defense.

ENVIRONMENTAL LAW FIELD SUPPORT CENTER (ELFSC)

The mission of the ELFSC is to provide unprecedented reach-back for Air Force environmental law practitioners at all levels. Staffed with 33 subject matter experts within the field of environmental law, including two reservists, as well as environmental liaison officers embedded at six MAJCOMs and a satellite office in Alaska, the ELFSC consolidates field environmental law support from all MAJCOM headquarters to a single center located at the former Kelly AFB, San Antonio, Texas. The ELFSC maintains expertise to address restoration; environmental compliance; air space and ranges; natural and cultural resources; pollution prevention; NEPA and other environmental planning issues; and hazardous and solid waste issues. These responsibilities are handled by five distinct branches within the ELFSC.

AIR & WATER BRANCH

The Air & Water Branch provides guidance to the Air Force in complying with the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act. The branch further protects the Air Force's interests in the area of surface and groundwater rights and allocation. For example, the branch provided expert support by performing a Clean Air Act conformity analysis during F-35 beddown planning and by assisting with water rights issues critical to installation sustainment. The Air & Water Branch also reviewed draft regulatory materials, legislation, Air Force Instructions, and other documents to ascertain potential impacts on the Air Force mission and to ensure the regulations are clear and consistent with the law and DOD policy. The branch tracks USAF environmental compliance to reduce cost and other mission impacts. In addition, the branch educated other Air Force attorneys by providing subject matter experts as speakers at various training conferences and symposiums

and by providing on-line reference materials and regular training to the field.

CULTURAL & NATURAL RESOURCES BRANCH

Hundreds of historic buildings, archeological sites and Native American sacred sites and scores of threatened and endangered species call Air Force installations home. The Cultural & Natural Resources Branch provides specialized legal counsel to help Air Force organizations comply with laws protecting these valuable resources. This advice preserves flying and training flexibility while protecting operations from legal challenges both now and in the future.

For instance, the branch championed an innovative approach to resolving the disposition of historic housing at Hickam AFB. The agreed solution adopted by base leadership and the State Historic Preservation Officer (SHPO) resulted in increased safety and while preserving this historic housing. Additionally, the branch assisted the Air Force in reaching an agreement with State agencies regarding the elimination of the zebra mussel (an invasive species) from a lake on Offutt AFB. This approach prevented the spread of the species into the Missouri River and potentially millions of dollars in damage to a power plant intake. This solution has become a model approach to resolving similar issues AF wide.

HAZARDOUS MATERIALS MANAGEMENT BRANCH

The Hazardous Materials Management Branch provides legal advice on compliance with federal and state environmental laws, regulations, and policies for solid and hazardous waste and hazardous and toxic materials. The branch's efforts in this area include advising the field of changes in hazardous materials management requirements, working with installation and Regional Environmental Office (REO) personnel to defend Air Force interests in

contacts with regulatory agencies, and providing training through primers, briefings, and other information on JACE's website. Our efforts help minimize operational impacts and prevent mission failure at installations located throughout the U.S. and its territories. For example, the branch was instrumental in settling a dispute with Idaho over how to handle chlordane in soil at a housing construction site. The branch also assisted ACC and AMC bases deal with Homeland Security and Department of Agriculture rules governing garbage generated OCONUS but returned to the CONUS for disposal.

PLANNING & SUSTAINMENT BRANCH

The Planning & Sustainment Branch provides proactive guidance to Air Staff as well as to MAJCOM and installation attorneys in meeting all environmental planning requirements, reducing potential risks to the Air Force mission. The branch safeguards against threats to flying and training missions, fights encroachment on operations, and promotes sustainable use of installations and resources to ensure maximum future operational flexibility. Branch personnel helped develop the NEPA analysis and documentation for the beddown and operations of the Joint Strike Fighter (F-35A), the second Unmanned Aircraft Systems (UAS) Field Training Units (FTU), a fourth B-52 operational squadron, a new B-52 FTU, CyberNAF, Global Strike Command, and the BRAC UAS for Grand Forks AFB; as well as modifications to existing special use airspace and establishment of airspace for special use.

RESTORATION BRANCH

The Restoration Branch provides direct legal support to the Air Force Center for Engineering and the Environment (AFCEE) and to Major Commands and bases on all environmental restoration matters. The Restoration Branch also renders advice in the formulation and implementation of Air Force and DOD environmental

restoration policy. The branch was heavily involved in resolving the high-visibility dispute with the EPA over interagency agreements. The Restoration Branch is intensifying its focus on educating AFCEE and Major Commands to ensure applicable or relevant and appropriate requirements are considered during remedy selection and five-year reviews of remedies are conducted. Finally, the branch was very active in education outreach during the year, providing briefers for a variety of seminars and conferences attended by clients and DOD environmental attorneys.

ENVIRONMENTAL LIAISON OFFICERS (ELOS)

ELOs are embedded at six MAJCOMs and provide timely and accurate legal advice to base and MAJCOM SJAs as well as MAJCOM-level clients on environmental issues affecting command interests. Each ELO is also responsible for keeping their MAJCOM SJA and JACE informed on the status of environmental issues affecting the particular MAJCOM in which they are embedded. Examples of the active involvement of our ELOs include: advising on the investigation and cleanup of nuclear material possibly remaining at a 1950's era accident site; the crafting of environmental documents underlying the Joint Base Memorandums of Agreement; providing consistency in ESOHCAMP legal support across commands; numerous legal reviews of NEPA documentation affecting high-visibility aircraft or mission beddowns; the coordination on state anti-encroachment legislation; and the transfer of previously used defense areas like the Mukilteo Tank Farm near McChord AFB in Washington State.

REGIONAL COUNSEL OFFICES (RCOS)

Located in Atlanta, Dallas, and San Francisco, the RCOs work with state and federal regulators and often state legislators in their geographic regions. The RCOs are located with regional

AFCEE offices, and the synergy of the engineers and environmental attorneys pays dividends for the Air Force. The RCOs support the Environmental Litigation Center's affirmative cost recovery program and administer a third party site program that seeks to limit Air Force liability for potential contamination at sites not owned or operated by the Air Force.

The work of the RCO in Dallas (JACE-CR) illustrates the big impact that the RCOs have in supporting the mission. JACE-CR prepared the DOD position opposing a state bill that could have cost a base over \$3 million for current construction projects and quadrupled the cost of future construction projects. JACE-CR resolved a New Mexico regulatory action that included a fine of \$4.2 million for alleged RCRA violations during the removal of water from bulk fuel storage tanks. JACE-CR led the negotiations and reduced the monetary fine to \$2,160.00. Additionally, JACE-CR's analysis of complex RCRA and National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations kept a \$10 million dollar housing privatization contract on schedule, saved \$4,000 dollars a day in over runs, and prevented potential exposure to deadly asbestos.

GENERAL LITIGATION DIVISION (JACL)

The General Litigation Division handles a broad range of cases in federal courts, state courts, and various administrative forums. JACL's litigation mission is to defend the Air Force and its personnel in federal litigation and administrative proceedings worldwide in actions involving civilian and military personnel, constitutional torts, information law, and utility rates. Other responsibilities include reviewing all Freedom of Information Act (FOIA) appeals, accepting service of process on behalf of the Secretary of the Air Force in all civil cases, managing the Air Force witness program for civil litigation, advising field and higher headquarters staffs on civilian labor

law issues affecting the Air Force's 143,000 civilian employees, and teaching labor law courses at Air Force JAG School. JACL is composed of four subordinate units: the Information Litigation Branch, the Labor Law Field Support Center (LLFSC), Military Personnel Litigation Branch, and the Utility Law Field Support Center (FSC).

INFORMATION LITIGATION BRANCH

The Information Litigation Branch represents Air Force interests in federal court cases involving information litigation, taxes impermissibly assessed against the United States, and constitutional torts against Air Force officials. The branch reviews and processes all FOIA administrative appeals from the Air Force and advises the Secretary of the Air Force designee on final action on these appeals. Branch attorneys also provide advice throughout the Air Force regarding requests for Air Force personnel to appear as witnesses concerning official matters in litigation and requests for the release of official Air Force information outside the FOIA. During fiscal year 2009, the Information Litigation Branch, working with the Department of Justice won four constitutional torts cases, won three FOIA cases and settled two others at no cost to the government, and won a Privacy Act case. In addition, branch attorneys reviewed and processed 63 FOIA appeals for final action by the Secretary of Air Force designee, the Deputy General Counsel (Fiscal, Ethics and Administrative Law).

LABOR LAW FIELD SUPPORT CENTER

The LLFSC represents the Air Force in all employment-related litigation in Federal courts and before the Federal Labor Relations Authority (FLRA). It also represents most Air Force installations in litigation before the Equal Employment Opportunity Commission (EEOC) and the Merit Systems Protection Board (MSPB). The

LLFSC has established a successful track record of defending the Air Force in administrative and court litigation worldwide. LLFSC attorneys have achieved notable successes in settling seemingly intractable cases, saving the Air Force tens of thousands in litigation costs and much more in potential liability. The LLFSC also advises at all levels on policy issues, as well as individual case issues. Finally,

the LLFSC trains labor lawyers, Equal Employment Opportunity managers, personnel specialists, and supervisors on labor and employment law principles. The LLFSC's litigation mission is likely the most visible; however, all LLFSC missions are complementary. The LLFSC's missions of training and advising reinforce the litigation mission; each case improves an attorney's instructor and advisor

skills. Teaching makes the attorney a better litigator and advisor, and advising with the associated research, makes a better instructor and litigator.

In FY 2009, the LLFSC closed 32 Federal Court cases; 197 FLRA cases, 55 EEOC cases, and 41 MSPB cases. The cases represented over \$45 million in potential risk to the Air Force, but LLFSC attorneys closed them with less than \$1.5M in liability. The LLFSC

S P O T L I G H T ON ...

The Labor Law Field Support Center



Capt Buckley



Capt Padalino



Capt Jameson

The Labor Law Field Support Center (LLFSC) offers unparalleled leadership opportunities for company grade officers as expert advisors and experienced litigators.

Capt Tyler Buckley began his career as a base trial counsel and Chief of Military Justice. However, his litigation skills kicked into high gear when he arrived at the LLFSC. During his first year in the Rosslyn LLFSC Office, he has become its most prolific litigator handling 16 Equal Employment Opportunity Commission (EEOC) and 20 Merit System Protection Board (MSPB) cases. While poised at the tip of the litigation spear, Capt Buckley also excelled as a KEYSTONE project officer.

Arriving from Korea after an assignment as area defense counsel in June 2008, Capt Nina Padalino immediately organized two massive labor law training courses and was the Air Force representative in several administrative cases before the EEOC. Following a deployment to Guantanamo Bay, she now defends the Air Force's interests in United States District Court. Capt

Padalino focuses her formidable litigation and diplomatic skills in Federal court with Assistant United States Attorneys every day.

With a solid background in civil law forged at the base level, Capt Sharoiha Jameson has been the West Coast face of the LLFSC its inception. As the only lawyer assigned to the Los Angeles Regional Office for the past two years, she expertly managed the office, advised the command chain at California installations, and litigated the full portfolio of cases for that region before the EEOC and MSPB. Also deploying to Iraq, Capt Jameson rose to the substantial litigation and leadership challenges before her and ensured mission success.

These three captains and their diverse backgrounds are indicative of the officers who thrive in the demanding LLFSC environment. Amid an exciting multitude of unique challenges, they exemplify VANGUARD Leadership in action.

conducted three major training events in FY 09: the Federal Employment and Labor Law Course (FELLC) at AFJAGS in December 2008, the Advanced Labor and Employment Law Course (ALELC) at Rosslyn, Virginia, in April 2009, and a formal training course for new LLFSC attorneys at Rosslyn in September 2009. All courses were heavily attended and acclaimed by students. Additionally, LLFSC attorneys taught in several non-AFJAG venues, including: the AF Personnel School, the Army JAG School, and the Defense Equal Opportunity Management Institute (DEOMI). Finally, the LLFSC advised on several HQ-level labor issues, including joint basing, pandemic flu response, and mandatory wear of the AF uniform by Air Reserve Technicians.

In early 2009, the LLFSC completed a study of its service by asking customers to rate its service. The study confirmed the Labor Law Field Support Center is a success. The AF Equal Opportunity director (AF/A1Q) summarized the feedback she received on the LLFSC as, "Quite outstanding, in a nutshell." One EO manager stated "the result of litigation proved to be excellent." An SJA commented: "The FSC has demonstrated a consistent desire to aggressively represent the installation as manifested in their string of successful outcomes." However, the LLFSC is not content to rest on its laurels. The LLFSC continues to be on the leading edge in subjects such as electronic discovery and developing effective working relationships with non-JAG counterparts.

MILITARY PERSONNEL LITIGATION BRANCH

The Military Personnel Litigation Branch defends the Air Force against all federal civil court challenges to Air Force personnel practices and programs. Staffed with five attorneys and one paralegal, the branch defends claims for military pay and benefits in the United States Court of Federal Claims. The branch responds to all habeas corpus petitions filed by former and current Air Force

members serving court-martial sentences, as well as defends Air Force personnel decisions challenged in the various federal district courts under the Constitution, Administrative Procedure Act, and other statutes.

Many military personnel claims are based on adverse personnel actions that resulted in the early termination of military careers and on applications for relief that were denied by the Air Force Board for Correction of Military Records. While many of the complaints handled by the Military Personnel Branch involve individual personnel actions, several recent cases have challenged entire programs. In 2009, the branch, along with its Army and Navy counterparts, defended a class action suit brought on behalf of veterans diagnosed with post-traumatic stress disorder (PTSD) that received a disability rating below 50 percent and were discharged during a given time period. In addition, the branch defended against claims by Air National Guard members seeking compensation for time spent taking professional military education correspondence courses.

This year the branch litigated several habeas cases challenging the legality of the Department of Defense's Mandatory Supervised Release (MSR) Program. In the first of the cases decided thus far, the branch received a favorable result upholding the legality of the program. The branch also continued its litigation in a key case in the Ninth Circuit, *Witt v. Dep't of Air Force*, contesting the Congressionally mandated homosexual policy (10 U.S.C. § 654).

UTILITY LAW FIELD SUPPORT CENTER

The Utility Law Field Support Center, formally known as the Utility Litigation Team (ULT), is comprised of three judge advocates and one civilian attorney. The ULFSC represents the Air Force and other federal executive agencies before state and local regulatory bodies in matters involving electric, gas, water, and sewer rates and service. The ULFSC provides the Air

Force Civil Engineer Support Agency (AFCESA), installations, and major commands with reachback counsel relating to legal rights and obligations regarding utility services, as well as legal counsel regarding payment of fees and taxes relating to utility service. A unique attribute of the ULFSC is its function as the federal executive "lead agent" in those regions where the General Services Administration (GSA) has delegated responsibility to the Air Force to represent all federal utility customers (currently 16 states) in rate-making cases.

The ULFSC is the legal half of the joint attorney/civil engineer Utility Rate Management Team (URMT) that provides advice and contract negotiation support for utilities. In that role, ULFSC attorneys advise installations and major commands on legal issues related to purchases of renewable energy and development of renewable power projects on Air Force installations and assist installations in negotiations with local utility companies for the provision of utility services. The renewable energy projects include wind power, urban waste, biomass and landfill gas projects, as well as photovoltaic and geothermal energy projects. The ULFSC also provides regular legal support to the Air Force's Energy Savings Performance Contracts and Utility Energy Service Contracts programs.

JAJ



Col Scott R. Martin
Director

The Judiciary Directorate (AFLOA/JAJ) is responsible for the administration of military justice across the Air Force. The Director of JAJ is Colonel Scott Martin and the Superintendent is Senior Master Sergeant Bernadette Hamilton. JAJ advises The Judge Advocate General, Chief of Staff of the Air Force and the Secretary of the Air Force on military justice matters, works with the other uniformed services to propose legislation and modifications to executive orders pertaining to military justice, assists convening authorities and staff judge advocates in the field, and provides the highest quality defense services to Airmen worldwide. Colonel Martin supervises over 250 Total Force personnel assigned to locations around the world.

JAJ performs its mission through five divisions: The Appellate Defense Division; the Trial Defense Division; the Government Trial and Appellate Counsel Division; the Military Justice Division; and the Clemency, Corrections and Officer Review Division.

APPELLATE DEFENSE DIVISION

The Appellate Defense Division (JAJA)

advances the Air Force mission by promoting justice and strengthening confidence in discipline by vigorously providing the best possible defense services for Air Force personnel. This includes assistance to appellants at all stages of the appellate process, which includes submission of written briefs and conducting oral arguments before the Air Force Court of Criminal Appeals (AFCCA), the United States Court of Appeals for the Armed Forces (USCAAF), and the United States Supreme Court. JAJA is led by Colonel James Roan and Master Sergeant Gena DiProfio.

In addition to representing appellants before the various appellate courts, detailed counsel also work closely with trial defense counsel and clients in preparation of strategy and development of tactics in cases tried throughout the Judiciary. The division is comprised of eleven active duty judge advocates, ten Reserve judge advocates, one civilian attorney, and one active duty paralegal.

Appellate defense counsel also contribute to Project Outreach, sponsored by USCAAF and AFCCA, by conducting oral arguments before various audiences, to include this past year: Charleston Air Force Base, South Carolina; University of Connecticut School of Law in Hartford, Connecticut; and Creighton University School of Law in Omaha, Nebraska. The Project Outreach program highlights the fairness and professionalism of the military justice system to the public and servicemembers alike.

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

Defense Research Institute, and Law Rose, Inc.

This year, several notable rulings from the appellate courts clarified the rights of the accused and improved the practice of military justice at the trial level.

In *United States v. Rose*, ___ M.J. ___, ACM 36508 (A.F. Ct. Crim. App. February 12, 2009), SrA Rose placed significant emphasis on the issue of sex offender registration and informed his defense counsel prior to trial that he would not plead guilty to the indecent assaults if he had to register as a sex offender. SrA Rose was required to register as a sex offender in each of the three states he specifically indicated concern about. SrA Rose's civilian defense attorney testified at a DuBay hearing that had he known SrA Rose was required to register as sex offender, he would not have advised SrA Rose to plead guilty to the indecent assaults. Although defense counsel did not provide a direct "yes" or "no" response to SrA Rose's questions, the AFCCA found SrA Rose's defense team provided ineffective assistance of counsel in that the responses were an affirmative misrepresentation under a totality of the circumstances and that SrA Rose had signed his pretrial agreement under the belief that he would not have to register.

In *United States v. Nerad*, ___ M.J. ___, No. ACM 36994 (A.F. Ct. Crim. App. May 29, 2009), SrA Nerad engaged in an adulterous affair with a 17-year-old. But for the fact that he was married, it would have been legal under both military and the relevant civilian law for SrA Nerad to have sex with her. The 17-year-old e-mailed SrA Nerad nude and partially nude pictures of herself. He also took nude pictures of her, including some while they were engaged in sex acts. Because the girl was younger than 18, SrA Nerad's possession of these images violated 18 U.S.C. § 2256(1). The AFCCA explained, "the appellant was in the unique position of having a relationship with someone he could legally see naked and, but for his existing marriage, legally have sex

with, but could not legally possess nude pictures of her that she took and sent to him.” After concluding that it has authority under Article 66, UCMJ, to overturn a finding of guilty, AFCCA proceeded to exercise that discretion.

TRIAL DEFENSE DIVISION

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

Area Defense Counsel (ADCs) represent military members globally in criminal investigations and proceedings under the UCMJ, such as nonjudicial punishment proceedings under Article 15; Article 32 investigations; pretrial confinement hearings; summary, special, and general courts-martial; and all post-trial and clemency matters. ADCs also serve as counsel in a variety of adverse personnel actions, such as involuntary separations, demotion actions, and administrative boards (e.g., flying evaluation, physical evaluation, and medical credentials boards). In overseas locations, ADCs may serve as military legal advisors in foreign jurisdiction cases. In spite of these diverse duties, the enduring mission of JAJD remains steadfast: to provide vigorous, comprehensive, and world-class legal defense services to all Air Force members.

The Trial Defense Division is comprised of a Chief, Paralegal Superintendent, three Chief, Senior Defense Counsel, who are responsible for regional oversight of ADCs, a Deputy Chief for Policy and Training, three Defense Paralegal Managers (DPMs), 18 Senior Defense Counsel (SDCs), 83 ADCs and 71 Defense Paralegals (DPs) stationed at 69 installations worldwide. At the macro-level, defense services are managed by the chief and three deputies, each responsible for oversight of an area of responsibility (AOR)—Eastern/Europe, Central, and Western/Pacific, respectively. Within each AOR, there are six geographically aligned regions led by an SDC. The SDC billets are selectively filled by a major or senior captain with prior defense counsel

experience. Each SDC supervises the defense services provided by 4-5 ADC offices within their area of responsibility and is responsible for litigating complex cases; providing attorney and paralegal training and mentoring; and professional responsibility oversight. New this year, at the 18 installations supporting both an ADC and SDC, the paralegal positions have been upgraded to technical sergeant (E-6) billets, to reflect the increased responsibilities these paralegals have.

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

Professional development of assigned counsel and paralegals continues to be a top priority for JAJD. Each newly assigned ADC and DP attends one of two Defense Orientation Courses held annually at AFJAGS, Maxwell AFB, Alabama. A separate SDC Leadership Conference was held in August 2009 at HQ AFLOA, Bolling AFB, DC, focusing on the leadership and management skills required of these defense positions. JAJD also participated in four Trial Advocacy Conferences sponsored by AFJAGS: Germany for all European defense personnel, Korea and Japan for Pacific defense personnel; and Charleston AFB, South Carolina, for all defense personnel assigned to the continental United States.

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

conducted by sister Services and other institutions and associations.

GOVERNMENT TRIAL AND APPELLATE COUNSEL DIVISION

The Government Trial and Appellate Counsel Division (JAJG) provides the United States trial and appellate services to promote and preserve good order and discipline within the Air Force. The division is led by Colonel Douglas Cordova and Senior Master Sergeant Jeffrey Julig. The judge advocates assigned to JAJG serve as either senior trial counsel or as appellate counsel, working in concert to enhance and promote the fair and impartial administration of our military justice system.

STCs are strategically stationed at various locations throughout the Air Force to maximize efficiency. This year, STCs have supported 104 general courts-martial, including 71 percent of all general courts-martial within the Air Force. Additionally, STCs supported 142 Article 32 hearings, 1 enlisted and 7 officer discharge boards, and 35 other judicial and quasi-judicial proceedings.

STCs are responsible for trying courts and training base-level trial counsel. They are an integral part of our system, often serving as a young judge advocate’s first exposure to military justice. As such, their leadership is critical in developing a strong justice base for future prosecutors, defenders, and base-level leadership. Aside from functioning as a force multiplier, STCs also provide a reach-back function and remain available to base legal offices for consultation at any time on military justice and trial advocacy issues, regardless of whether they are actually detailed to a particular case.

Appellate government counsel’s primary role is to zealously represent the United States in appeals of the Air Force’s most serious court-martial convictions. They defend the military justice system and those involved in properly administering it at the trial court level. In this capacity, appellate government counsel function as the defenders of the military justice process, seeking to uphold actions by investigators, trial counsel, trial defense counsel, military judges, staff judge advocates, convening authorities, appellate courts, and

nearly every other party involved in the military justice process. Appellate Counsel also provide expertise to our STCs and to the field concerning trial practice and common pitfalls at every stage of the court-martial process.

Appellate government counsel research and write persuasive and thorough legal briefs and present oral arguments at Air Force Court of Criminal Appeals (AFCCA) and United States Court of Appeals for the Armed Forces (USCAAF), and, in conjunction with the Solicitor General, before the United States Supreme Court. For example, appellate government counsel proactively engaged with representatives from the other services in preparing for the Navy-Marine Corps case of *Denedo v. United States*, which represented the first Supreme Court review of a military court's decision in ten years. In *Denedo*, the Supreme Court upheld USCAAF in finding that a service court of criminal appeals could entertain a writ of error coram nobis from a former sailor who had been discharged for several years and who alleged that his 1998 court-martial was tainted by ineffective assistance of counsel.

Over the last year, appellate government counsel have presented 26 oral arguments, 13 before USCAAF and 13 before AFCCA. Counsel defended the United States on the full range of issues, including admissibility of sentencing evidence in aggravation, lawfulness of orders, providency of guilty pleas, probable cause for search and seizure, spillover and joinder, ineffective assistance of counsel, and many other matters. In addition, appellate counsel continued to defend the government against claims of post-trial processing errors and untimely post-trial processing.

In *U.S. v. Gladue*, 67 M.J. 311 (C.A.A.F. 2009), appellate government counsel successfully argued for a broad application of the "waive all waivable motions" term in pre-trial agreements. In *Gladue*, USCAAF held that the accused's pretrial agreement waiving any waivable motions expressly waived his claims of multiplicity and unreasonable multiplication of charges, and extinguished his right to raise those issues on appeal. The decision is expected to strengthen the effect of

such PTA terms; however, military judges are still advised to conduct the sort of "detailed, careful, and searching examination" that the Court found the military judge conducted in this case to ensure the accused understands the effect of this PTA provision.

Appellate government counsel also serve in a de facto role as the "solicitor general" of the Air Force, taking interlocutory appeals from the rulings of military judges in courts-martial to AFCCA, and then on to USCAAF, if necessary. In 2009, the government took three interlocutory appeals of military judges' rulings, and successfully requested that The Judge Advocate General certify three cases for USCAAF's review.

Trial and Appellate Government Counsel continue to seek out opportunities to provide guidance and leadership in military justice. Thus far, division counsel have provided training at the Trial Advocacy Conferences, the Military Justice Administration Course, the Trial and Defense Advocacy Course, and several numbered air force conferences. STCs have also provided training at the base level in conjunction with trying courts-martial. Further, appellate counsel continue to update and distribute the Trial Counsel Deskbook, as well as an electronic newsletter containing appellate updates and relevant articles for military justice practitioners. Finally, over the last few months JAJG has aggressively sought out other avenues to standardize the information flow coming from JAJG to ensure consistent and helpful information reaches those judge advocates and paralegals in the military justice arena.

MILITARY JUSTICE DIVISION

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

JAJM is responsible for disseminating changes in military justice practice and procedure resulting from legislation, court decisions, and/

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

JAJM answered 80+ high-level inquiries from the White House, members of Congress, and SecAF annually after gathering and assimilating all necessary data. JAJM action officers reviewed 89 applications to the Air Force Board for Correction of Military Records (BCMR) on military justice issues. After carefully reviewing the applicable records and researching the issues, the division provided the BCMR with an evaluation, including an interpretation of the request, an opinion of the applicant's contentions, and recommendations for disposition. The division performed 36 post-trial reviews for TJAG under Article 69(a), UCMJ, and reviewed two applications for relief under Article 69(b). JAJM also prepared a memorandum opinion and action for consideration by TJAG on an Article 73, UCMJ, application for new trial.

The division monitors officer and other special interest cases, preparing a monthly consolidated report for the chief of staff and TJAG. JAJM reviews officer resignations in lieu of court-martial (RILOs) and prepares advisory opinions for the Secretary of the Air Force. The division has reviewed 11 RILOs so far this calendar year. Action officers review and process requests by civilian jurisdictions for return of overseas Air Force members, review and process requests for inter-major command (MAJCOM) permanent change of station or temporary duty of accused members for courts-martial, review and process Article 15 appeals from

MAJCOMs, act on special requests for Air Force counsel, and participate in the Drug Abuse Screening Coordinating Committee.

JAJM maintains the file repository for all courts-martial records of trial. There are currently 676 records of trial maintained in the office. The Appellate Records Branch processes all records of trial undergoing appellate review, distributing necessary copies, and preparing correspondence directing actions taken by appellate courts. The division also annually processes over

90 requests for court records under the Freedom of Information Act and Privacy Act.

Division personnel manage the \$500,000 web-based Air Force Centralized Witness Funding program and furnish fund citations and procedural instructions. They also oversee the Automated Military Justice Analysis and Management System (AMJAMS), which includes consolidating data, preparing statistical analysis reports, preparing the final TJAG inputs to all records of trial, and providing statistical data in

response to special inquiries.

The Policy and Precedent Branch was the first branch to be established in JAJM. The branch published a complete rewrite of AFMAN 51-203, Records of Trial, to reflect current court reporting practice. An interim change to AFI 51-201, Administration of Military Justice, clarifies jurisdiction over civilians accompanying the force as well as institutionalizing the new JA/OSI working relationships. In response to concerns from the field, JAJM completed a comprehensive review of

S P O T L I G H T

ON ...

Perspective of a Senior Trial Counsel



Capt Etienne J. Miszczak

Responsibility, excitement, and travel - these are just a few terms that describe being a Senior Trial Counsel (STC) in the Air Force JAG Corps. Without a doubt, every position in the JAG Corps contains a mix of these concepts; however, few combine them in the way that an assignment as an STC will.

Specifically, STCs have two primary areas of responsibility - to try courts-martial and to train base-level trial counsel. STCs play a vital role in supporting the Air Force's mission by providing commanders with the tools and resources necessary for the proper administration of justice, which foster the good order and discipline essential to any military unit. When you consider that most STCs work independently and physically separated from their closest supervisor, sometimes by thousands of miles and numerous time zones, you begin to realize the true level of responsibility given to all STCs and the level of maturity expected and required for this position. Yet, we are still part of a tight-knit team that consists of the top trial and appellate

counsel in the military, able to depend on one another for support and guidance in the toughest of situations.

For many attorneys considering a military career, the opportunity to litigate that convinces the JAG Corps is the right path. This is how it was for me seven years ago as a first-year associate at a private law firm. For those who enjoy the rush and thrill of the courtroom, there really is no substitute for being lead counsel on a complex criminal trial where each decision made will have significant and lasting impact on the lives of the accused, the victim, their families, the chain of command, the Air Force, and society. It is difficult to describe in words what it feels like when the panel has been seated, the courtroom has been called to order, and all eyes and ears have turned on you as you begin to lay out your case. There are few times in an attorney's professional career that can match the level of excitement and pressure experienced at that moment.

As with all STCs, I spend a significant portion of my time traveling to other bases to carry out the mission. With a geographic area of responsibility that covers all of Europe and Southeast Asia, there is no such thing as a typical TDY. I never take for granted the fact that I get to travel to some of the most amazing places on earth and take in sights that I will cherish for a lifetime. The Air Force JAG Corps has approximately 1,200 attorneys supporting the Air Force's mission. With only a handful of STCs spread around the world, I consider myself extremely fortunate to be part of such a unique team of dedicated professionals. As a STC, you truly appreciate not only the many opportunities the assignment offers, but the journey itself.

expert witness funding issues. JAJM worked with counterparts from the SG functional community to explore cost-saving measures to increase the availability of forensic mental health services.

JAJM represents the Air Force as a voting member of the Joint Service Committee (JSC) on Military Justice. The JSC completed the 2009 annual review and proposed procedural and evidentiary changes and adding a specified offense to Article 134. These proposals include creating a model child pornography specification and changing the Manual for Courts-Martial required by an amendment to Article 2, UCMJ, which establishes jurisdiction over civilians in specific situations. Current discussions include potential changes to the UCMJ involving subpoena power at Article 32 investigations, addressing concerns regarding the revised Article 120, and strengthening the military judge's contempt powers. The JSC has also formed a sub-working group to explore the feasibility of establishing a joint electronic filing system/electronic case management system for use in the military appellate system.

As TJAG's point of contact for issues involving military commissions, members of the division have been involved in the interagency Task Force on Detention Policy, the interagency subgroup on military commissions, and DOD working groups dealing with these topics. Issues worked included changes to the Manual for Military Commissions forwarded to Congress in May 2009, preparations for TJAG testimony to the House Armed Services Committee in July 2009, inputs to the Senate Armed Services Committee draft legislation amending the Military Commissions Act of 2006, revising the support structure for the Office of Military Commissions and drafting the proposed 2010 edition of the Manual for Military Commissions.

JAJM continued its involvement in establishing policies on sexual assault and domestic violence. JAJM was responsible for providing training on military justice and policy issues to the Air Force's new sexual assault response coordinators and has participated in DOD and Air Force working groups advising the Secretary of Defense and SecAF on the issue.

CLEMENCY, CORRECTIONS, AND OFFICER REVIEW DIVISION

The Clemency, Corrections, and Officer Review Division (AJR) is responsible for reviewing court-martial cases to make independent recommendations to The Judge Advocate General (TJAG) and the Secretary of the Air Force (SecAF) on clemency for convicted members. AJR, which is composed of two civilian employees, is headed by Ms. Paula McCarron, with her paralegal, Ms. Paula Edmiston-Linneman.

In accordance with Article 71, UCMJ, upon completion of appellate review AJR examines all officer and Air Force Academy cadet cases with an approved sentence to a dismissal, and prepares a recommendation to SecAF on the issue of whether the dismissal should be approved and ordered executed or clemency should be extended. As would be expected, SecAF approves most dismissals, but in past years clemency has been granted for extenuating circumstances, and SecAF has allowed certain officers with outstanding military records to retire in lieu of dismissal after commuting the sentence to some other action. In addition, SecAF has commuted one dismissal to three years of service as an enlisted member (an authority only granted in times of national emergency, but heretofore never exercised). Of the 17 cases reviewed this year, all culminated in approved and executed dismissal actions.

Under Article 74, UCMJ, SecAF has the power to substitute an administrative discharge for a punitive discharge when "good cause" is determined. AJR, reviews enlisted cases at the completion of appellate review when requested either by the Airman, appellate defense counsel or appellate court judges. This past year, SecAF substituted a general discharge for adjudged bad conduct discharge in the case of an Airman found guilty of drug abuse where extenuating circumstances showed that her illegal drug use was discovered when she divulged it in a call to a noncommissioned officer when she was contemplating suicide. Her admission that night led to her court-martial.

The President of the United States is given the authority by the U.S. Constitution to grant pardons to offenders, including those convicted by court-martial. In the past year, AJR advised dozens of former members on the procedure to apply for a Presidential pardon, and prepared three case analyses for the United States Justice Department's pardon attorney, at his request, on former Air Force offenders.

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

AJR is counsel to Air Force Security Forces (AFSFC) regarding corrections matters, and provides legal advice on numerous issues related to the confinement of Air Force members. In this regard, AJR assisted its client in the preparation of a report to the Vice Chief of Staff regarding future management of Air Force corrections, specifically regarding pretrial and short-term confinement. AJR also reviewed AFSFC operating instructions for legal sufficiency and provided advice for memorandums of understanding with civilian facilities housing Air Force inmates to avoid issues raised under Articles 12 and 13, UCMJ.

In 2007, the Air Force restructured its Return to Duty Program, and opened up its new facility on Lackland Air Force Base. AJR has advocated the program within the JAG Corps, and provided valuable education regarding its benefits. Ultimately this has led to an increase of awareness and support from convening authorities. Over the course of the past two years, the program has seen

a ten-fold increase of participants and graduates. Approximately 50 percent of the Return to Duty entrants have graduated. Statistically, 90 percent of Return to Duty graduates continue on in their careers and eventually either separate honorably from the Air

Force after their commitment, or gone on to retirement.

JAJR educates counsel and the field through a variety of resources, including TJAG Online News Service articles and briefings at AFJAGS and KEYSTONE Leadership summits.

In addition, Ms. McCarron hosted a webcast training session, to educate legal offices and defense counsel in the field about its role in the post trial process.

JAJQ



Col Thomas J. Hasty III
 Director

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

COMMERCIAL LITIGATION FIELD SUPPORT CENTER

In 2009, the Commercial Litigation Field Support Center

(CLFSC) vigorously represented the Air Force before various boards and courts. In addition to the Armed Services Board of Contract Appeals (ASBCA) appeals, the CLFSC litigated protests before the Government Accountability Office (GAO), lawsuits in the U.S. Court of Federal Claims (COFC) and other courts, and appeals to the U.S. Court of Appeals for the Federal Circuit (CAFC). The CLFSC also represented the Air Force in matters relating to intellectual property, bankruptcy and surety, and housing privatization. The litigation activity for each branch of the CLFSC is summarized below.

FEDERAL COURTS BRANCH

The Federal Courts Branch defends Air Force interests in disputes before COFC, CAFC, and other federal courts. Among its 2009 successes was Harper/Nielsen-Dillingham Builders, Inc. v. United States. In that case, COFC held the terms of an Air Force contract were not subject to state limitations on enforceability in this \$500,000 claim filed by a housing contractor on behalf of its landscape subcontractor. The court ruled the claim was barred because the subcontractor had released the prime contractor from liability. Harper/Nielsen appealed to the CAFC; however, they failed to prosecute that appeal in a timely manner and the appeal was dismissed on 29 January 2009. The government moved to lift the stay in the COFC after the dismissal. When Harper/Nielson failed to respond, COFC dismissed the case with prejudice.

The Branch resolved several other cases this year as well: In *Si-Nor, Inc. v. United States*, the case claimed \$878,000 dollars, and was settled for \$323,823. In a long anticipated adverse

decision in *TECOM, Inc. v. United States*, COFC awarded \$818,256 on TECOM's claims of uncompensated back log vehicle maintenance at Peterson AFB, Colorado. This case had been in litigation since 2000. Lastly, *Call Henry, Inc. v. United States*, which claimed \$537,792, was voluntarily dismissed. After an initial government motion to dismiss resulted in the filing of an amended complaint to cure a jurisdictional defect, discussions with plaintiff led to their concluding the action was unsustainable.

Additionally, the branch received notice of an intended suit late in June 2009 concerning the exterior maintenance of 150 leased family housing units at Cannon AFB, New Mexico. Maintenance of these units had been the subject of a 2002 suit in COFC that had been resolved through settlement. The base had proposed a lease modification that would transfer responsibility for exterior maintenance to the owner, but the proposal met resistance during the staffing process. Attorneys in JAJQ engaged with the owner's counsel, the command, Air Staff and the Air Force Real Property Agency in the closing months of the 2009 Fiscal Year, resolved all concerns, secured funding, and facilitated the execution of a lease amendment that will provide improved living conditions for 150 families at Cannon AFB.

TSSAM BRANCH

The Tri-Service Standoff Attack Missile Team had worked with the Department of Justice in defending this classified litigation, which was filed in December 1996. The complaint sought costs, lost profit, and interest. In 2009, the amount at

risk in this litigation exceeded \$1.4 billion dollars. The TSSAM lawyers worked with the Department of Justice and the Air Force General Counsel's Office to construct a settlement that cost the Air Force approximately half the amount offered in settlement to Northrop Grumman in 1996--prior to litigation. The TSSAM Branch successfully wrapped up its business and closed its doors on 1 July 2009. JAQ was successful in relocating all the attorneys to the CLFSC.

GAO BID PROTESTS

Bid protests continued to draw significant attention in 2009 with 192 protests closed in FY2009, an eleven percent increase from FY2008. Although the Air Force had only two sustained protests in FY2009, this reflects only one percent of protests filed against the Air Force. The trend for increasing bid protests is driven by the shrinking number of procurement dollars available for defense contractors along with the downturn in the economy. JAQ has also seen an increase in protests from locations in the Central Command area of operations where the protestors have hired civilian counsel in the US to represent them. JAQ continues to frequently advise senior leaders on issues including strategic communications, media releases, testimony to Congress, and possible corrective actions regarding high visibility Air Force procurements. JAQ is dedicated to supporting the push for acquisition excellence in Air Force procurements advocated by the Secretary of the Air Force and the Chief of Staff of the Air Force.

THE ARMED SERVICES BOARD OF CONTRACT APPEALS BRANCH

The ASBCA Litigation Branch had a banner year, completing over 50 appeals. As a highlight, the ASBCA issued its 109-page decision in the appeals of American Renovation and Construction Co., sustaining the contracting officer's revocation of acceptance and default termination of a contract for 122 duplex and single

family housing units on Malmstrom AFB, Montana (briefing in this case exceeded, in total, close to a thousand pages and the evidentiary record exceeded 90 thousand pages, plus an array of CDs and DVDs). This result will directly benefit a \$20 million Air Force claim for damages, docketed by the U.S. Court of Federal Claims. In another case, the ASBCA ruled that SUFI Network Services, Inc. was entitled to recover only \$7 million on its total claim of \$134 million for contracts involving telephone network operations in Europe. This is the tenth case from the same appellant over the past five years.

The ASBCA Litigation Branch continues to defend 45 open appeals, with close to \$700 million in total claims, including cases with potentially significant impact on DOD as well as Air Force operations. One such case is Redlands, the Air Force's largest procurement related litigation with \$228 million claimed for anticipated cleanup and tort defense costs for groundwater contamination at the rocket motor production site from 1966 to 1973. This case may set a precedent and create an incentive for other contractors with similarly high valued claims relating to contracts issued since 1958 with indemnification provisions (potentially 2,500 DOD contracts). The branch worked through voluminous discovery, motions, and cross-motions to move toward a March 2010 trial date.

SPECIAL LITIGATION BRANCH

The Special Litigation Branch represents Air Force interests when an entity (whether a contractor or an individual) files for protection under federal bankruptcy laws by asserting government claims against debtors, recovering government property, protecting and asserting government contract rights, and defending adverse actions brought by the debtor or other creditors. It also protects Air Force interests in federal litigation arising from performance and payment bonds. Such litigation most often arises when an Air Force contractor defaults. The Special Litigation Branch also handles litigation that is difficult to otherwise

characterize such as Touhy cases (third party litigation where we hold the records), state court receiverships and even a blood chit case. (Note: If you don't know what a blood chit is, call the Special Litigation Branch.)

INTELLECTUAL PROPERTY

The Intellectual Property Branch provides advice to field offices, other Air Force members, and organizations around the world in subject areas including patents, trademarks, copyrights, technology transfer, trade secrets, data rights, and software rights. The Branch also defends the Air Force against administrative claims alleging patent and copyright infringements, and defends the Air Force in litigation involving all aspects of intellectual property law.

The paramount matter in 2009 was the COFC decision in *Zoltek v. United States* that accepted the Government's invocation of the state secrets privilege to limit the parameter of discovery the plaintiff sought in a patent infringement suit involving the carbon fiber sheets used on the B-2 bomber. Other matters that reflect the broad spectrum of intellectual property issues include the following: patent infringements involving an airborne electro-optical surveillance system; a logistics inventory management system; an environmental bioremediation method; copyright infringements involving a for-fee Internet newsletter service and software for a weather detection system; technical data and software issues concerning a physical entry control system and an aerial training simulation system; and a breach of contract suit concerning the misappropriation of trade secrets obtained during the performance of a contract.

HOUSING PRIVATIZATION BRANCH

Through October 2009, the Air Force has closed 30 projects at 43 installations in the calendar year, totaling almost 35,000 privatized housing units at a value of almost \$6.5 Billion. Eleven projects at 24

installations totaling more than 25,000 privatized housing units are in acquisition. The Housing Privatization Branch also consulted with the Air Force Center for Environmental Excellence concerning the American Eagle settlement negotiations and the State of Georgia Receivership case, attending court hearings and a week-long meeting in San Antonio, Texas, to help prepare the potential litigation file. In addition, the branch has fielded various legal questions concerning the end of many 801 Housing projects and how the Air Force can reclaim these properties. The branch has also participated in numerous Generic Review Committee meetings in San Antonio to help draft the generic documents for the new Enhanced Use Leasing program, and has given advice to the Air Force Real Property Agency concerning potential litigation for at least three ongoing projects.

CONTRACT LAW FIELD SUPPORT CENTER

Installation Acquisition Transformation (IAT) dramatically changed course in 2009. Rather than regionalizing most installation contracting as originally planned, contracting officers will remain at individual bases throughout the Air Force. However, recognizing that economies of scale and volume discounts can be achieved through strategic sourcing, the Air Force will stand up an Enterprise Sourcing Group during 2010 to buy commodities and services which are identified as viable candidates. Additionally, each MAJCOM will also establish its own strategic sourcing operation to gain the benefit of MAJCOM-wide acquisition. Together, acquiring commodities and services on an Air Force and MAJCOM-wide basis will result in significant savings of O&M budget dollars. As the IAT

rollout continues, the KLFSC will be in lockstep with SAF/AQCA to integrate legal support into the framework.

While IAT continues to develop, the KLFSC currently provides reach back capability to all Air Force base legal offices at all levels of command. Inquiries on contract and fiscal law are routinely answered by members of the KLFSC staff. In many cases, the KLFSC acts as a liaison with SAF/GCQ on matters of contract and fiscal law policy. As the KLFSC's three branches (Installation Support, Contingency Contracting, and Training) are fully staffed in the coming year, future plans include a robust reach back capability for home station and deployed personnel, training teams to assist base legal offices with contract formation issues, and enhanced communication venues for contract law practitioners to share ideas and discuss lessons learned.

JAS



Col Melinda L. Davis-Perritano
 Director

The Legal Information Services Directorate (AFLOA/JAS) is the Department of Defense's (DOD)

executive agent for the Federal Legal Information Through Electronics (FLITE). Located at Maxwell Air Force Base, Alabama, JAS is led by Director Colonel Melinda L. Davis-Perritano and Deputy Director Mr. Tim Skinner. The staff of forty highly-skilled and creative professional military and civilian personnel provides a broad range of information technology (IT) products to the Air Force and DOD. JAS continues to be The Judge Advocate General's Corps' (JAG Corps) center of excellence for innovation and initiatives in the IT field. Its five divisions include programming (JASA), development (JASD), legal (JASL), resources (JASR), and plans, requirements, training and functional support (JASX). Within those divisions are six branches.

JAS creates, fields and maintains a broad range of IT products that enhance knowledge management and facilitate decision making dominance. JAS provides

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

2009 W. EDWARDS DEMING AWARD WINNER

JAS won the prestigious Deming Award in 2009 for developing the IT Stand-down, a JAG Corps-wide initiative wherein legal offices across the globe were trained online on the host of IT tools available at their

fingertips. The award is presented annually to a federal government organization in recognition of an impressive workforce development and training initiative that has measurably improved the organization's performance. The award recognized the efforts of JAS to inform the JAG Corps of tools it may not have known it even had. Over 340 offices across the JAG Corps participated in the online training and reported learning new ways to be more productive.

During 2009, JAS has been involved in a number of notable projects, including:

ATTORNEY BAR LICENSE REIMBURSEMENT SYSTEM (ABLRS)

ABLRS is a web-based application that JAG Corps attorneys, both civilian and military, use to process annual bar dues reimbursement requests. Requestors apply for reimbursement by simply filling out a short online form. ABLRS provides not only the workflow backbone that routes requests, approvals, and payment authorizations, it also generates a collection of reporting features that can later be used by program administrators to build a business case to ensure the program's continued vitality and potential for expansion well into the future.

LEGAL ASSISTANCE WEBSITE

JAS worked with the JAG School and a contractor to provide an improved legal assistance capability via the web. This initiative provides clients the ability to fill out forms before arriving at a legal office, to include will and power of attorney worksheets. Clients are able to find the nearest legal office to make an appointment and, when they arrive, legal office personnel can pull up their worksheets online. The website also provides a wealth of information on a wide variety of legal topics so that clients will have a much better understanding of what they need to discuss with the attorney as well as any documents they might need to bring to their appointment.

EXPANSION OF THE VIDEO TELECONFERENCING (VTC) SYSTEM

As part of the JAG Corps 21 transformation process, JAS has strived to expand the VTC system across the JAG Corps. Having added over 100 new end units to base legal offices worldwide, this network allows the JAG Corps to communicate face to face without even leaving their respective bases. This greatly reduces administrative costs normally associated with travel. The network allows witnesses to testify from overseas with minimal interruption to their mission and helps ensure military justice is served expediently.

COMPUTER-ASSISTED LEGAL RESEARCH (CALR)

JAS competed the contract for computer-assisted legal research. By including the Army and Marine Corps in the contract, JAS significantly reduced costs for the JAG

Corps while providing the same high quality of service in legal research.

MIGRATION TO NEW SERVERS

JAS' work includes not only providing the software and research tools to the legal professional but, in order to make these programs accessible, JAS also maintains their own servers and all of the background technology necessary to make FLITE run. To further their goals of providing the best service, JAS migrated all of their applications to a new server, no longer requiring system shutdowns in order to update them. In this way the warfighter has access to their IT tools on an uninterrupted basis.

CERTIFICATION AND ACCREDITATION (C&A)

The C&A process is a systematic procedure for evaluating, describing, testing and authorizing IT systems before or after they are online. JAS is deeply involved in describing its system configuration to ensure it is properly designed for Air Force use. These requirements are met through processes provided in the Enterprise Information Technology Data Repository (EITDR), a database managed by the Air Force Network Integration Center (AFNIC) that includes information on unclassified systems. Due to the complexity of the information required to be provided, some MAJCOMs contract out the work of completing the C&A, but JAS' small team of experts are ensuring this goal is met.

ONGOING PROJECTS

Reliance on IT is only increasing and, as such, JAS is always striving to stay ahead of the curve by leveraging new technologies that maximize the benefit to the JAG Corps. To that end, JAS is constantly developing new applications and IT solutions. JAS is working closely with JAJD in developing an online reports system for the defense community, Area Defense Electronic Reporting (ADER), similar to AMJAMS.



LT GEN RIVES and members of JAS receive the 2009 Deming Award.

To further assist the warfighter, the After Action Reporting (AAR) tool is being completely redesigned to ensure leadership and deployers have the best information quickly available. ARCStaRS is being transformed into STARS2 to better provide a statistical count of Reserve and ANG members' work for product management purposes as well as performance report, awards and other benefits for the individual member. We're developing a better reporting system for Accident Investigation Boards

(AIB) and upgrading AMJAMS. Furthermore, we're implementing an IT-Continuity of Operations Plan (COOP) and setting up an offsite server location that will maintain the same systems currently employed while also preventing downtime and providing better force protection.

JAS VISION

Enabling the JAG Corps and DOD legal professionals through

focused IT solutions developed to meet their specific mission requirements and designed to maximize efficiency and productivity while ensuring information superiority while preserving our intellectual past represented in our databases and tools.

S P O T L I G H T ON ...

the Real Pam Paralegal

There isn't a single member of the JAG Corps that hasn't benefitted from the service and dedication of Pam Paralegal. Often thought to be fictitious, Ms. Pamela G. Maxwell has been the very real face and voice of the Legal Information Services Directorate (JAS) for over 20 years. Chief of the Customer Support and Data Administration Branch, Ms. Maxwell is the cornerstone of the customer support team, Federal Legal Information Through Electronics (FLITE), Roster, People Finder, and a host of other applications.

Ms. Maxwell personally responds to over 1,000 trouble tickets while managing a help desk that receives over 5,000 requests annually. Her expertise was used to design a new customer contact and project management system, "Tracker," replacing a mix of commercial and in-house systems. Her historical knowledge of customer issues is invaluable in designing, maintaining and testing new applications being developed by JAS.

FLITE has been one of Ms. Maxwell's primary responsibilities since 1993. FLITE is not only the central point for legal research for the JAG Corps, but also provides services to other DOD and non-DOD Federal agencies. Ms. Maxwell ensures FLITE data is accurate, managing four onsite contractors. She also administers the daily operations of the Computer-Assisted Legal Research program and coordinated the transition to Westlaw to provide continuous access for the AF JAG Corps, Army and Marine Corps.

Ms. Maxwell is the program functional for Roster, a personnel management application that is also linked to other applications that draw and rely on information in Roster. Although the personnel data entry is performed by JAG Corps members, Ms. Maxwell is able to assist users when they need help.

If you've been to KEYSTONE, JASOC, SJAC, LOMC or the ASOL in the last 10 years, Ms. Maxwell has likely instructed you on research techniques, properly formatted your bio, and ensured your most flattering photo was uploaded to Roster.



Ms. Pamela G. Maxwell
 AFLOA/JAS
 Maxwell AFB, AL

OTHER FIELD OPERATING AGENCIES

In addition to the Air Force Legal Operations Agency, JAG Corps personnel are currently assigned to and provide legal services to numerous Air Force field operating agencies (FOAs), four of which are profiled here: the Air Force Center for Engineering and the Environment, the Air Force Inspection Agency, the Air Force Personnel Center, and the Air Force Safety Center.

Air Force Center for Engineering and the Environment Brooks City-Base, TX

This year the Air Force Center for Engineering and the Environment (AFCEE) continued its implementation of Air Force Civil Engineering transformation, with the firm establishment of the MILCON and Environmental Program management offices. A FOA to the A7C, AFCEE continues to be the centralized office where Air Force commanders could go for assistance with their installation's environmental and construction programs. As of October 1, 2009 AFCEE also became a procurement activity, and will include one of the first strategic sourcing squadrons under the Installation Acquisition Transformation Initiative.

This transformation has required ample support from a team of expert attorneys. The legal staff is comprised of four (soon to be five) contract attorneys, a contract fraud attorney, two



environmental attorneys, an SJA and a paralegal. This past year, they advised on thousands of actions totaling \$1.6 billion, provided excellent advice to the Environmental, Construction Operations & Services 09 contract source selection and Worldwide Environmental

Restoration and Construction Services 09 source selection, trained all AFCEE personnel on ethics, and were central in developing a requirement vetting process for contract types that helped the Project Management Execution and Contracting Divisions come together to help keep AFCEE the great service center that it is. The SES director has relied on the team's advice covering a wide range of issues from multi-million dollar contract claims to the Air Force's continued participation in the interagency process trying to resolve the natural resource damage claims of up to hundreds of millions of dollars at the Massachusetts Military Reservation.

AFCEE's next change will be a physical move as it prepares to leave Brooks City-Base, Texas, in the near future. Brooks was selected for closure by Base Realignment and Closure officials.

Air Force Inspection Agency Kirtland AFB, NM

The Air Force Inspection Agency (AFIA) is a Field Operating Agency (FOA) that reports to the Secretary of the Air Force (SECAF) Inspector General. AFIA is the primary action arm of the SECAF inspection system. Headquartered at Kirtland AFB, New Mexico, AFIA has six primary missions.

The Training and Inspections Directorate (TI) is tasked with three critical responsibilities, two of which directly support the nuclear enterprise. First, TI recently established a nuclear surety inspection (NSI) core team to augment all scheduled MAJCOM NSIs. With approximately 20 NSI inspectors assigned, the NSI core team can provide



a variable team composition and size that can be tailored to meet unique mission and MAJCOM inspection requirements. Second, TI provides standardized training for all nuclear-capable MAJCOM IG teams through use of "roadshow" courses to the field, development of CBT modules, and by providing the recurring NSI Inspector Course held at Kirtland AFB. Finally, TI conducts compliance inspections of three direct reporting units (DRUs), 29 FOAs and other units as directed.

The Oversight and Evaluations Directorate (OV) provides oversight for all nuclear surety inspections (NSIs) conducted by Air Force major

commands. Additionally, AFIA/IO NSI oversight teams accompany the Defense Threat Reduction Agency as the Air Force representative during Department of Defense NSIs.

The Medical Operations Directorate (SG) conducts health services inspections (HSIs) of Air Force military treatment facilities (MTFs) to assess the proper functioning and execution of the Air Force Medical Service's peacetime and wartime missions, programs and processes. Additionally, by agreement with the Nuclear Regulatory Commission, SG inspects radioactive material permits held by the Air Force. The directorate also provides comprehensive consultation services to MTFs as requested by Air Force senior leadership.

The Process Improvement Directorate (PI) serves as the focal point for Air Force-wide implementation of

Air Force Smart Operations for the 21st Century (AFSO21). PI's certified trainers assists HQ Air Force, major command and wing AFSO21 process owners in training personnel on applying "lean" techniques to facilitate continuous process improvement and promote Air Force efficiencies and effectiveness.

AFIA also conducts inspector general directed investigations which are high-priority investigations directed by The Inspector General. These investigations are usually time sensitive with findings and recommendations that are of significant interest to the Air Force, members of Congress or the general public.

Lastly, AFIA publishes TIG Brief, the Air Force's oldest publication. TIG Brief provides authoritative guidance and information to commanders, inspectors general, inspectors, and Air Force supervisors and leaders

at all levels of command. TIG Brief articles address anticipated or actual problems, recommendations to improve management, safety, security, inspection or operational techniques, cross-tell of lessons learned, best practices and contemporary issues of interest to the Air Force.

The AFIA Office of the Staff Judge Advocate (SJA) functions as AFIA's general counsel with a focus on compliance with AFI 90-201, Inspector General Activities, ethics and standards of conduct, the Freedom of Information Act and a variety of administrative and civil law matters. The AFIA SJA also participates in HSIs of military treatment facilities that have medical law consultants and compliance inspections of DRUs and certain FOAs.

Air Force Personnel Center Randolph AFB, TX

The Air Force Personnel Center (AFPC) mission is to develop and deliver Air Force capabilities for America by providing premier personnel services to the total force and their families. The Headquarters Air Force Personnel Center Legal Office (AFPC/JA) advises the AFPC Commander and staff, Secretariat, Air Staff, and JAG Corps personnel worldwide on legal issues involving accession, assignment, promotion, disability, discharge, retirement, records correction, duty status determinations, Freedom of Information Act issues, central selection board procedures, and federal employment and labor law issues. AFPC/JA also provides counseling for judge advocates who were not selected for promotion. Specialists in officer and enlisted personnel law, AFPC/JA facilitates complex personnel actions between JAG Corps personnel in the field and AFPC personnel subject matter experts. Additionally, AFPC/JA provides counsel to service members who are going through the Formal Physical Evaluation Board (FPEB) component of the Disability Evaluation System (DES).



AFPC/JA was involved in a number of important issues in 2009. In January, the AFPC Commander volunteered AFPC as a Diversity Champion Organization as part of the Secretary of the Air Force's diversity initiative. From this was formed the AFPC Diversity Council, for whom AFPC/JA drafted the organization's charter and provided guidance throughout the year. As part of AFPC's extensive Spread the Word program, AFPC/JA conducted a significant outreach and training program, providing tailored briefings on

military personnel law to area defense counsel throughout the world, along with SJAs at the Staff Judge Advocate Course at Maxwell and at KEYSTONE.

This year has seen the growth of the Air Force Wounded Warrior Program into a robust asset with new policy and regulation in areas as diverse as promotions for Wounded Warriors, disability evaluation, and reenlistment. AFPC/JA provided the essential legal analysis for many aspects of the program, including the limitations imposed by statute on the selective reenlistment program. AFPC/JA was also instrumental in providing ongoing guidance to the Center in resolving legal issues associated with implementation of the Air Force's latest Retired Rated Officer Recall Program.

AFPC/JA was involved in several civilian personnel issues that reflect the evolving nature of civilian personnel law. The office prepared the brief and successfully defended against reconsideration of a new opinion by EEOC/OFO that 5 U.S.C. § 3307(b) (which authorizes the SECDEF to set an age limit for original appointment as

an air traffic controller) is exempt from attack under the Age Discrimination in Employment Act. AFPC/JA provided training to labor attorneys regarding veterans' hiring authorities and veterans' hiring preferences, an area of employment law that continues to change with new Merit Systems Protection Board opinions. Finally, with approximately 200 positions set to transition from contract to civil service at AFPC within the next year under current in-sourcing guidance, AFPC/JA was involved with advice and assistance to management on all aspects—from notification to the contracting officers, to town hall meetings with affected contractor employees, to employment issues surrounding the staffing of the new civil service positions.

Along with SAF/GC, JAA, and AFPC/DPSOS, AFPC/JA participated in a complete re-write of the officer separation instructions. In part, this was necessary to implement the new DOD Instruction 1332.30 and address the ongoing problems identified as

impeding the separation for cause of several categories of officers. With the move by AFPC to consolidate enlisted discharge processing at the Center, AFPC/JA played a key role in assisting bases with eliminating choke points in their processes. Similarly, AFPC/JA worked to educate the field in the new processing requirements for discharging airmen with post-traumatic stress syndrome disorder (PTSD) and in correctly handling the increasing number of these serious cases.

As advisor to the Center's medical special pay office, AFPC/JA was instrumental in the rollout of a new \$15 million special pay for nurses and \$8 million expansion for dentists that increased retention by 75 percent. The office also reviewed 21 different kinds of medical special pay, with an FY 2009 budget of \$265 million, for the medical, dental, nurse, and bio-science corps, as well as accession and critical skill retention bonus pay plan provisions. Finally, AFPC/JA helped build the framework for processing post 9/11 GI

Bill eligibility determinations.

In 2009, AFPC/JA reviewed more than 500 AFBCMR applications involving personnel issues and wrote numerous legal advisories in support of the Correction Board. Finally, the JA counsel who practice before the Formal Physical Evaluation Board (FPEB) participated in almost 800 formal hearings, met with more than 1600 clients in-office, and had telephone or electronic contacts with another 4,200 clients. These numbers at least in part reflect new guidance issued by DOD implementing a requirement from the NDAA FY08 that the Services improve and standardize their disability evaluation systems. The NDAA required the Services to provide legal counsel to military members "undergoing evaluation by a physical disability evaluation board." DOD has implemented that requirement by making a military member's entitlement to legal representation now accrue at the point a member has received the decision of the informal Physical Evaluation Board.

Air Force Safety Center Kirtland AFB, NM

The Air Force Safety Center legal office (AFSC/JA) advises the Air Force Chief of Safety (AF/SE), stationed at the Pentagon, and the Executive Director and staff of the Safety Center at Kirtland AFB, NM, on legal aspects of Air Force aviation, ground, weapons and space mishap investigations and mishap prevention, and provides general counsel on military law, civil law, and ethics matters.

The Air Force Chief of Safety, dual-hatted as the Commander, Air Force Safety Center, is responsible for the development and implementation of flight, weapons and ground safety, and nuclear surety policy. The Center manages mishap prevention programs for manned aircraft and unmanned aerial systems, develops ground safety programs and writes Air Force Occupational Safety and Health standards, develops and manages space and directed energy weapons safety programs, and executes mishap prevention programs for conventional



and nuclear weapons and for nuclear systems.

The mission of the AFSC Staff Judge Advocate is to provide well-reasoned, sound legal advice and general counsel to Air Force Safety officials so they can establish and execute mishap prevention programs to enhance Air Force mission capability, consistent with the law. The SJA also coordinates

legal and safety issues between other U.S. armed services, federal agencies and international safety programs, and responds to requests for safety information from Congress and under the Freedom of Information Act.

During 2009, AFSC attorneys taught 36 classes on the DOD Safety Privilege, to Safety and Accident Investigation Board Presidents, wing Chiefs of Safety, and judge advocates all over the world. AFSC/JA led negotiations between DOD and the National Transportation Safety Board to implement a Memorandum of Agreement addressing investigative support for DOD-contracted civil aviation mishaps occurring in combat zones. AFSC/JA also successfully advocated their revised draft of DOD Instruction 6055.07 to address Congressional requests for DOD privileged safety information. The office also negotiates international agreements on the sharing of mishap prevention information, and maintains the AFSC mishap report library.

DIRECT REPORTING UNITS

A direct reporting unit (DRU) is a subdivision of the Air Force, directly subordinate to the Chief of Staff (CSAF), and is separate from any major command (MAJCOM) or field operating agency due to unique missions, legal requirements, or other factors. A DRU performs a mission that does not fit into any of the MAJCOMs but has many of the same administrative and organizational responsibilities as a MAJCOM. A DRU is also different from Headquarters U.S. Air Force, the Secretary of the Air Force and the Secretary's principal staff, and the Air Staff headed by CSAF. JAG Corps personnel are currently assigned to and provide legal services to numerous Air Force DRUs, two of which are profiled here: the Air Force District of Washington and the U.S. Air Force Academy.

Air Force District of Washington Andrews AFB, MD

The Air Force District of Washington (AFDW), located at Andrews Air Force Base, Maryland, is a direct reporting unit with MAJCOM and numbered Air Force responsibilities. Activated in July 2005, AFDW provides headquarters support to the 11th Wing at Bolling Air Force Base, District of Columbia, and to the 316th Wing, 79th Medical Wing, and 844th Communications Group at Andrews Air Force Base.

The AFDW Commander serves as the general court-martial convening authority for all Air Force military members assigned to Bolling Air Force Base, Andrews Air Force Base, Fort Meade, Maryland, Headquarters Air Force, the Office of the Secretary of the Air Force, the Office of the Joint Chiefs of Staff, the Department of Defense, the Office of the Secretary of Defense, and those members worldwide (with some exceptions) whose organization is not subordinate to an Air Force MAJCOM and who are not stationed on an Air Force installation with an Air Force general or special court-martial convening authority. AFDW/JA also fills a unique role in providing legal support to the Air Force Corrections Program and the Air Force Security Forces Center (AFSFC). The roughly 800 Air Force members who are in confinement at any given time fall under AFSFC and AFDW.



The AFDW Operations Law Division was instrumental this year in support of Joint Task Force-National Capital Region (JTF-NCR) during the 2009 Presidential Inauguration. As legal advisors to the Commander, 320th Air Expeditionary Wing (the Air Force component to JTF-NCR), AFDW and its subordinate wing legal personnel were key to success as JTF-NCR accomplished its mission to provide world-class military honors to our President.

AFDW/JA's Contract Law Division provides all legal support for procurement actions by the AFDW Acquisitions Branch, which supports HQ AFDW, the Air Staff, and AFDW's subordinate wing contracting squadrons.

They also support all Headquarters Air Force procurement in the NCR, including purchases by Headquarters Air Force Office of Special Investigations to support their U.S. Central Command warfighters. This year, AFDW/JA led the implementation of the Iraqi Transportation and Trucking Network, a high-interest contract that moved much of the logistics responsibility in Iraq from military convoys to Iraqi civilian companies.

The joint base initiative has been one of AFDW's primary objectives this year. AFDW/JA and its subordinate wing legal offices have worked diligently to ensure its success. Joint Base Andrews- NAF Washington was officially established 1 October 2009. The memorandum of agreement to establish Joint Base Anacostia-Bolling was signed by the Vice Chief of Staff of the Air Force in November 2009. The 11th Wing will be inactivated at Bolling Air Force Base and activated at Andrews Air Force Base by October 2010. The 316th Wing will be simultaneously inactivated. The 11th Wing and 316th Wing legal offices will consolidate at this time as the 11 WG/JA at Andrews Air Force Base.

Department of Law United States Air Force Academy

The mission of the United States Air Force Academy (USAFA) is to educate, train and inspire men and women to become officers of character, motivated to lead the United States Air Force in service to our nation. In pursuit of this goal, the faculty members of the Department of Law (DFL) team up with colleagues in over 30 other academic specialties to help the Academy develop leaders who are committed to social, professional, and individual responsibilities, empowered by intellectual and warrior skills, and grounded in essential knowledge of the profession of arms and the human and physical worlds. The members of DFL advance this goal through a range of activities, both inside and outside the classroom, that consistently challenge cadets to be better students and leaders.

With an academic major encompassing more than 15 law courses, including USAFA's core course in the study of law, Law for Air Force Officers, the faculty focuses its efforts to meet the Academy's mission through expansive student writing, oral advocacy, and critical thinking.

Although teaching is the primary duty for DFL faculty, it is just one of many ways in which the faculty strives to accomplish the Academy's mission. For example, DFL plays a critical role in the cadet-run Honor System serving as legal advisors in honor investigations and board legal advisors in cadet run honor boards. DFL faculty members also hold positions as squadron professional ethics advisors, associate air officers commanding for academics, officers-in-charge for several cadet clubs, and officer representatives for NCAA Division I intercollegiate athletic teams.



Members of DFL also share their expertise in support of the GWOT with deployments to Afghanistan and Iraq. One member deployed to the Joint Interrogation and Debriefing Center (JIDC) Legal Office, Camp Cropper, Baghdad, Iraq, where he was the senior legal advisor to the JIDC commander advising on the legality of interrogations and intelligence gathering. Another member of DFL, an AF reservist, deployed to the Law & Order Task Force (LAOTF) at Forward Operating Base

Shield next to Sadr City, Iraq, where he led a team assigned to an Iraqi judge charged with investigating some of the most serious terrorism cases in Iraq.

DFL has also worked hard to provide cadets with diverse educational and leadership opportunities beyond the gates of the Academy. The Nationally ranked DFL-sponsored Mock Trial Program allows cadets to expand their advocacy and critical thinking skills by competing against some of the top undergraduate programs from across the country. In addition to numerous Mock-Trial competitions, DFL members led cadets on cultural immersion trips and to two different international law competitions. Last summer, DFL members escorted eight cadets to South Africa and eight cadets to Egypt and Morocco on cultural immersion trips sponsored by the Academy's Office of International Programs. In South Africa the group spent time constructing homes in the poorest areas of Soweto. In Morocco, they spent the day at an orphanage reclaiming a garden from the wild. DFL also escorted six cadets



to France. After that immersion, three cadets traveled to Evian, France, to compete against law and graduate students from around the world in the Jean-Pictet International Humanitarian Law Competition. The other three cadets traveled to San Remo, Italy, to compete

in the 8th Annual Law of Armed Conflict Competition for Military Academies. A DFL member was co-director of the LOAC competition, author of the competition problem, and supervisor of the competition leaders. The department head was one of ten invited guests

who served on the LOAC competition judges' panel.

In these and many other ways, DFL continues to facilitate the development of cadets into officers of character motivated to lead in service to our nation.

S P O T L I G H T ON ...

a Air Force Academy Law Professor

At the United States Air Force Academy (USAFA) they are in the business of molding future officers of character for the defense of the nation. The Department of Law impacts every cadet via their core course, Law for Air Force Officers. This course is required for all cadets. It is here the faculty has the unique opportunity to introduce the subject and importance of the law to cadets. No wonder Captain Greg Thompson is excited about being the course director. Since becoming the course director, Capt Thompson has revitalized a course that touches over 900 cadets per year and boasts a 20-professor faculty.

Upon his appointment as course director, Capt Thompson spearheaded a committee to challenge the notions of how this course is structured. The committee had one thing in mind – improve the course to produce graduates who understand basic legal principles, think smarter, write better, and speak more eloquently. In the spring of 2009, Capt Thompson's committee proposed curriculum changes that refocused the faculty on achieving the enduring course goals of oral and written communication, critical thinking, and decision making. This fall, the committee's recommendations were implemented with superb results in amazing time. Hamilton College Distinguished Visiting Professor Frank Anecharico said of Capt Thompson's work, "You have done in a few months what would take at least five years at any other university."

The change? Instruction in the course is not a one-size-fits-all approach, but a flexible approach where each instructor teaches to their strengths, using their own



CAPT GREGORY J. THOMPSON USAFA/DFL Air Force Academy, CO

teaching style, methods, and materials. Add to this a vital mentor program that provides each professor the veteran mentorship needed to hone their teaching skills and a robust training curriculum targeting achievement of course goals – and the results are dramatic!

As you might imagine, this decentralized approach requires a steady hand, and Capt Thompson has tirelessly done this. He meticulously reviews every professor's syllabi, tests and course materials. In addition, Capt Thompson teaches his own sections of the class, is the head coach of USAFA's nationally ranked mock trial team, and last summer, along with Captain Hugh McClean, organized a cultural immersion trip of eight cadets to South Africa.

MAJOR COMMAND LEGAL OFFICES

AIR COMBAT COMMAND



Brig Gen Christopher F. Burne
Staff Judge Advocate



CMSgt Lee A. Upright
Command Paralegal Manager

Air Combat Command, headquartered at Langley Air Force Base, Virginia, organizes, trains and equips combat-ready air forces for rapid, world-wide deployment and employment. ACC forces readily meet both the challenges of peacetime air sovereignty and the demands of wartime operations. To those ends, the MAJCOM provides nuclear-capable forces to the U.S. Strategic Command, air defense forces to the North American Aerospace Defense Command (NORAD) and theater air forces to the six geographic unified commands. Four numbered air forces -- 1st Air Force, 8th Air Force, 9th Air Force, and 12th Air Force -- as well as the U.S. Air Force Warfare Center and now USAFCENT, comprise ACC.

ACC/JA serves as general counsel to the ACC four-star commander and his staff on all legal matters associated with accomplishing the ACC mission. In addition, ACC/

JA provides professional supervision to some 403 ACC judge advocates, paralegals, and civilian personnel serving in 20 legal offices located at ACC and other non-ACC installations.

The Operations Law Division (JAO) focused on winning today's fight and reinvigorating the nuclear enterprise in 2009. JAO ensured that the ACC JAGC community met every deployment tasking in 2009. JAO also ensured that ACC and the USAF's "Project Liberty" ISR platform, the MC-12, arrived in Iraq in compliance with international law and the law of armed conflict. ACC helped stand up the USAF's newest MAJCOM to oversee the USAF's nuclear missile and bomber forces: Air Force Global Strike Command. In addition, JAO advised on the unique legal skills required to enable the AFGSC/JA team to advise its command on uniquely nuclear issues, such as treaty compliance and disaster response law.

The Aviation Law Branch handled 22 accident investigation boards -- more than half the AF total -- ensuring commanders, next of kin, and the public received accurate information regarding accident causes. Those boards included loss of or damage to ten Predators and two night practice strafing mishaps (resulting in three fatalities). Additionally, in proactive form, the Aviation Law Branch continued to provide significant input to the draft Open House AFI 10-1004.

The Civil Law Division (ACC/JAC) led the way on the ethics home-front. We hosted SAF/GCA for a review of the Command's ethics program. Of note, reviewers characterized ACC's team as "motivated and extremely forward-thinking." And the result: seven best practices to their credit. Facing a slight increase in the total number of courts-martial and extended incident-to-action timelines, our

Military Justice Division engineered a joint effort with the NAFs to review base level specifications for every case before referral. As for the Command's dedicated IG team members, ACC JAGs and paralegals once again used unit compliance inspections as springboards to educate wing legal offices to success.

After the first full year of the Environmental Field Support Center's operations, the ACC environmental liaison officer position has led to seamless information flows between the support center, base legal offices, and ACC command, staff agencies and directorates on a broad array of issues.

The integration of ACC units with ACC -- gained reserve component units continues to demand our

attention and will for the foreseeable future. Twenty-five initiative review worksheets have either been approved or are in coordination at MAJCOM level and integration plans have been finalized for 16 associations. The last foundational total force integration documents (unit-level MOUs/MOAs) have been completed for only eight associations. Plans for even more ACC integration efforts are on the drawing board for which initiative review worksheets have not yet been drafted.

Our Commercial Law Division, advisors to HQ ACC/A7K and our own Acquisition Management and Integration Center (AMIC), provided top-notch advice during the busiest fiscal year the division has seen in terms of dollars and numbers of actions. The AMIC contract portfolio exceeds

\$5 billion dollars obligated, with more than 21,000 actions throughout the command. This included a high-profile PEO program awarded in FY09 -- the Mobile Air Surveillance System, providing mission critical detection and monitoring data to deny drug traffickers easy movement of base, supplies, and illegal drugs, as required by National Security Presidential Directive. We continue to emphasize training as a means of carrying out the Chief of Staff's mandate for "Excellence in Acquisition." Communicating through monthly VTCs with base attorneys and periodically, contracting personnel, has opened the lines for routine working relations between the bases and the MAJCOM.

S P O T L I G H T ON ...

a Military Commissions Paralegal

TSgt Kathleen "Kate" Pina, 944th Fighter Wing, Luke Air Force Base, selflessly dedicated a year of her life away from her adolescent son, her civilian job, and her reserve unit legal office in order to support the Office of Military Commissions, Office of the Chief Prosecutor, Defense Legal Service Agency, Department of Defense. Her professionalism and untiring efforts on behalf of the Office of the Chief Prosecutor greatly contributed to the case management and trial preparation of the case against al Qaeda terrorists at Guantanamo Bay, Cuba. TSgt Pina was instrumental in planning, organizing, and prosecuting one of the first military commission cases in 50 years. She served as a key paralegal in *United States v. Ali Hamza Ahmad Suliman al Bahlul*, a case which resulted in a life sentence. TSgt Pina researched case law on numerous issues, helping attorneys prepare for trial under rigorous time constraints. She ensured the proper marking and handling of hundreds of

classified documents to avoid security violations. Having mastered the case facts, TSgt Pina sat at counsel's table during commission sessions and provided critical input and analysis, helping prosecutors respond to issues as they arose.

TSgt Pina also led in the preparation of 14 other cases, including several cases against highly placed al Qaeda leaders. She single-handedly created an executive-level organizational chart which accelerated senior leaders' ability to make personnel and case decisions. As the primary case paralegal for three of the high value detainees, TSgt Pina worked long hours to prepare her team's briefings to the President's Special Interagency Task Force on Detainee Disposition. She was instrumental in capturing and providing all critical case information to ensure the task force conducted a comprehensive and thorough review of these complex cases.



TSgt Kathleen Pina
 944 FW
 Luke AFB, AZ

AIR EDUCATION AND TRAINING COMMAND



Col David C. Wesley
Staff Judge Advocate



CMSgt Angela M. Dodd
Command Paralegal

Headquartered on Randolph Air Force Base, Texas, Air Education and Training Command's (AETC) mission is to Develop America's Airmen Today... For Tomorrow. AETC serves in a distinct role as the first command to touch the lives and careers of almost every Air force member, providing world class education and training through Basic Military Training, advanced technical training, initial flying training, premiere air and space education, and professional military education.

In 2009, the Administrative Law Division continued its initiative to achieve maximum effective oversight of military justice operations, through regular interaction with chiefs of military justice at the command's numbered air forces and Air University. In addition, the Division coordinated and sponsored a workshop on Prosecuting Sexual Assault cases, presented by Ms. Anne Munch, a former prosecutor with extensive experience in sexual assault trial practice. The highly successful workshop took place at Randolph

AFB and was attended by twenty-four judge advocates from across AETC, as well as several US Army judge advocates.

Our acquisition attorneys' superb advice was instrumental to the successful execution of the Command's \$2.8B acquisition programs, including mission essential aircraft/helicopter maintenance, base operating support, Initial Flight Screening, FMS Training and the Air Force National Advertising and Marketing Contract. In addition, JAQ supported AETC's newly established Strategic Sourcing Flight, which initiated an Integrated Solid Waste Management (IWSM) Program, providing for the award of up to five ID/IQ contracts for IWSM services for all 12 AETC bases and Fort Sam Houston (joint base). Also in 2009, CSAF directed AETC to assume responsibility for the Air Advisor Training program, requiring extensive legal support in order to quickly establish training programs for the Afghan and Iraqi Air Forces.

In our Civil Law Division, attorneys tackled myriad issues related to the planning and preparation

for the joint basing of Randolph AFB, Lackland AFB, and Fort Sam Houston, as well as participating in six operational readiness inspections across the Command. In addition, the Division provided critical support to the planning and preparation of the upcoming 2010 AETC Symposium, identifying and resolving significant government ethics issues related to non-federal entity co-sponsorship.

In the area of Operations Law, AETC/JAO furthered CENTCOM, CSAF, and DOD mission goals by providing vital legal analyses in support of establishing Air Advisor training as a Title 10 operational mission requirement. JAO also coordinated the AETC Accident Investigation Board process for one ground and five air mishap investigations and established guidance for notifying foreign officials of international training accidents and procedures for inviting foreign nationals to serve as board observers.

AIR FORCE GLOBAL STRIKE COMMAND

Air Force Global Strike Command (AFGSC), the Air Force's newest major command, is headquartered at Barksdale Air Force Base, Louisiana. AFGSC provides combat-ready forces to conduct nuclear deterrence and global strike operations in support of the President of the United States and combatant commanders. AFGSC is the lead MAJCOM for all nuclear and global strike related organize, train, and equip functions for assigned forces and is a component MAJCOM to United States Strategic Command (USSTRATCOM).

Reinvigorating the nuclear enterprise is the most immediate priority of Air Force senior leadership for 2009. Many on active duty today still remember the days of Strategic Air Command (SAC), which previously exercised control over all Air Force strategic forces—the manned bomber and the intercontinental ballistic missile (ICBM). SAC was inactivated in 1992 and both bombers and ICBMs were assigned to the newly created Air Combat Command. A year later, the ICBMs were reassigned to Air Force Space Command. From that time until 7 August 2009, AF strategic nuclear forces were assigned to two different commands, each of which had other significant missions and budget priorities.

On 12 January 2009, the Air Force established Air Force Global Strike Command (Provisional) as a temporary command at Bolling AFB with a cross-functional staff of 55 personnel, including three judge advocates: Lt Col Rob Ramey, Lt Col Mike Lund (USAFR), and Lt Col Tom Wand. The mission of the provisional command was to develop the planning documents and implement Program Action Directive 08-04 to establish the permanent command, assist Air Combat Command with the necessary beddown actions, build the permanent unit manpower document and begin assigning people to the new command. This agile team tackled what should have been a two-year



Col Paul M. Barzler
Staff Judge Advocate

task and did it in barely six months.

The Herculean efforts of the provisional command gave birth to AFGSC in an activation ceremony at Barksdale AFB on Friday, 7 August 2009. With the birth of AFGSC, the ICBM force and the nuclear-capable bomber force (the B-2 and the B-52) will once again be united under a single commander. Some may see this as the reincarnation of SAC. It is not. Unlike SAC, AFGSC will not take charge of air refueling tanker or long-range reconnaissance aircraft. However, this new command will seek to develop and nurture the same sense of professionalism, high standards and rigorous discipline, and the same pride and esprit of its famed predecessor.

The command activated with 270 authorizations but will grow very quickly to about 900 by the end of FY2010. The command's first legal office includes the SJA, Col Paul Barzler, the Deputy SJA, Col Mike O'Connor, the Chief of Ops & International Law, Lt Col Don Twyman, and the LOM, TSgt Jeromy Walsh, a paralegal from the Oklahoma Air National Guard. AFGSC/JA will eventually grow to 16 active duty personnel (10 JAGs,

5 paralegals, and 1 civilian legal assistant).

By February 2010, AFGSC will include two numbered air forces (Eighth Air Force and Twentieth Air Force) and six wings at five installations: 2d Bomb Wing at Barksdale AFB, 509th Bomb Wing at Whiteman AFB, 5th Bomb Wing and 91st Missile Wing at Minot AFB, 90th Missile Wing at FE Warren AFB, and the 341st Missile Wing at Malmstrom AFB.

AFGSC/JA is heavily involved in the transition work groups for the transfer of the ICBM and bomber missions and assets from AFSPC and ACC, numerous fiscal law and ethics issues, and in establishing the full spectrum of policy documents and AFI supplements needed by a new command. In support of AFGSC's stewardship of the Air Force strategic nuclear stockpile, AFGSC/JA provides legal counsel on a wide range of unique operational responsibilities supporting national nuclear surety programs, personnel responsibility programs, international treaty compliance for nuclear arms verification, stockpile reductions and non-proliferation, and numerous weapons safety and inspection protocols.

While addressing an audience of foreign dignitaries in Prague, Czech Republic, on 5 April 2009, President Obama said: "Make no mistake – as long as [nuclear] weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies." In enabling that national strategic objective, AFGSC is dedicated to the business of ensuring our national civilian and military leaders have access to safe, secure, effective, and reliable nuclear weapons. As the MAJCOM legal office, AFGSC/JA ensures that commanders exercising responsibility for nuclear policies and programs have ready access to the accurate, reliable and timely legal counsel required to exercise their mission to provide combat ready forces to conduct nuclear deterrence and global strike operations.

AIR FORCE MATERIEL COMMAND



Brig Gen Dwight D. Creasy
Staff Judge Advocate



CMSgt Ronnell A. Horner
Command Paralegal Manager

Located at Wright-Patterson Air Force Base, Ohio, “the Birthplace of Aviation,” Headquarters Air Force Materiel Command (AFMC) delivers war-winning expeditionary capabilities to the warfighter through development and transition of technology, professional acquisition management, exacting test and evaluation, and world-class sustainment of all Air Force weapon systems. With a staff of twenty-three, HQ AFMC/JA has oversight responsibilities for over 400 attorneys, paralegals, support staff, and reservists at 16 legal offices. They support three air force program executive officers at product centers for aircraft, weapons, and electronic systems, three air logistics centers, three test centers, the AF Nuclear Weapons Center, and the AF Research Lab, among others. During the past year, a new Staff Judge Advocate position was created for the 711th Human Performance Wing (AFRL) at Wright-Patterson AFB. And the 38th Engineering Installation Group (EIG)/JA at Tinker AFB was transferred to AFLOA, now supporting the 38th Cyberspace Engineering Group. We also saw the retirement of CMSgt Jack Craft, and the arrival of CMSgt Ron Horner from USAFE/JA as Command Paralegal Manager.

The Administrative and General Law Division (AFMC/JAA) provided advice to the AFMC commander and HQ directors on numerous diverse civil law and military justice issues. HQ AFMC implemented measures to increase efficiency in military justice operations, including utilizing video teleconferencing resources to conduct training and facilitate cross-feed of information across the command. These innovative initiatives have significantly improved processing times and reduced errors in courts-martial and nonjudicial punishment proceedings. HQ AFMC also aided commanders in exercising control and oversight over the nuclear enterprise, as well as establishing the new Office of the Staff Judge Advocate for the Air Force Nuclear Weapons Center at Kirtland Air Force Base, and sourcing a new O-6 SJA position. HQ AFMC also successfully defended several contentious labor law actions, including a complex employment discrimination claim filed by an SES employee and a grievance submitted by the International Association of Fire Fighters. In 2009, HQ AFMC expertly orchestrated two accident investigation boards following high-profile, fatality mishaps involving an F-22 and T-38 assigned to the Air Force Flight Test Center

at Edwards Air Force Base. HQ AFMC also provided superb ethics counsel and easy-to-use, on-line preventive law materials to the AFMC commander, directors, and center personnel on unique issues including air shows, the Air Force Marathon, support to non-federal entities, restrictions applicable to retirements of senior officers, and government-contractor interactions. In a distinct honor afforded to few individuals, General Bruce Carlson, the former AFMC commander, conferred the “Commander’s Award of Excellence” to Mr. Mark Stone, Chief, Government Ethics Law.

The Acquisition Law Division (AFMC/JAQ) saw an unprecedented turnover of personnel this year. In April, Colonel Al Detert, the Director of Acquisition Law retired with over 29 years of outstanding service to the Air Force. He has subsequently taken a civilian attorney position with ESC’s operating location in San Antonio, Texas. Colonel Detert was succeeded by Colonel Paul Van Maldeghem, who was reassigned from the International Military Staff, HQ NATO, Brussels Belgium, and arrived in July. In the interim, Ms. Sandra Zimmerle stood in as the acting director for the division, and she now serves as its deputy director. In June, Lt Col Graeme Henderson,

the deputy director of the division, was reassigned to ESC/JA, Hanscom AFB. His replacement, Lt Col Deb Collins, arrived in July from Keesler AFB. Finally, Mr. John Taffany moved from the division to take a position in the Contract Law Division at the AFMCLO. In September, his position was concurrently filled by Mr. Ken Pippin, who moved over from the AFMCLO.

Throughout this last year and during this period of turnover, JAQ experienced an extraordinary increase in workload. As a result of the Expectation Management Agreement executed between AFPEO/CM and AFMC/CC, JAQ now provides all the legal support for source selections for

services acquisitions when AFMC/CA acts as source selection authority. Consequently, JAQ provides counsel to the SSA and the HQ AFMC multifunctional team relating to services contracts valued between \$100 million to \$500 million, and we are required to review and coordinate on all AFPEO/CM actions valued over \$500 million. JAQ has also taken on new workload for legal support to the extensive AFMC in-sourcing effort. As a result of RMD 802, over the next few fiscal years, the command will experience a nearly \$600 million AFMC-wide decrement in funding for services contracts. JAQ advice and input has been required for the In-sourcing and Workforce Reshaping

IPT and the various studies of particular services contracts that are contemplated for transition to organic workload. Another area of increased workload for JAQ concerns the change of the Installation Acquisition Transformation construct from regional centers reporting to SAF/AQC to a central Enterprise Sourcing Group reporting to HQ AFMC. JAQ has been providing the counsel and legal support for the IAT transition, and has received authorization for an overhire to act as the program counsel until the beddown decision and standup of the ESG. The legal support for IAT will transition to AFLOA/JAQ.

AIR FORCE RESERVE COMMAND



Col Sharon A. Shaffer
 Staff Judge Advocate



CMSgt Ann Parker
 Command Paralegal

Air Force Reserve Command (AFRC), located at Robins Air Force Base, Georgia, is the second largest major command (MAJCOM) in the Air Force. AFRC is an active duty MAJCOM with responsibility for 34 unit-equipped wings, three numbered air forces, four air reserve stations, 52 tenant units, the Readiness Management Group, and the Air Reserve Personnel Center.

AFRC is a primary force provider across the full spectrum of active duty missions. While responding well to war fighting, integration initiatives and changing operations force policy, many of the "Cold War Era" Reserve management structures need updating. To address these issues, Lieutenant General Charles E. Stenner, Jr., AFRC/CC, is seeking full operational capability (FOC) as a MAJCOM. The goals of

this effort are to maintain the strategic reserve while leveraging it to provide an operational force, consolidate the mobilization processes, streamline the presentation of AFRC forces to combatant commanders, and, redefine AFRC's relationships with sister MAJCOMS.

In the future, AFRC will manage and provide forces to ensure a balance exists between a sustainable steady state and surge capability. The

AFRC functional staffs will become the full capability portfolio managers for all reserve forces to include individual mobilization augmentees (IMAs) and individual ready reserves (IRRs). Currently, much of the analysis of reserve utilization is done on an ad hoc basis. More efficient control and analysis of AFRC utilization will make this data available, increase the visibility of the force levels to commanders, and provide consequences of reserve utilization to surge capability in a crisis.

Further, AFRC understands the demands reservists face balancing the civilian work pressures and family responsibilities, and is uniquely placed to balance force sustainability with demands for greater capability. Even so, AFRC/CC has directed his three AFR management staffs (RE, AFRC, and ARPC) to optimize organization and business processes for new realities. There are more than 30 distinct staff-specific tasks associated with Air Force Reserve 2012 over and above the major efforts that are cross-functional in scope.

Each of the three AFR management staffs will have respective areas of expertise. AF/RE will be the lead Air Staff organization focused on supporting and advising Headquarters Air Force staff on Air Force Reserve matters. As part of this effort AF/RE will serve as a key advisor on total force integration to the Air Force corporate structure process

to ensure that enduring partnerships with the regular component are forged. ARPC optimized to integrate ANG and AFR personnel service capabilities.

One of the most visible changes will be the cessation of Air Force Reserve Forces being gained to a MAJCOM prior to their presentation to combatant commanders (air component). In fact, our three numbered Air Forces (22d, 10th and 4th) which were formerly gained to other MAJCOMs in times of full mobilization, are now directly gained to AFRC/CC. AFRC will assume responsibilities for AFR forces currently performed by gaining major commands to include: mobilization and volunteer support planning; scheduling AFR forces; activation and de-activation of AFR forces; and presentation of AFR forces to joint force providers. HQ AFRC will provide a single point manager for selected reserve (SELRES) and the individual ready reserve (IRR). This will replace the current fragmented approach of having these issues addressed across multiple gaining MAJCOM staffs. Senior leaders and functional managers at AFRC are focused solely on AFR force management and presentation and will be the single point AF Reserve force presenter through reengineered, streamlined processes for Reserve force activation, mobilization, monitoring and deactivation.

AFRC leadership has set a very aggressive timeline for development of the AFR 2012 concept into an executable plan. The intent of AFR 2012 is to improve, combine and strengthen the Air Force's combat capability – not just the AF Reserve's. In addition to being a full-participant in the multi-disciplinary events, AFRC/JA has been directly involved in AFR 2012, in close coordination with AF/JAA and SAF/GC. Within JA it was quickly identified that there is no AFRC capacity (through lack of infrastructure) to conduct courts-martial, and several courses of action are being considered to enhance AFRC's ability to administer military justice. Additionally, changes are needed in the accident investigation board instruction, since responsibilities are currently assigned to "gaining" MAJCOMs and it is envisioned that terminology will leave the Air Force Reserve lexicon. Finally, the scope of the changes being undertaken will require many changes to Air Force instructions, and potentially the development of new Air Force doctrine.

Big changes are underway at AFRC. The AFR 2012 timeline is aggressive, the challenges are substantial, and the post-change redefinition of procedures is massive. However, a nimbler, more responsive, and more efficient Air Force Reserve is the result that all hands are working to achieve.



AIR FORCE SPACE COMMAND



Col Craig A. Smith
Staff Judge Advocate



CMSgt John P. Vassallo
Command Paralegal Manager

The Air Force Space Command legal office (AFSPC/JA), located at Peterson Air Force Base, Colorado, advises the AFSPC Commander, headquarters staff, Numbered Air Forces, and center and wing commanders on high-interest policy matters and concerns while overseeing a \$20 billion command acquisition program, including space/missile and cyber systems procurement and sustainment. AFSPC/JA advises on high-altitude operations and outer space issues affecting Air Force relationships with international entities, and also oversees foreign criminal jurisdiction matters involving Canada for all Department of Defense (DOD) members.

AFSPC is undergoing profound change as it prepares to shed its responsibility for the Intercontinental Ballistic Missiles (ICBMs) portion of the nuclear enterprise, and gain new cyberspace capabilities. At the end of this year, 20th Air Force and its three missile wings at F.E. Warren, Malmstrom, and Minot AFBs will realign to the new AF Global Strike Command. AFSPC attorneys participated extensively throughout the command's cyber mission realignment planning, which culminated with the

activation of the new 24th Air Force and the decision from among six candidate bases to locate it at Lackland AFB. 24 AF includes the 67th Network Warfare Wing at Lackland AFB (Security Hill), as well as the newly designated 688th Information Operations Wing also at Lackland, the 689th Combat Communications Wing at Robins AFB, and the Air Force Network Integration Center at Scott AFB. In addition, AFSPC gained from ACC nearly 60 ANG squadrons and groups supporting the cyber mission. AFSPC/JA is developing new competencies, and identifying opportunities for creative and increased paralegal utilization, in order to meet the challenges and adapt to the changed mission and structure of the command.

AFSPC civil law division attorneys guided an accident investigation board at Minot AFB (the third in AFSPC and the second at Minot since 2008) involving a missile transportation vehicle mishap. They also provided extensive legal advice to the command's security forces leadership on efforts to secure effective civilian law enforcement support to ICBM convoys transiting public roads to and from missile bases and launch facilities.

The military justice division was heavily engaged in a number of instances of high-profile misconduct involving personnel in the nuclear enterprise. Several of these cases generated national media coverage, for which AFSPC attorneys closely coordinated with Public Affairs to develop detailed communications plans which ensured timely and appropriate releases of information and responses to these matters of significant public interest. The division also closely coordinated with the 11th Wing legal office at Bolling AFB, to support and advise the AFSPC Element Commander at the National Reconnaissance Office (NRO) on several important military justice matters involving AF personnel assigned to NRO. The division also worked with the command's sexual assault prevention and response (SAPR) program manager and regional AFOSI leadership to provide training and improve OSI-SARC-JA teamwork in efforts to combat and respond to sexual assaults.

The operations law division reviewed numerous proposed total force integration (TFI) initiatives in the command to create new ANG and Reserve associate units partnered with active-duty units

supporting a variety of space operations and related missions. The division continued to guide AFSPC efforts to modify the existing arrangement at Clear AFS with the Alaska ANG and to ensure federal mission performance by personnel in a Title 10 active-duty status.

The space law division assisted efforts to renew several critical bilateral international agreements for AFSPC sites around the world. AFSPC attorneys presented a paper on space debris mitigation to an international audience, and taught space law at the Army War College and the National Security Space Office (NSSO). AFSPC attorneys continued to contribute to the education of space professionals by teaching dozens of lessons on space law and related topics to hundreds of DOD, other U.S. Government, and foreign military personnel attending courses at the National

Security Space Institute (Air University) and the Advanced Space Operations School (part of AFSPC).

The administrative law division, which includes ethics, civil, contract, environmental, real property, and fiscal law, has continuously guided and provided training to AFSPC staff to conform relationships with contractors and private industry colleagues to stringent government ethics requirements. The division also coordinated with the Air Force General Counsel's office, NSSO, the Office of the Under Secretary of Defense for Policy, and USSTRATCOM, to help develop agreements to implement new federal statutory authority for providing space surveillance data and satellite tracking services to entities outside the U.S. Government, while including appropriate limitations on liability and protection of proprietary data. AFSPC attorneys provided

critical assistance to the command's development and implementation of the Wide Area Coverage Land Mobile Radio project at Malmstrom AFB, facilitating increased radio communication coverage supporting missile field operations. The division also pioneered benchmark guidance to guide efficient and effective evaluation of non-DOD applicants for tenancy in privatized military housing, satisfying installation security requirements while also helping to maximize occupancy. Finally, the division helped carefully shepherd the evaluation and final decision by the Assistant Secretary of the AF for Installations, Environment, and Logistics, regarding a high profile proposal to authorize leasing a parcel of Malmstrom AFB to a commercial entity to build a coal to liquid fuel plant on the base.

AIR FORCE SPECIAL OPERATIONS COMMAND



Col William A. Druschel
Staff Judge Advocate



CMSgt Michael T. Farley
Command Paralegal Manager

Air Force Special Operations Command (AFSOC), headquartered at Hurlburt Field, Florida, provides special operations forces for worldwide deployment and assignment to regional combatant commands. AFSOC's core

missions include battlefield air operations, agile combat support, aviation foreign internal defense, information operations, precision aerospace fires, psychological operations, specialized air mobility, specialized refueling, and intelligence,

surveillance, and reconnaissance. Throughout the past year, JAG Corps legal professionals played crucial roles in the accomplishment of those missions by providing world class legal support, both at home station and in deployed locations across the globe.

The AFSOC legal office (AFSOC/JA) delivers professional, candid, independent counsel to SOF commanders worldwide. In 2009, as in recent years, AFSOC's main focus has been on continued operations to deter, disrupt and defeat terrorist threats. In FY09, AFSOC conducted an estimated 14,595 combat flying hours, 5,375 combat sorties, destroyed 729 targets, and transported approximately 31,000 passengers and 15.5 million pounds of cargo. AFSOC JAGs and paralegals, both at home station and deployed downrange, provided essential support to these missions and other joint SOF operations.

In 2009, AFSOC JAGs filled, on a rotational basis, the staff judge advocate position at the Combined Joint Special Operations Air Component (CJSOAC), which provides command and control of all special operations missions flown in both the Iraq and Afghanistan AORs. AFSOC JAGs and paralegals also deployed to several other joint special operations duty assignments, including Joint Special Operations Task Force - Arabian Peninsula (JSOTF-AP), Special Operations Command Europe (SOCEUR), Joint Psychological Operations Task Force (JPOTF), Special Operations Command Central (SOCCENT), and the Criminal Court of Iraq (CCCI).

AFSOC/JA also increased its in-garrison and pre-deployment legal support to the command and its various subordinate units. In conjunction with the 23d Air Force Judge Advocate Office (23 AF/JA) and the wing-level legal offices, AFSOC/JA provided command and control advice to SOF leaders and reachback support to JAG Corps personnel in the field. AFSOC/JA and 1 SOW/JA instituted a formal training program to provide pre-deployment LOAC and ROE training to deploying special tactics units. These highly trained personnel deploy to locations all over the world, and a keen of understanding of how the law and ROE apply to their very unique and demanding mission is essential to their success.

Besides the normal flow of military justice, civil law, environmental, labor and employment law, legal assistance, and other legal demands, the past year also saw incredible growth and development for the AFSOC community at our respective home stations. AFSOC/JA and 27 SOW/JA personnel supported the continued push toward full operational capability for the 27th Special Operations Wing at Cannon AFB, New Mexico, with several new units being established and several units transferring to Cannon AFB. Legal support was also key to identifying and resolving myriad

environmental, contracting, fiscal, and other issues involved in the proposed gift of land to the Air Force and the potential expansion of the Melrose Range near Cannon AFB.

Additionally, the continued development of the roles and missions of the CV-22 Osprey, including its first overseas deployment involving transatlantic movement and strategic air refueling, raised unique funding, weapons, and employment issues. Finally, AFSOC legal professionals helped resolve operational and other legal issues concerning the beddown of several new units and ever-expanding operations of unmanned aerospace systems, as well as growing intelligence operations as AFSOC takes on the mission to exploit the huge amount of information being gathered by its various weapons systems and platforms.

Through hundreds of operational missions, deployments, and worldwide taskings, through all the welter of change and development, AFSOC/JA, 23 AF/JA, the base-level legal offices, and deployed SOF JAGs and paralegals continued to provide the highest level of full-spectrum legal support to our forces and their families. In keeping with the Air Commando spirit, AFSOC'S JAG Corps personnel remain ready . . . anytime, anywhere.



AIR MOBILITY COMMAND



Brig Gen Steven J. Lepper
Staff Judge Advocate



CMSgt Janice E. Maupin-Anderson
Command Paralegal Manager

The Air Mobility Command (AMC) mission is to provide rapid, global air mobility... right effects, right place, right time. The command also plays a crucial role in providing humanitarian support at home and around the world. AMC Airmen -- active duty, Air National Guard, Air Force Reserve and civilians -- provide airlift, aerial refueling and aeromedical evacuation for all of America's armed forces which also includes many special duty and operational support aircraft. AMC is the Air Force component to the U.S. Transportation Command and the single manager for its air mobility. To accomplish the global air mobility mission during this past year, AMC lawyers and paralegals helped their commanders overcome a host of complex legal issues. Challenges included joint basing with other services, implementing total force integration, operational law development, major contract acquisitions, and environmental and encroachment issues. Also during this year, JAGs and paralegals at AMC's 12 wings drew praise and favorable attention from national organizations.

AMC took a leadership role in the joint basing process when McGuire AFB became the Department of Defense's first joint base and the only one to consolidate Army, Air Force, and Navy installations. As the "supporting component," the Air Force is now responsible for providing all installation support for the new Joint Base McGuire-Dix-Lakehurst. Other AMC bases spent 2009 gearing up for the joint base process. Like McGuire AFB, Charleston AFB is also the supporting component and will take on installation support functions when it merges with the Naval Weapons Station, Charleston. At McChord AFB, the Air Force will be the "supported component" and will receive installation support from the Army at Fort Lewis. At all these bases, our JAGs and paralegals have been on the front line assisting Air Force and other component commanders in resolving complicated organizational structure, funding, manning and span of control issues.

Total force partnership became more than a slogan in AMC during this past year. As the total force (active duty, Air National Guard, and

Reserves) becomes a reality throughout the DOD, AMC JAGs and paralegals discovered new and innovative ways of performing the global air mobility mission. Now, regardless of who "owns the iron," aircrews and maintainers from the various components of the total force can operate and maintain aircraft to ensure maximum benefit to AMC's customers and fulfillment of the global air mobility mission. In addition to the aircrews, there is an energetic collaboration of support functions as well. AMC wings have similarly established close working relationships with their co-located Air Force Reserve wings. Active units are now, or will soon be, up and running at Birmingham International Airport (AL), Pease ANG Base (NH), March ARB (CA) and Scott AFB (IL) to name but a few. By assisting commanders with issues such as clearly defining the separate chains of command, liability, and training requirements, AMC legal professionals help ensure the smooth running of these innovative organizations.

In the spirit of total force partnership, AMC/JA established "sister wing" relationships among

active duty and AMC-gained Air National Guard and AF Reserve legal offices. Our objective is to build bridges among wing legal offices across which new ideas and processes can flow. To further reinforce our commitment to the total force, we hosted our AMC SJA-LOS Conference in September. Fully represented among our 110+ attendees were SJAs and LOSs from most of our AMC active duty, Guard, and Reserve wings.

In 2009, AMC judge advocates played a critical role advising commanders on how to respond to issues arising from AMC's global mission. AMC's participation in the US-Europe Strategic Airlift Capability Program was key to the successful standup of the multinational C-17 Heavy Airlift Wing at Papa Air Base, Hungary. From Papa AB, this consortium of NATO and other partner nations can provide strategic airlift vital to the international security of member nations and their support for the NATO International Security Force in Afghanistan.

AMC's leadership recognized the critical contribution JAGs make in the operations area and expanded our role by creating three new JAG positions. A JAG is now assigned to the 618th Tanker Airlift Control Center and will soon be embedded in each of AMC's Contingency Response Wings at McGuire AFB and Travis AFB.

AMC attorneys continued to provide their ever-responsive counsel to the command's busy contracting and finance communities as they confronted the twin challenges of war and fiscal austerity. Aggressive legal advocacy led to an ultimately successful and innovative settlement of a false claim allegation involving one of America's largest aircraft manufacturers. After defective installation of insulation material on the KC-10 was discovered, the manufacturer offered a reasonable settlement which was destined for deposit in the Miscellaneous Receipts Account. Our attorneys were instrumental in persuading the Department of Justice to permit a large portion of the settlement to be provided in the form of in-kind repair. This innovation permitted critical

KC-10 repairs to be accomplished quickly and at no cost to the Air Force. Another major endeavor involved participation in the planning, public affairs responses, and staff preparation for the KC-X recompetition. AMC lawyers were essential players in this undertaking.

Also during this period, AMC lawyers and paralegals spent a great deal of time working on encroachment related issues. One such encroachment issue involved a relatively new form of encroachment - wind turbines and their impacts on Travis AFB radar; while another involved a more traditional zoning dispute near MacDill AFB. When it appeared flight safety might be impacted, AMC and Travis AFB lawyers assisted AMC leaders with crafting an appropriate response. Currently, a cooperative research and development agreement effort is underway, which allows the Air Force to partner with the wind turbine industry to develop a predictive modeling tool that would assess the impact of potential future construction and any associated impacts it may have on Travis AFB radar. The encroachment issue at MacDill AFB involved the re-zoning of property within the base's accident and potential clear zone to "commercial mixed use." AMC attorneys engaged with the U.S. Attorney's office as well as the Florida Department of Community Affairs, the

state agency with zoning oversight, to challenge Tampa's rezoning action.

AMC legal professionals and offices have been recognized for their excellent work this past year. Charleston AFB was awarded AMC's coveted Gold Medal in Military Justice, Dover AFB was selected as AMC's Outstanding Legal Office of the Year and MacDill AFB received the American Bar Association's Legal Assistance for Military Personnel (LAMP) Award. Two of our judge advocates also earned special recognition. Captain Anna Campbell was awarded the 2008 Younger Federal Lawyer Award by Federal Bar Association. She was one of five to be honored with this award. Finally, Lieutenant Colonel Christopher Petras received the USAF Judge Advocate General's School's Thomas P. Keenan, Jr., Award in recognition of his excellent work in Operational Law.

AMC's legal community is a team of dedicated professionals who work to ensure the successful accomplishment of their command's global mission. We are proud to be a part of the world's premier mobility command.



PACIFIC AIR FORCES



Col Dawn E.B. Scholz
Staff Judge Advocate



CMSgt Maureen A. Lowe
Command Paralegal Manager

Housed in the historic barracks damaged by enemy fire on 7 December 1941, the Office of the Staff Judge Advocate, Headquarters, Pacific Air Forces (PACAF/JA), Hickam Air Force Base, Hawaii, remains engaged in the United States' mission to provide peace and stability in the Asia-Pacific region. The Pacific area of operations (AOR) is unmatched in size and diversity, spanning from the U.S. west coast to the African east coast and from the Arctic to the Antarctic, covering 105 million square miles, 43 countries, and sixteen time zones. The AOR contains approximately 60 percent of the world's population, which represents over 1,000 languages and dialects and accounts for over one-third of the global economic output. Moreover, the unique location of the Strategic Triangle (Hawaii-Guam-Alaska) gives the U.S. persistent presence and options to project U.S. airpower from sovereign territory. The PACAF mission is to provide U.S. Pacific Command (USPACOM) integrated expeditionary Air Force capabilities to defend the Homeland, promote stability, dissuade or deter aggression, and swiftly defeat enemies.

PACAF/JA's primary clients include the Commander, Pacific Forces (COMPACAF), 18 headquarters staff directors, and 14 subordinate numbered air force (NAF) and wing legal offices. The four PACAF NAFs all have unique, yet critical, missions that require close coordination with and support from local

and national leaders in U.S. territories and from host country officials at local and national levels in allied countries in which we operate or have a presence.

A signature event for the International and Operations Law (ILaw/Ops) Division continues to be the Pacific Joint Operations Law Exercise (PACJOLE) at the Army's Pohakuloa Training Area (PTA) on the island of Hawaii. PACJOLE provides Pacific-based JAGs and paralegals realistic deployment training and experience in an austere environment and prepares them for real-world deployments. PACJOLE has expanded from its Pacific-centric focus to include issues facing deployed personnel in other AORs. Since its inauguration in 2001, PACJOLE has trained over 200 Air Force active duty and Reserve Component JAGs and paralegals. Additionally, PACJOLE has hosted students from the Army, Navy, and Marine Corps, as well as from other countries, including Australia, Bangladesh, Brunei, Canada, Japan, India, Indonesia, Mongolia, Nepal, the Philippines, and Thailand. In March 2009, PACJOLE included one Canadian JAG CADRE member and two Australian JAG students. PACJOLE now features weapons familiarization and Map/compass reading. In 2009, we included, for the first time, a public affairs officer, a chaplain, and a chaplain assistant on our CADRE team.

Another success story for the ILaw/Ops Division was the 2009

Coalition Air Operations Workshop. During this two-day event legal specialists from eight Asia-Pacific countries gathered at Hickam to discuss air operations issues. Among other things, we enhanced the attendees' understanding of our air operations center, enabling them to work alongside other U.S. partners and allies during coalition air ops.

In 2009, PACAF/JA facilitated the successful deployment of 20 JAGs and 13 paralegals to Iraq, Afghanistan, and Al Udeid. Additionally, we oversaw the deployment/TDY of 34 JAGs and 4 paralegals in support of CJCS directed exercises to USPACOM AOR locations (the Philippines, Thailand, South Korea, and Japan). Our chief of admin law, Lt Col Wendy Sherman deployed to Afghanistan and our NCOIC of ILaw/Ops, MSgt Drew Brown deployed to the Joint Special Operations Task Force - Philippines in support of a USPACOM deployment tasking. In July, our Chief of ILaw/Ops, Lt Col Jerry Villarreal joined a PACOM team that traveled to Cambodia, serving as a subject matter expert on Military Justice, LOAC, and rules of engagement in exchanges of information with members of the Cambodian Army, Air Force, and Marines.

In 2009, joint basing efforts continued at three PACAF installations. Completion of joint basing at Andersen Air Force Base, installed the Air Force as the supported component of Joint Region

Marianas. Additionally, memoranda of agreement were signed with the Army and the Navy, establishing the Air Force as the supporting component at Joint

Base Elmendorf-Richardson and the Navy as the supporting component of Joint Base Pearl Harbor-Hickam. PACAF/JA worked closely with

AF/JAZ and 3 WG and 15 AW legal offices to ensure preservation of Air Force interests during the sometimes contentious MOA negotiations.

UNITED STATES AIR FORCES IN EUROPE



Col Jeffrey A. Rockwell
Staff Judge Advocate



CMSgt Steven L. Wallace
Command Paralegal Manager

For 67 years, United States Air Forces in Europe (USAFE) has provided responsive forward presence, humanitarian and peacekeeping support, and decisive air power for America and our allies. During 2009, USAFE delivered full-spectrum options to U.S. European Command (EUCOM) and U.S. Africa Command (AFRICOM) throughout a 92-country area of operations. The EUCOM AOR alone includes 24 North Atlantic Treaty Organization (NATO) countries and 19 Partnership for Peace (PfP) countries. USAFE continues to lead and support joint, coalition, NATO, and warfighting headquarters operations and promote regional stability through focused theater engagement. From the strategic involvement of HQ staff attorneys to the daily relationships maintained by base legal offices, USAFE legal professionals played a vital role in enhancing that cooperation and promoting regional security.

HQ USAFE/JA's Operations and International Law Division mapped strategy and managed legal issues central to the USAFE mission. They continued to substantially influence agreements that have created an unprecedented 12-nation consortium jointly owning three C-17s based at

Papa Air Base, Hungary. The top-notch legal support provided to the U.S. contingent by USAFE attorneys resulted in unique U.S.-only arrangements to secure relief from cumbersome visa and personally-owned vehicle registration requirement as well as host-nation tax relief for U.S. military members. These arrangements have created a playbook for future U.S. basing initiatives and have proved to be an example to the other consortium members who have now sought similar arrangements. They continue to lead negotiations on successful basing agreements with European partners, including technical agreements that manage to avoid potentially cumbersome precedents set by sister services and other NATO sending states. These agreements will significantly enhance USAFE's future deployment, training and sustainment capabilities. In Italy, USAFE lawyers developed and negotiated critical agreements for continued operations at Aviano AB. In Turkey, USAFE lawyers brokered negotiations involving time-critical customs concerns with host-nation officials that allowed the continued use of an important air logistics hub, as well as the high-visibility return of an outdated DOD pipeline facility that

raised senior-level questions about U.S. liability.

Between 2,500 and 2,700 USAFE Airmen were deployed on any given day, participating in joint, bilateral and multinational training events and exercises. One continuing endeavor, the Tactical Leadership Program faced significant challenges when the consortium members decided to move operations from Belgium to Spain. USAFE lawyers expertly guided the U.S. position and structured critical documents to reflect U.S. policy and customs and protect U.S. interests and sovereignty, leading to a successful relocation effort that continues to provide top-notch training to U.S. and partner nation airmen.

USAFE lawyers continue to ensure that U.S. sovereignty and treaty rights are protected from encroachment and erosion as the U.S. composition of forces, mission set, and strategic position continues to change in the dynamic, strategically essential, European environment. This year has seen a continuing need for the experienced USAFE legal staff to provide guidance in foreign criminal jurisdiction cases, including questions of policy involving counsel fees, prison visitation, and jurisdictional

S P O T L I G H T ON ...

a Host Nation Advisor



Mr. Hans Kind
426 ABS/JA
Stavanger, Norway

Mr. Hans Kind, 426th Air Base Squadron Host Nation Advisor, is a force multiplier extraordinaire for all U.S. forces in Norway. Mr. Kind specializes in nurturing beneficial relationships with Norwegian and Danish officials, facilitating mission accomplishment by navigating host-nation rules and regulations, promoting interpretations of international agreements that operate to the benefit of U.S. forces and devising practical solutions for the myriad issues encountered by U.S. personnel in their day-to-day lives. His efforts were recognized in January with the Dr. Richard Schubert Award for making the most significant contributions to host-nation relations in USAFE.

This year, Mr. Kind worked closely with officials at the local and national level to cure implementation issues with the new Norwegian Supplementary Agreement to the NATO Status of Forces Agreement. One example where he greatly benefited U.S. members and their families was his work to effect new relaxed requirements for vehicle specifications. With this provision now implemented at the local level, families are avoiding thousands of dollars in modifications to their POVs that were previously required upon arrival. Additionally, Mr. Kind was instrumental in organizing the first-ever Norway-NATO-US legal summit that featured discussions on foreign criminal jurisdiction, the UCMJ, and recent developments in Norwegian criminal law. Over the summer, he worked tirelessly with USAFE and a local landlord to coordinate the lease renewal for the general officer quarters in Sola, which was ultimately approved by Congress. In September and October, he accompanied the staff judge advocate on outreach trips to Oslo and Copenhagen. In Oslo, he helped lay the groundwork with the Ministry of Defense for future initiatives in the areas of tax relief and working with child protective services. In Copenhagen, he assisted the SJA in briefing and training the new U.S. Country Representative-Denmark on his role and responsibilities.

According to Major John N. Page III, SJA, "Hans is an invaluable asset for U.S. forces in Norway and Denmark. He effectively and efficiently facilitates unit initiatives in support of U.S. personnel at the NATO Joint Warfare Centre and cultivates a network of relationships at the local and national level to enable us to craft practical solutions to problems. At the same time, he delivers first-class support at the individual member level by providing newcomers a comprehensive one-on-one education on driving and cultural issues and assisting members on a daily basis with accomplishing a variety of personal matters to make their stay in Norway more comfortable and rewarding."

waivers. USAFE attorneys have briefed at multiple international engagements, including a groundbreaking international cyberlaw convention with practitioners and policymakers from key allies in full attendance to hear a presentation on the legal dynamics of the cyberdomain.

The legal professionals at HQ USAFE, with the benefit of co-location and a commitment to teamwork, daily realize the AF's commitment to Smart Operations for the 21st Century and JAGC21 principles through the Component NAF and Component MAJCOM construct. Legal counsel on matters of strategic importance, such as treaty negotiations and status of

forces, is provided by our HQ USAFE/JAO staff, while legal counsel on the application of existing international agreements, with a focus on operations and exercises, is provided by 3 AF JAO and the 603 AOC legal advisor. With lean operations across USAFE bases, our reserve JAG officers and paralegals have become essential to meeting mission requirements. Reserve JAGs and paralegals performed approximately 2400 man-days of home station support tours, sharing unique expertise while backfilling deployed active duty personnel at HQ and base level.

For nearly seven decades, USAFE legal professional have worked

with America's closest allies to build trust and teamwork through respect and clear communications. HQ USAFE/JA is postured for making these alliances stronger while deepening ties with America's newer partners in Eastern Europe and continuing to support US interests in Africa. Enabling command with clear and concise guidance on issues from strategic missile defense to air policing and theater security cooperation to building partnership capacity through joint and combined training opportunities has defined the prospectus of the USAFE legal team for 2009.

NUMBERED AIR FORCE LEGAL OFFICES

With a staff of experienced and capable personnel, numbered air force (NAF) legal offices advise and assist NAF commanders and their staffs located across the globe on a wide variety of legal issues. Much of this advice is necessarily concerned with the administration of the military justice system since the majority of NAF commanders also serve as general court-martial convening authorities. In addition to military justice, however, NAF staff judge advocates and their staffs provide critical advice on matters such as environmental law, labor law, international law, civil law, and contract law—not only to the NAF personnel, but also to the base legal offices aligned beneath them.

A sample of the important 2009 accomplishments from representative NAF legal offices includes:

1 AF (AFNORTH)/JA (ACC), Tyndall AFB, FL

Every day as America's C-NAF, AFNORTH lives the total force concept as REGAF, Reserve, Statutory Title 10 Guardsmen, Active Guard Reserve, Canadian Forces, Army, Navy, Marines, civilians, and contractors work side by side. As the CONUS region command, and NORAD CFACC, these men and women share the sole responsibility for ensuring the air sovereignty and air defense of the continental United States, Virgin Islands, and Puerto Rico. Additionally, AFNORTH is the COMAFFOR and designated JFACC to USNORTHCOM, providing for the land and maritime defense of the homeland, and supporting local, state, regional, and federal emergency service agencies.

This year, AFNORTH/CONR conducted air defense for the Presidential Inauguration, the historic train ride, and other DC area events associated with the event. Operations in the homeland require consideration of issues not addressed in similar operations overseas and reexamination of basic assumptions. 1 AF/JA, as an integral part of operations in multiple theaters, helped draft the Joint Air Operations chapter in the JAG Corps Operations Law Handbook. Additionally, AFNORTH/JA developed C-NAF COMAFFOR JA Tactics, Techniques, and Procedures (TTP), a document detailing issues frequently encountered by the C-NAF legal staff. The C-NAF JAG Staff was also instrumental in publishing policy guidance for the appropriate use of Title 5 Civilians during homeland defense and civil support exercises and contingencies.

Further, AFNORTH-JA responded to several high-interest FOIA requests, most notably the NYC fly-over of Air Force One. Finally, after six long years of effort by several



different SJAs, Lt Col Robin Kimmelman successfully hired a civilian attorney, doubling the number of attorneys on the C-NAF staff. Further, she added a reserve IMA attorney to the CONR-1AF (AFNORTH) legal office, providing enhanced day to day advice to the commander and short duration surge support for 24-hour operations.

3 AF/JA (USAFE), Ramstein AB, Germany

Third Air Force serves as numbered air force and general court-martial convening authority for United States Air Forces in Europe (USAFE). 3 AF/JA is responsible for all military justice, civil, administrative, and operational law support. In 2009, the Military Justice Division (JAJ) had a busy year, processing 577

Article 15s command-wide, 90 percent within the 20-day goal—a 32 percent increase over last year's totals. JAJ also had an impressive court-martial workload, successfully prosecuting 63 courts-martial, a 28 percent increase from 2008. Among these were three high profile involuntary manslaughter trials, numerous child pornography and Article 120 cases. In addition to its normal workload, JAJ reinvigorated command training by providing hands-on instruction to 60 legal personnel from 12 bases, saving considerable TDY training expenses. Special emphasis was also placed on ensuring legal offices and AFOSI were actively employing TJAG's Law and Order concept. Finally, JAJ traveled to the annual USAFE/JA conference in Garmisch to brief command SJAs on all military justice updates.

The Administrative and Civil Law Division (JAA) provided timely, accurate legal advice to the numbered air force commander and directors on hundreds of issues ranging from German fuel rationing, DV MILAIR travel, spousal travel rules, contentious Line of Duty investigations, gifts to and from foreign dignitaries, and a SAF-level exception to policy request for the NATO CC-Izmir. JAA attorneys also served as primary legal advisor on the Kaiserslautern Military Community Center contract, the Air Force's largest, most complex single construction project, resulting in the acceptance of an under-budget, fully functional, multi-use BX shopping mall facility, a 350-room 8-story hotel, a multiplex theater and a major restaurant in July. Due to a number of contractual and construction issues, the project required significant JAA legal oversight to reach a successful project completion. JAA also served as legal advisor to the source selection advisory chairman for the Turkey-Spain Base Maintenance contract.

The International and Operations Law Division (JAO) was fully engaged planning and executing numerous



operations and exercises throughout the EUCOM AOR in support of both Third Air Force and 603d Air Operations Center including NATO Icelandic Air Policing; Space Shuttle Support Missions; POTUS AOR visits, and stand-up of the Strategic Airlift Capability Heavy Airlift Wing in Hungary. JAO attorneys also completed a multitude of reviews ranging from Theater Ballistic Missile Defense to issues involving the Avian/Pandemic Influenza crisis. JAO also planned and coordinated MAJCOM support to Austere Challenge 09, USEUCOM's largest joint forces exercise. Recognizing the need for advanced joint training, JAO staff developed and implemented a new expeditionary law training program to prepare USAFE JAGs and paralegals for USAFE/EUCOM/NATO exercises.

5 AF/JA (PACAF) Yokota AB, Japan

Fifth Air Force (5 AF) serves as the HQ PACAF forward element in Japan and conducts activities on its behalf, to include maximizing partnership capabilities and promoting bilateral defense cooperation with Japan. 5 AF also serves as the peacetime air component to U.S. Forces Japan (USFJ). 5 AF/JA is responsible for all military justice, civil, administrative, and operational support. Moreover, 5 AF/JA has Single Service Claims Responsibility for all of Japan. In addition to the support provided to 5 AF, 5 AF/JA also provides legal support to both USFJ and Thirteenth Air Force, Detachment 1, and maintains positions in both the USFJ Bilateral Joint Operations Coordination



LTG RICE and Army, Air Force, Marine and Navy SJAs at USFJ Law Day Celebration.

Center (BJOCC) and the Joint Operations Center (JOC) for contingency operations, humanitarian assistance/disaster relief operations, and annual exercises.

In support of the bilateral mission, 5 AF/JA organized the 2009 USFJ Law Day celebration, which was attended by our Japanese legal counterparts, service SJAs from the Army, Navy, Air Force, and Marines, and Lt Gen Edward Rice, Jr., commander, 5 AF and USFJ.

[Leave space for photo here]

7 AF/JA (PACAF) Osan AB, ROK

The normally high operations tempo on the Korean peninsula continued unabated in 2009! This pace gave the Office of the Staff Judge Advocate, Seventh Air Forces, U.S. Air Forces Korea, numerous opportunities to provide precision counsel to the triple-hatted 7 AF/AFKOR/Deputy Combined Forces Command commander and his staffs on all legal issues -- to include military justice, command relationships, ethics, international, operations, civil, labor, environmental, and fiscal law -- despite nearly 100 percent turnover in personnel on an authorized staff of three active duty JAGs, two paralegals and one civilian attorney.

Operations and international law remained an active area for 7 AF/JA in 2009. In support of the Strategic Transition of Wartime OPCON to the Republic of Korea (ROK) Joint Chiefs of Staff from the current ROK-US Combined Forces Command Forces in 2012, 7 AF/JA worked to ensure a clear understanding and delineation of command and control (C2) authority over Airmen in the Korean Theater of Operations (KTO), ensuring that Commander, Air Component Command, and Air Forces Korea retained the ability to effectively exercise C2 over all Airmen (US and ROK) during armistice and wartime operations. Further, in anticipation of the 2012 transition, 7 AF/JA shared its expertise on the law of armed conflict, rules of engagement, and deliberate and time sensitive target reviews with its ROKAF legal counterparts. This will ensure that the ROKAF legal team will have the requisite knowledge to conduct Korean Air Operations Center (KAOC) operations after the transition.

Additionally, 7 AF/JA participated in numerous Korean Theater of Operations OPLAN conferences and aided in the development of the pre-Air



S P O T L I G H T ON ...

a NAF Judge Advocate

Captain Gabriel Young, 7th Air Force Chief of Military Justice, demonstrated that judge advocates can take the lead in promoting professional military education among all AFSCs. Capt Young, President of the Osan Company Grade Officers' Council (CGOC), organized the first ever

PACAF CGOC Conference held at Osan AB, Republic of Korea, on 22-24 June 2009. The conference was attended by 66 USAF company grade officers (CGOs) from seven PACAF bases as well as 21 CGOs from the Republic of Korea Air Force (ROKAF). The conference, themed "Warfighting in a Joint and Coalition Environment," brought 14 AFSCs together to learn about and discuss the Air Force's role

in the joint fight in the Republic of Korea. Capt Young said, "The goal of the conference was to allow us to learn about interoperability in the joint fights that many members of the Air Force are currently in. It also gave many of us a new perspective on what other services and coalition forces can bring to the fight." The three-day conference included briefings and discussions by Seventh Air Force leadership, the Republic of Korea Air Force, Special Operations Command Korea, and United States Forces Korea. There were also discussion panels with Air Force chief master sergeants and other service company grade officers.

The conference also gave visiting CGOs from other PACAF bases an opportunity to experience a bit of Korean culture. The Korea Good Neighbor Foundation hosted a day trip to Seoul to visit the Korean War Memorial, enjoy a Korean dinner, and see a martial arts performance. "I

enjoyed being able to see the War Memorial and the other cultural excursions that were planned for us, especially the 'Jump' martial arts show," said Capt. Karen Chisholm, PACAF CGOC Representative, who flew in from Kadena AB, Japan. "However, the highlight for me was the trip to the DMZ. I didn't realize the true tension that existed on the peninsula until we went there."

The idea for the event arose when many PACAF CGOs were not able to attend

the annual CGOC conference at Langley AFB, VA, in May. Therefore, PACAF CGOC leadership decided to try to hold a similar conference in the Pacific AOR. Captain Young and his entire CGOC volunteered to be the host, with support from Seventh Air Force and 51st Fighter Wing leadership. Capt Chisholm added, "I consider the conference to be a success and I look forward to next year's. Osan did a great job of putting the event together."



CAPT GABRIEL YOUNG, with attendees at the PACAF Company Grade Officers' Council Conference, Osan AB, Korea.

Tasking Order (ATO). For the pre-ATO, 7 AF/JA conducted legal reviews for over 1000 pre-planned deliberate targets and built sensitive target packages for dozens more.

In addition to real world operations and daily legal functions, all 7 AF/JA personnel spent over 15 weeks operating out of the KAOC in support of 13 joint and

bilateral exercises, including CJCS exercises KEY RESOLVE and ULCHI FREEDOM GUARDIAN. In support of these exercises, 7 AF/JA bedded down and provided intensive training to 12 augmentees (10 attorneys and 2 paralegals) on all aspects of AOC operations and the KTO, seamlessly integrating them into the five major KAOC divisions. Of

50 superior performers recognized during these exercises, 7 AF/JA contributions to successful combat operations were recognized not once, but twice during 2009. The 7 AF Commander, Lt Gen Jeffrey Remington, and the ROKAF AFOC Commander, Lt Gen Chang Hwan Oh, personally recognized Major Shaun Speranza and Major Suzette Seuell as outstanding performers. Well done!!

Finally, 7 AF/JA continued to provide leadership, oversight, and training to its two wing legal offices—Osan and Kunsan. In the military justice arena, 7 AF legal offices made tremendous improvements in their administration of military justice, despite a significantly busier year in military justice. On track to complete 16 courts-martial in 2009 (6 more courts than in 2008),

7 AF offices improved the number of general courts-martial actions completed to action within 160 days to 100 percent (from 17 percent in 2008) and reduced the average days to action to 150 days (from 314 days in 2008). Similar increases were noted with special and summary courts-martial. Courts were not the only area with improvements. 7 AF improved the number of Article 15s completed within 20 days to an amazing 98 percent (up from 93 percent in 2008) despite an increase in the overall number of Article 15s to nearly 250 (up from 195 in 2008).

8 AF/JA (ACC) Barksdale AFB, LA

As part of the Air Force's new emphasis on the nuclear mission, Eighth Air Force (8 AF) will move in February 2010 from Air Combat Command to the newly created Air Force Global Strike Command, as one of its two numbered air forces. As part of this process, the 9 RW at Beale AFB and the 55 WG at Offutt AFB will transition to 12 AF, leaving 8 AF comprised of the 5 BW at Minot AFB, the 509 BW at Whiteman AFB, and the 2 BW at Barksdale. Additionally, the 8 AF cyber mission was transferred to the recently created 24 AF. Throughout the transition process, 8 AF/JA has delivered and will continue to deliver full-spectrum legal capabilities for all aspects of 8 AF operations.

8 AF judge advocates serve in United States Strategic Command (USSTRATCOM) global strike air operations center located on Barksdale AFB, providing legal advice on planning and support to exercises such as GLOBAL THUNDER and GLOBAL LIGHTNING. In the past year, 8 AF has provided a judge advocate to serve on another NAF's operational readiness inspection team inspecting AOC operations, as well as providing judge advocates to support both VIGILANT SHIELD and TERMINAL FURY exercises. As legal advisors in the AOC, 8 AF judge advocates advise senior leaders supporting a combatant



command (COCOM), task forces, air components, and Air Force forces conducting worldwide operations.

At its five main operating bases, 8 AF completed 54 courts-martial, representing seven percent of the Air Force total, and processed over 560 Article 15 actions, which represents approximately 8 percent of the Air Force total in fiscal year 2009. In doing so, 8 AF exceeded the Air Force goal for processing times for both special courts-martial and Article 15 actions and tripled the number of general courts-martial meeting the Air Force processing goal. Additionally, 8 AF hosted the 25th Annual Article 32 Investigating Officer Workshop for active duty and Reserve judge advocates and paralegals as well as provided an instructor at the Military Justice Administration Course.

9 AF/JA, (ACC) Shaw AFB SC

2009 was a year of great change at Ninth Air Force (9 AF). Long dual-hatted as United States Air Forces Central (AFCENT), the component command for United States Central Command (CENTCOM), in August 2009 the Chief of Staff of the Air Force announced he was splitting the forward warfighting element (AFCENT) from 9 AF oversight responsibilities. The split, declared General Schwartz in response to a question from Rep. John Spratt (D-S.C.), would be temporary but is necessary to put "100 percent focus on the operations currently underway." Accordingly, 9 AF is now separate from AFCENT. While 9 AF and AFCENT legal offices still share an office space at Shaw Air Force Base SC and the same SJA, the two headquarters are now distinct entities. 9 AF now focuses strictly on our CONUS wings.



Ninth Air Force is responsible for Air Combat Command (ACC) fighter forces based on the East Coast of the United States. 9 AF/JA oversees and provides counsel to the military justice programs at four flying wings -- Langley, Moody, Shaw, and Seymour Johnson -- and assists with military justice issues at a number of detachments and direct reporting units. 9 AF/JA also provides legal counsel and administrative support to its bases in areas of ethics, contracts, fiscal, international and operational law.

9 AF's Administrative Law Division provided numerous ethics opinions, congressional inquiry legal reviews, inspector general and command-directed investigations, administrative discharges, FOIA and Privacy Act reviews.

In 2009 military justice continued to be the busiest section in 9 AF/JA, with 442 Article 15 actions administered by the 9 AF legal offices, as well as 56 courts-martial. 9 AF wings completed 18 general courts-martial, 28 special

courts, and 10 summary courts. All four of the wing legal offices did an outstanding job addressing a wide array of complex issues, while keeping a keen eye on the efficient and effective administration of military justice during a busy year.

Notably, 9 AF legal office personnel accomplished all these CONUS activities while 10 of the 11 assigned military personnel were deployed at some point in the fiscal year! 9 AF is proud of the strong service we provide to our CONUS mission, and also proud of our unmatched support to our warfighting brothers and sisters.

11 AF/JA (PACAF) Elmendorf AFB, AK



Due to a significant increase in Russian flying activity, all 11 AF/JA military members have been tasked to support training and real-world Northern Sovereignty Operations (NSO) and OPERATION NOBLE EAGLE (ONE) events for the Alaskan NORAD Region. We provided training to AOC personnel on applicable rules of engagement, manned the AOC during a dozen real-world intercepts and participated in over 30 NSO/ONE exercises during CY 2009.

Additionally, we supported the joint/combined 11 AF, ALCOM/JTF-AK, and Alaska NORAD Region national-level flying exercises NORTHERN EDGE AND RED FLAG, along with non-flying exercises AMALGAM ARROW, FENCING SPADE, ARCTIC RESOLVE, Integrated Tactical Warning and Attack Assessment (ITW/AA), and numerous pandemic influenza exercises. As the ALCOM legal advisor, we provided guidance and oversight on the Tanana River Railroad Bridge, Alaskan Land Mobile Radios (ALMRs), and the potential industrial development of Molybdenum Ridge in the Donnelly Training Area. ALCOM again served as the executive agent for NORTHERN EDGE 2009 (NE09), U.S. Pacific Command's premier training exercise designed to practice joint operations and enhance interoperability.

On the JTF-AK side of the house, Ms. Fleming worked tirelessly to ensure that the Pandemic Influenza CONPLAN was properly drafted and executable. We also analyzed potential JTF-AK missions in the event of a worst case scenario Mount Redoubt volcano eruption shutting down all military and flight operations in the Anchorage area.

Mr. James Klasen reports to the AFLOA Environmental FSC in San Antonio, Texas, but his duty location remains at Elmendorf AFB, Alaska, where he is the expert on restoration issues. Throughout 2009, he reviewed numerous Proposed Plans and Records of Decision for the Air Force Environmental Restoration Program in Alaska, concerning numerous Air Force sites, including Anvil Mountain, Barter Island, Clear AS, Eareckson AS, Point Lonely, Port Heiden, Kalakaket Creek, and King Salmon.

Mr. Klasen represented Air Force interests on the Point Lonely site at a public proposed plan meeting in Barrow. He also traveled to Seattle to meet with parties - including attorneys from the Department of Justice, Chevron, and Crowley Maritime - on the West Nome tank farm contamination case.

12 AF (AFSOUTH)/JA (ACC) Davis-Monthan AFB, AZ



Twelfth Air Force (12 AF) serves as the air component (Air Forces Southern - AFSOUTH) to U.S. Southern Command (SOUTHCOM), in addition to performing traditional numbered air force (NAF) functions for seven active duty wings and three direct reporting units. The Commander of SOUTHCOM, whose area of responsibility includes Central and South America, the Caribbean, and Cuba, has designated the 12th Air Force Commander as the SOUTHCOM Combined Forces Air Component Commander (CFACC). Lt Gen Spears exercises that authority through the AFSOUTH Combined Air & Space Operations Center (CAOC). The fusing of traditional NAF responsibilities and the air component to a combatant commander provides unique challenges and opportunities to 12 AF/JA.

The 12 AF/JA international and operations law team occupies dedicated positions in both the AFSOUTH CAOC and the Air Force Forces (AFFOR) staff. They provide legal and operational advice on various issues including rules of engagement, the law of armed conflict compliance with international obligations, command relationships, and diplomatic protections. The team plays an active planning role in major operations and exercises, Presidential visit support, counter-drug deployments, intelligence and surveillance, and special missions.

Judge advocates and paralegals from 12 AF/JA regularly participate in deployments and exercises. In April 2009, JA personnel served at the AFSOUTH CAOC and at the forward Joint Task Force (JTF) headquarters in Trinidad and Tobago in support of the President and 33 other heads of state attending the Fifth Summit of the Americas. 12 AF/JA deployed a reserve judge advocate and paralegal to New Horizons 2009, a three-month civil engineering and medical training event in Guyana. One 12 AF judge advocate deployed as a CAOC JAG trainer to prepare partner nation JAGs for Chile's SALITRE 2009, a five-nation air campaign exercise, and several personnel participated in two VIRTUAL FLAG exercises and FA PANAMAX 2009, USSOUTHCOM's premiere combined force exercise in Central America.

In 2009, 12 AF/JA led subject matter expert exchanges (SMEEs) on human rights and operations law with almost 200 military and civilian personnel in Argentina, Chile, and Peru. In addition to enhancing partner nations' compliance

with international human rights and the law of armed conflict, these SMEEs served to establish an AFSOUTH “network” of military legal advisors willing to assist in resolving common legal issues in the Area of Focus (AOF). 12 AF/JA also collaborated with SOUTHCOM to put on the COJUMA (Comite Juridico Militar de las Americas or the Military Legal Committee of the Americas) Conference. Legal representatives from 15 countries in the Americas met to discuss and develop an educational curriculum for the training of military attorneys.

12 AF/JA hit the road in 2009 to provide hands-on military justice training to each of its five base legal offices, training 31 judge advocates and 43 paralegals. 12 AF/JA also hosted the second annual Major Crimes Investigation Workshop in March. This workshop, conducted with the outstanding support of the Air Force Office of Special Investigations (AFOSI), provided 30 judge advocates, 8 paralegals and 24 AFOSI agents in-depth information concerning the investigation of major crimes and fostered teamwork among AFOSI agents and judge advocates in the investigation of all crimes.

13 AF/JA (PACAF) Hickam AFB, HI

Proudly building on the success of its successor unit, Kenney Headquarters, HQ 13 AF is comprised of the HQ 13 AF A-Staff, 613th Air and Space Operations Center (AOC), 613th Support Group and 94th Army Air Missile Defense Command (AAMDC). 13 AF plans for various operations and executes command and control (C2) of air, space and information operations -- ranging from peace operations to Humanitarian Assistance/Disaster Response (HA/DR) to contingency operations -- throughout the U.S. Pacific Command (PACOM) AOR (excluding Korea). Through the 613 AOC, 13 AF/CC serves as theater Joint Force Air Component Commander (JFACC) to employ air, space and cyberspace assets by promulgating air tasking orders and conducting real-time C2 of day-to-day operational and exercise missions. 94 AAMDC/CC serves as Deputy Area Air Defense Commander for Theater Air and Missile Defense and coordinates planning and synchronization of those operations. 13 AF creates effects to meet CDRUSPACOM's objectives and executes regional engagement with 36 nations. Additionally, 13 AF serves as a traditional NAF in support of the 36th Wing and 15th Airlift Wing.

In 2009, 13 AF participated in C2 intelligence, surveillance, and reconnaissance missions; Operation NOBLE EAGLE and homeland defense operations; C2 and support to deployed forces for Continuous Bomber Presence (CBP) and Theater Security Package (TSP); execution of Operation DEEP FREEZE (ODF); and resupply missions in support of the National Science Foundation in Antarctica. 13 AF also orchestrated HA/DR missions and



Pacific Angel visits to Vietnam, Indonesia, Timor Leste, Sri Lanka, and the Philippines. 13 AF served as JFACC for over 30 PACOM/PACAF sponsored exercises. In this capacity, 13 AF worked with sister services and federal and state civilian agencies to plan and implement HA/DR missions to natural and man-made disasters in several exercises. 13 AF hosted forces from Australia, Thailand, Malaysia, Singapore, and Japan for major theater coalition exercises.

In support of these activities, 13 AF/JA reviewed and assisted in the update of the Pacific Air Operations Plan, outlining strategy for taskings to execute CDRUSPACOM's theater campaign plan (TCP). JA reviewed and updated all major theater operations plans and drafted “Standards of Conduct” for every exercise involving USAF assets and personnel directly enabling PACOM's Theater Security Cooperation Plan. Additionally, we augmented the AOC Strategy, Combat Plans, and Combat Operations divisions during major theater exercises; supported contingency and branch planning efforts; drafted and staffed ROE requests; conducted thorough target planning and coordination; and provided real-time legal support for dynamic targeting issues. In furtherance of its operational mission, JA aggressively sought training opportunities and trained all augmentees to mission qualification training standards to ensure a baseline understanding of the unique operating environment. This training included the first attendance of the Joint Air Operations Command and Control course by a paralegal, a major accomplishment in paralegal utilization. Finally, JA was the PACOM lead to establish an understanding with the New Zealand (NZ) Rescue Coordination Centre regarding search and rescue exercises in its rescue zone, ensuring safe transit for critical ODF mission staging from NZ.

14 AF/JA (AFSPC) Vandenberg AFB, CA

14 AF/JA supports a dual-hatted Commander responsible for leading both 14th Air Force (Air Force Space Command), and the Joint Functional Component Command (JFCC) for Space (U.S. Strategic Command). 14 AF is responsible for the organization, training, equipping, C2, and employment of AF space forces and is the AF component to USSTRATCOM for space operations. It provides missile warning, space superiority, space situational awareness (SSA), satellite operations, space launch and range operations. 14 AF/CC is also the general court-martial convening authority for Buckley, Patrick, Peterson, Schriever, and Vandenberg AFBs. JFCC SPACE exercises OPCON over all assigned and attached USSTRATCOM space forces (from the AF as well as the other service branches). Through the 24/7 operations of the 614th Air and Space Operations Center (a.k.a. Joint Space Operations Center or “JSpOC”), JFCC-SPACE provides



tailored, responsive, local and global space effects in support of national, USSTRATCOM and combatant commander objectives.

14 AF/JA successfully conducted the 4th Annual Post-Trial Processing Workshop, which provided focused training to over 45 attorneys and paralegals from bases across the United States on procedures to properly process and eliminate errors in the post-trial phase of courts-martial. It once again featured presentations by the office's military justice staff, as well as an Air Force Court of Criminal Appeals judge.

14 AF/JA helped JFCC-SPACE assess and respond to issues resulting from the collision earlier this year of a U.S. commercial satellite with a defunct Russian military communications satellite. 14 AF/JA operational law attorneys ensured all space operations fully complied with applicable international and domestic laws, and contributed to numerous service, joint and combatant command exercises involving space systems and capabilities. For example, they provided legal advice for all special technical operations and foreign disclosure issues, and aided in drafting rules of engagement. Beginning with the Schriever Warfare Workshop, attended by PACOM, STRATCOM, AFSPC, ARSTRAT, and coalition (UK/AUS/CAN) attorneys, 14 AF/JA assisted development of the legal framework of space and cyber integration.

19 AF/JA (AETC) Randolph AFB, TX

Nineteenth Air Force (19 AF) trains nearly 25,000 U.S. and allied students annually. The training ranges from entry-level undergraduate flying training through advanced combat crew training, and ultimately provides fully qualified aircrew personnel to the warfighting commands. During 2009, 19 AF continued to develop training for unmanned aerial vehicle systems operations. 19 AF is composed of more than 38,000 Total Force personnel and 1,720 aircraft assigned to 17 wings and three independent training groups located across the United States.

Military justice continues to be a robust part of our mission. We worked with the seven base legal offices aligned with 19 AF to ensure efficient, timely and accurate processing of military justice actions throughout the command. 2009 saw the continued substantial increase in the number of requests for expert witnesses, defense consultants and witness travel in general. We refined our processes, improved checklists and templates in order to collect the large volume of information associated with such requests. Implementation of these measures ensured proper tracking and accountability of all payments, despite a 21 percent increase from 2008 in the number of payments processed.



Training is an essential part of our mission and we continue to utilize technology to maximize coverage and minimize costs. This year, we added interactive exercises (many covering post trial processing) to our quarterly VTC training events. The quarterly training presentations are a collaborative effort, utilizing the knowledge and experiences of members from throughout the command and the JAG. In August 2009, we initiated a military justice orientation VTC to more quickly acclimate new members of our legal team to the processes and procedures used by 19 AF/JA. This was also a great opportunity to familiarize them with checklists, templates, and other guidance, as well as the use of the 19 AF/JA Community of Practice webpage.

Together with its base legal offices, 19 AF/JA worked with commanders to ensure the appropriate regulations and policies were accurately applied to a wide variety of training situations, to include reviewing Flying Evaluation Boards (FEB), waivers to FEBs, and voluntary disqualification from aviation service. Additionally in 2009, our offices worked with AETC/JA and AFLOA/JACC, to provide significant support to seven aircraft accident investigations involving 19 AF assets.

22 AF/JA (AFRC) Dobbins ARB, GA

MSgt Colin Hendricks deployed in June 2009, on a four month tour, to Iraq in support of a multi-service JAG office and is NCOIC, Legal Services. This is MSgt Hendricks' second deployment to Iraq in the past 24 months. MSgt Bryan Wilson created an Article 15 quality assurance checklist which was adopted by the Fourth and Tenth Air Forces.



23 AF/JA (AFSOC) Hurlburt Field, FL

23d Air Force (23 AF), Air Force Special Operations Forces, is the only numbered air force in Air Force Special Operations Command (AFSOC), and is designated as AFSOC's unit of execution to United States Special Operations Command (USSOCOM). 23 AF was established on 1 January 2008, at Hurlburt Field, Florida.

The mission of the 23 AF is to provide highly trained special operations command and control (C2), intelligence, and reachback support to deployed air commanders for execution of assigned missions. Mission tasks include: monitor, implement, guide, and report global air operations activity; provide trained special operations C2,



S P O T L I G H T ON ...

Nineteenth Air Force Senior Paralegals



SMSgt Denson and MSgt Propst

at seven base legal offices in Nineteenth Air Force, on a variety of matters including personnel actions, manning, deployments, training, and career development. SMSgt Denson works closely with the AETC Paralegal Manager in coordinating all paralegal manpower, Reserve support, and training issues. In 2009, SMSgt Denson served as part of the AETC/IG team during two unit compliance inspections and visited three base legal offices to help them prepare for Article 6 visits with TJAG and DJAG.

MSgt Propst is the NAF Law Office Superintendent. One key aspect of her job is managing the budget for the GCMCA which includes witness travel funding and funding for experts and consultants. During FY09, MSgt Propst processed 171 payments, a 21% increase over the previous year, validating over \$430,000 for GCMs on behalf of the convening authority. Through her in-depth experience in this area, MSgt Propst developed detailed templates to make the process flow smoothly, while collecting the large amount of necessary information to ensure a proper requirement followed by proper payment. With her subject matter expertise, MSgt Propst provided excellent assistance during visits to bases in Nineteenth Air Force. Her review of base programs highlighted strengths, identified areas of improvement, and provided guidance on implementation of new processes. Training is an essential part of MSgt Propst's job. In 2009, she developed presentations for command-wide quarterly training, initiated a military justice orientation VTC, and created projects to exercise the skill levels of military justice practitioners.

Senior paralegals at a numbered air force (NAF) require strong leadership and mentoring skills, the ability to juggle numerous taskings, and knowledge of a variety of subjects. The Nineteenth Air Force paralegal force is led by two such individuals - SMSgt David Denson and MSgt Minnie Propst.

SMSgt Denson is the NAF Paralegal Manager. He oversees all aspects of the office and provides subject matter expertise on military justice. SMSgt Denson is the principal advisor to the Nineteenth Air Force Staff Judge Advocate on paralegal matters for the command. He provides guidance to base SJAs, law office superintendents and office NCOICs

intelligence, and reachback support elements to theater special operations commanders; and execute C2 for air, space and cyberspace operations supporting USSOCOM and regional combatant commanders.

23 AF provides command and control for all special operations forces (SOF) air missions in Iraq, Afghanistan, and numerous other locations across the globe. 23 AF provides oversight and reachback support to the Joint Special Operations Air Component (JSOAC), which is responsible for planning and

executing Special Operations Forces (SOF) air activities in the CENTCOM AOR. 23 AF includes the 623d Air Operations Center (623 AOC), which conducts training; develops tactics, techniques, and procedures; and provides the capability to deploy two Special Operations Liaison Elements (SOLE) and one AOC for command and control of SOF air operations.

The 23d Air Force Office of the Staff Judge Advocate (23 AF/JA) consists of a judge advocate and paralegal who serve as the primary

legal support team and advisors to 23 AF/CC in the areas of international and operational law, adverse personnel actions, administrative law, fiscal law, military personnel law, ethics, command appointments and assumptions, foreign and tort law, and investigative support. 23 AF/JA also manages all overseas deployment of JAG Corps members to SOF-related operational taskings and provides reachback support to deployed SOF JAGs and paralegals. 23 AF/JA is dual-hatted as the AFSOC/JAO. 23 AF/CC

does not exercise GCM convening authority, concentrating instead on the worldwide warfighting mission. Courts-martial duties are typically processed through AFSOC/JA by the Commander of Air Force Special Operations Command.

In 2009, 23 AF/JA oversaw the deployment of 15 JAGs and paralegals to SOF-related duty locations in the CENTCOM, PACOM, and EUCOM AORs. 23 AF/JA also managed the constantly changing command and control structure for deployed AFSOC

expeditionary units, ensuring G series orders and appointments to command were current and accurately reflected the myriad changes brought about by the increase in missions and the movement of command and control of SOF aircraft from Iraq to the Afghanistan theater of operations.

23 AF/JA also handled complex funding, law of war, weapons, and employment issues related to the standup of several new units, including MQ-1 Predator Squadrons and the 11th Intelligence Squadron,

a direct reporting unit to 23 AF that conducts full motion video exploitation and all source intelligence analysis for USSOCOM and its components.

Finally 23 AF/JA served as the higher headquarters to AFSOC's two operational wings for all matters related to combat operations. This includes serving as the primary inspector/observer team during operational readiness inspections and coordinating participation in all joint SOF exercises and deployments.

S P O T L I G H T

ON ...

a Wing Paralegal

During the transition of the entire 65th Air Base Wing legal office leadership during the summer, SSgt Terrell D Mickens ensured the needs of the SJA, DSJA, and LOS were always met. All the while she was preparing for a litigated sexual assault general court martial (GCM) and supporting the Department of Justice with a contract dispute case in the local Portuguese civil court that has been on-going for 15 years. During this time she organized travel and all logistical support for 18 witnesses and counsel.

During 2009 SSgt Mickens briefed more than 200 members in transition on legal preparedness, performed 350 notaries and will executions, and provided excellent customer service to more than 140 legal clients, saving members \$11,300 in legal fees. She prepared & conducted 2 military justice workshops, aided the government recorder in a two-day discharge board, processed 15 Art 15s (all within the 20 day metric), prepared and managed three administrative discharges, two Art 32 hearings, two GCMs and a special court martial (SPCM). During trial counsel transition, she prepared five responses to defense requests for information and compiled more than 2 500 error free pages in the records of trial.

She has dedicated more the 100 hours to the children's ministry at the base chapel to help provide spiritual guidance to the children on the base. She is also the secretary of the Protestant Women of the Chapel. An active member of the Rising VI and AFSA, she helped to raise thousands of dollars this year for the relief of victims of fire and other disasters. SSgt Mickens prepared and briefed legal operations for Operation KUDOS, a local event sponsored by the Airman and Family Readiness Center ensuring the educational understanding and fun

activity for members and their children to understand deployments and processing lines.

SSgt Mickens continues to better herself and become a more proficient paralegal. She completed the craftsman course, was awarded her 7-skill level, and received her ABA accredited Paralegal Associates degree. Already having with her bachelor's degree, she well on her toward completion of a master's degree in national security affairs.



SSgt Terrell D. Mickens
 Lajes AB, Portugal

BASE LEGAL OFFICES

This year the **1st Special Operations Wing Legal Office** (1 SOW/JA), Hurlburt Field, FL, in conjunction with the Air Force Special Operations Command Legal Office, instituted a pre-deployment training program for Air Force Joint Tactical Air Controllers (JTAC) and Special Tactics (STS) personnel, whereby the returning CJSOAC/SJA traveled to several locations from which these geographically separated units deploy to provide them an up-to-the-minute briefing on current legal and rules of engagement issues. JTACs and STS conducted highly unique joint special operations missions in Iraq, Afghanistan and other locations which had previously received minimal legal training. The new program ensures that they are ready to conduct their vital operations in accordance with law and higher headquarters guidance. Finally, Hurlburt Field received considerable media attention during a recent high profile, off base, double homicide. 1 SOW/JA worked cooperatively with state investigators to enable access to vital evidence and continuous support to local prosecutors during the ongoing prosecution.

At Elmendorf Air Force Base, Alaska, the **3rd Wing Legal Office** optimized paralegal utilization in every area of its practice. Paralegals drafted all civil law legal reviews on subjects to include commander-directed investigations, reports of survey, training affiliation agreements, line of duty determinations, base barments, and driving revocations. Furthermore, a paralegal managed the base tax center on a daily basis. The tax center completed 1440 tax returns filed for a savings of more

than \$249,000 in tax preparation fees. In military justice, paralegals served as investigation team leads, conducted witness interviews and prepared initial case reviews on evidence. They also drafted proof analyses, charges, and all post-trial documents, including staff judge advocate recommendations, actions, and court-martial orders. The 3rd Wing Legal Team assisted over 2,800 clients with legal assistance and prepared 690 wills and 2,971 powers of attorney. Paralegals clearly broke new ground and propelled the legal office to a new heights of legal support to the Elmendorf community.

sorting and inventorying mountains of donated clothing at a local homeless shelter. The team-building experience provided immeasurable benefit for the less fortunate of Abilene and Taylor County.

The **8th Fighter Wing Legal Office** (8 FW/JA), Kunsan Air Base, ROK, continued its exceptional operational readiness during another successful year with the Wolfpack. Keeping true to the wing mission by practicing "Defending the Base" with multiple exercises, the effort culminated in an overall "Excellent" rating in the PACAF operational



MEMBERS OF THE Dyess Legal Office Team get a good look at their "new" GOV.

After a year of careful maintenance of a Heritage Aircraft at the Dyess Airpark, the **7th Bomb Wing Legal Office**, Dyess AFB, TX, was given permanent ownership of the A-26 Invader they adopted last year. At an official ceremony, presided over by the wing commander, a plaque designating 7 BW/JA as the "owner" of the warbird was permanently affixed to the A-26's display monument. Members of the Dyess Legal Office also showed their community spirit by

readiness inspection. We also recently exemplified the tenet of "Accept Follow On Forces" when they supported multiple PDF lines after 400 personnel deployed to Kunsan from Mt. Home AFB for five months. Finally, 8 FW/JA supported the Wolfpack's ability to "Take the Fight North!" by playing key roles in the peninsula-wide exercises KEY RESOLVE and ULCHI FREEDOM GUARDIAN.

This year, **15th Air Wing Legal Office** (15 AW/JA), Hickam AFB, HI,

was able to utilize Reserve and Guard support to create a true total force legal team that assisted almost 4000 Team Hickam legal assistance clients, including members of every military service. Legal assistance attorneys and paralegals made several trips to nearby Tripler Army Medical Center, as well as local home visits, to assist terminally ill clients with their final legal affairs. Additionally, 15 AW/JA, again largely through Reserve support, hosted two legal readiness weekends to assist local reservists preparing for upcoming deployments.

The **19th Airlift Wing Legal Office**, Little Rock AFB, AR, placed second in AMC's Commander in Chief's Installation Excellence Award and received \$50,000 to benefit Little Rock's Airmen. Members of Team Little Rock JA participated in the Wounded Warrior Walk honoring Captain Wendy Kosek who was injured in Iraq in August and is recovering at Fort Sam Houston's Fisher House. A banner year in VITA Tax Program garnered \$157,000 savings and \$1.3 million in refunds. The Little Rock JAG recruiter attended the National Black Prosecutor Association Annual Job Fair in Memphis, Tennessee spreading information about the JAG Corps. Ground-breaking occurred for the \$14.8 million Joint Education Center in which the legal office played a pivotal role ensuring the \$5 million portion gifted by the City of Jacksonville was legally accepted.

The **27th Special Operations Wing Legal Office** (27 SOW/JA) has been a key player in the tremendous growth of Cannon AFB, New Mexico, and the 27th Special Operations Wing (27 SOW). 27 SOW/JA provided full-

spectrum legal support to the standup of several newly activated squadrons and the relocation of several units to Cannon. 27 SOW/JA developed squadron/mission specific law of war and rules of engagement briefings for the 318 SOS, a new unit that flies a variety of light and medium aircraft, known as non-standard aviation assets, at locations across the globe. 27 SOW/JA employed an innovative technique in a recent court-martial at Cannon AFB. The case required the testimony of a witness that was deployed to CENTCOM AOR and could not be returned to testify in person. Rather than accept a delay in processing the court-martial, 27 SOW/JA developed and utilized procedures to take testimony by video teleconference between Cannon and the deployed location. The testimony went well, was accepted by the court, and the case came to an appropriate and timely conclusion. Finally, 27 SOW/JA provided commanders and planners at Cannon AFB, with step-by-step guidance on the NEPA process in order to fast-track the establishment of Low Altitude Tactical Navigation Routes and served as a key player in a proposed gift of land to the Air Force to potentially expand the Melrose Range.

The **28th Bomb Wing Legal Office**, Ellsworth AFB, SD, conducted an Article 32 investigation regarding an Airman's role in the death of a foreign national. Despite the base being closed on account of two days of 60 mile per hour winds driving 18 inches of snow, the Article 32 was deemed mission essential. Ellsworth legal office members dug themselves out of 12 foot high snow drifts, recovered 24 witnesses from around the world, and executed their



S P O T L I G H T ON ...

A Base Office Legal Advisor

Mr. Kurt Grunawalt is a Legal Advisor in the 36th Wing Legal Office, Andersen AFB, Guam. Mr. Grunawalt, a retired Navy JAG, has excelled in a complex and diverse legal environment, advising commanders and clients on a wide variety of issues. While Mr. Grunawalt's primary responsibilities include contracts, labor law, and civilian prosecution (magistrate court), he also tackled a very busy environmental and real estate workload while that civilian attorney position was vacant for more than year. He stepped up to the challenge without complaint and performed with distinction. The environmental and real estate duties required him to advise on diverse matters, ranging from environmental issues resulting from a B-2 crash to the protection of endangered species on Guam to defending the Government on a contentious notice of



Mr. Kurt Grunawalt
36 WG/JA
Andersen AFB, Guam

violation. Additionally, Mr. Grunawalt was hand-picked to serve as the legal advisor for several commander-directed and congressional investigations and as the ethics advisor on dozens of matters with flag officer interest. But his impact does not stop there. Mr. Grunawalt's experience as a military judge has proven invaluable to junior JAGs in preparing military justice cases. He is a trusted mentor to the entire JA staff, a team player who is always willing to lend a hand to other members of the office. This hardworking attorney was PACAF's Civilian Attorney of the Year for 2009 winner (James O. Wrightson, Jr. Award), as well as the 36th Wing Staff Agency and Team Andersen Cat III Civilian Employee of the Quarter for 4th quarter 2009. Mr. Grunawalt is truly an asset to the 36th Wing!

mission, putting "Service Before Self."

The **Legal Office of the 31st Fighter Wing**, Aviano AB, Italy, organized a training seminar for executive officers and secretaries in order to educate them on potential legal issues and pitfalls they may encounter. The office also successfully negotiated with 31 CPTS to obtain payment of \$100,000 in attorney fees and crafted a creative preventative law program, informing the base population of legal issues via the internet, base publications and frequent interviews on AFN radio. After a high-visibility accident investigation board, JA personnel worked diligently with base and host-nation personnel to ensure civilians with potential property claims were properly addressed.

The **35th Fighter Wing Legal Office**, Misawa AB, Japan, boldly engaged regional media in Northern Japan through an outreach event, teaching media representatives about the United States military justice system and the exercise of criminal jurisdiction in Japan. The event which included a post-briefing barbecue was widely reported in the local media. In addition to improving understanding by regional media, the legal office also helped educate local judicial and prosecution officials, twice sponsoring judges and staff from the local family court with a legal office

tour and briefing. With Japan recently adopting a limited jury trial system, the legal office took the change as an opportunity to host prefectural prosecutors in attending a litigated general court-martial with translation assistance.

The **49th Fighter Wing Legal Office** (49 FW/JA), Holloman AFB, NM, played a critical role in responding to violence at the US-Mexico border. The office drafted an anti-terrorism/force protection base directive implementing State Department advisories and US Northern Command (NORTHCOM) travel restrictions for Mexico. Those submissions were used by higher headquarters as the model form. 49 FW/JA also crafted a local directive implementing disciplinary control board restrictions on El Paso off-limits establishments necessitated by the dangerous conditions in the El Paso/Juarez border area. Both initiatives enhanced the safety and security of our Airmen. In a case of "reverse" foreign criminal jurisdiction, 49 WG/JA successfully resolved a high profile dispute over jurisdiction in a criminal case involving a member of the German Air Force.

The **51st Fighter Wing Legal Office** (51 FW/JA), Osan Air Base, Republic of Korea, spent 2009 focusing on increased paralegal utilization. Recent increases in 51 FW court activity and Article 15 rates, coupled with

a corresponding decrease in JAG manning, have provided opportunities for paralegals to expand their breadth of experience. For example, two paralegals led the court-martial investigation for two potential courts-martial. They interviewed nine witnesses and provided a complete and thorough legal analysis to the commander so that he could make an informed decision as to whether to proceed. The commander was so impressed with their analysis that he wrote a letter of appreciation. 51 FW/JA paralegals also conducted the quarterly and annual urinalysis inspections at Osan, as well as at one of our geographically separated units. Furthermore, 51 FW/JA Paralegals conducted an exercise prisoner of war camp inspection. Their keen observations identified several discrepancies that were fixed before the wing's operational readiness inspection, thus directly supporting the wing's "Excellent" rating.

After an Aviano airman was charged with sexual assault in Paris and incarcerated, the **52d Fighter Wing Legal Office** (52 FW/JA), Spangdahlem AB, Germany, quickly developed working relationships with the Air attaché and the DOJ liaison at the French Embassy to gain access to the accused. As the country representative, the 52 FW/JA had responsibility for the case and appointed a JAG as the MLA, who visited the accused and obtained a French attorney. The office developed a solid relationship with the embassy and the French attorney throughout the case. Although release of jurisdiction was denied, they were ultimately able to procure the release of the airman and return him to U.S. control.

In 2009, the **56th Fighter Wing Legal Office** at Luke AFB, AZ, celebrated another banner year serving our base community. Through the first three quarters, the legal team served more than 5,000 legal assistance clients and drafted more than 900 wills. The office's walk-in tax program also filed 3,241 federal and state income tax returns, secured more than \$3 million dollars in refunds and saved clients \$325,000 in filing fees. Luke also took

the tax show on the road and prepared income tax returns for Airmen stationed across town at the Air Force Research Laboratory.

Members of the **60th Air Mobility Wing Legal Office**, Travis AFB, CA, served on the Wind Turbine Radar Interference Mitigation Working Group, an elite team which includes Mr. Greg Parrott from our office and others from various disciplines. For over two and one-half years, the team has been dealing with the consequences of aviation safety concerns resulting from additional wind turbine construction in a wind resource area near Travis AFB. Existing turbines in the area interfere with Travis AFB's radar performance. The team has been responsible for authoring, coordinating and disseminating dozens of pieces of correspondence to several wind developers and their consultants, the Solano County Planning Commission, the Solano County Airport Land Use Commission, the Federal Aviation Administration, the Sacramento Municipal Utilities District, Air Mobility Command, Air Staff agencies and Congressional leaders. The team is currently exploring, with the assistance of other agencies, the potential of entering into cooperative research and development agreements with the wind turbine industry to address these issues.

During the last month of FY 09, Travis took a very proactive role in managing the traditional end of the year rush to process contracting actions before funds expired. Instead of waiting for contracts to come from the contracting squadron, attorneys, working directly with their customers in the 60th Contracting Squadron, used a daily spreadsheet to track the progress of all pending contract actions. This enabled the legal office to anticipate the incoming workload and shift personnel, if necessary, to accommodate swift processing.

The **62d Airlift Wing Legal Office**, McChord AFB, WA, continued to provide advice on a wide spectrum of legal topics, particularly in operations and administrative law. The on-target advice enabled the wing to earn the

highest possible grades in both a scheduled Nuclear Surety Inspection (NSI) and a no-notice NSI in 2009. Additionally, navigating a myriad of installation, fiscal and ethics issues, the legal office thoroughly prepared the wing in not only hosting AMC's biennial RODEO airlift competition; but also in hosting the Chief of Staff of the Air Force to help the 62 AW celebrate the AF's 62d birthday.

The **65th Air Base Wing Legal Office**, Lajes AB, Azores, provided superb support to the Lajes Field, Azores community, preparing and filing federal and state income tax returns, saving military families more than \$144,000 in filing fees. The legal team also served more than 500 clients and provided close to 1100 documents saving clients over \$95,000 in fees. In response to a base initiative to educate children on deployments and deployment processing, the legal office collaborated with other wing agencies to process over 150 children and family members providing them greater understanding of pre-deployment demands.

The **87th Air Base Wing Legal Office** (87 ABW/JA), McGuire AFB, NJ provides installation support to the Department of Defense's first joint base and the only joint base that consolidated Air Force, Army, and Navy installations. Formally named Joint Base McGuire-Dix-Lakehurst, the joint base's 42,000 contiguous acres spanning more than 20 miles east to west are home to more than 80 mission partners and 40 mission commanders providing a wide range of combat capability. Throughout the entire year, the 87 ABW/JA worked closely with wing leadership and our sister service legal offices in anticipation of the joint base's full operational capability, which was reached on 1 October 2009. The legal office provides services to not only the 87 ABW and the joint base mission partners, but also to the 305 AMW, 621 CRW, the USAF Expeditionary Center, and the 21 EMTF. While embarking on the unique joint base endeavor with its myriad legal issues to be resolved, the legal office was recognized as one of the



busiest military justice bases in AMC and garnered the AMC Gold Medal Award for Excellence in Discipline for the second quarter.

The **90th Missile Wing Legal Office**, F.E. Warren AFB, WY was vital to the planning and administration of the 2009 Wyoming Victim Services Conference, which took place in August. Office personnel consulted on the agenda for the annual three-day conference and helped oversee the management of conference events. For the first time ever, the 2009 conference included a discussion of military justice by the 90th Missile Wing Staff Judge Advocate and a presentation on deployments and family violence risk factors from the F. E. Warren Air Force Base Family Advocacy Outreach Manager. It was a great public outreach tool and a big success.

The **92d Air Refueling Wing Legal Office** from Fairchild Air Force Base, WA, hosted a visit by Mr. Rob McKenna, Attorney General for the State of Washington, and staff. Mr. McKenna met with the wing commander before participating in a round-table discussion with personnel from the base legal office, office of the

ADC, and Total Force JAGC members from the 92d ARW and 141st ARW (ANG). The legal office presented office coins and certificates to the distinguished visitors, inducting them into the Fairchild AFB Bar Association.

In October, the **100th Air Refueling Wing Legal Office**, RAF Mildenhall, United Kingdom, earned an "Excellent" rating during Mildenhall's first ever USAFE Operational Readiness Inspection (ORI). In addition to preparing for the ORI, the office deployed three attorneys, three paralegals and one reservist. One of the legal offices' many deployment highlights included TSgt Jenalyn Owens' work at the Law and Order Task Force. While there she spearheaded several humanitarian drives for detainees who had to wait several hours to see a defense counsel in the cold while wearing only sandals; she collected and distributed hundreds of pairs of socks. Additionally, for the children of the women's prison, she collected toys, clothes, shoes, and educational material. Her efforts resulted in her making a monthly visit to the women's prison to distribute the

overwhelming volume of donations.

On 24 Mar 2009, a major disaster declaration was issued due to severe storms and flooding in North Dakota. The 319th Air Refueling Wing Legal Office, Grand Forks AFB, ND, was tasked as a national logistics staging area for FEMA and a base support installation for search and rescue missions. Additionally, in response to a request for emergency assistance from Grand Forks County, 155 Warriors of the North braved freezing conditions to complete a $\frac{3}{4}$ mile sandbag levee on the Red River and saved 50 unprotected homes from the rapidly rising river. The legal office assisted in ensuring all the support provided was in accordance with proper legal authority. As Grand Forks AFB transitions from the KC-135 to a future with the Predator (MQ-1) and Global Hawk (RQ-4B), the base legal office has worked closely with other base agencies and higher headquarters in shepherding an environmental impact statement that will ensure access to the airspace necessary to accomplish the UAS missions.

The **341st Missile Wing Legal Office**, Malmstrom AFB, MT, worked

with the Army Corps of Engineers to draft the transfer of a construction warranty originally provided to the Air Force pursuant to the Federal Acquisition Regulation to privatized housing contractors. The transfer language addressed a matter of first impression, and provided a model for future similar actions across the Air Force. The office also provided critical advice and assistance to ensure successful implementation of a wide-area coverage telecommunications project, providing improved capabilities at remote missile field sites. The work required coordination with state and federal agencies, commercial service providers, as well as multiple real estate instruments and two memoranda of understanding between multiple government parties.

The Volunteer Income Tax Assistance (VITA) program of the **355th Fighter Wing Legal Office** (355 FW/JA), Davis-Monthan AFB, AZ, received a no-notice inspection by the Internal Revenue Service and passed with an "excellent" overall rating, in addition to being recognized for best practices in team work. One of those practices included an outreach program targeting junior ranking clients that included having a paralegal man a table at the dining facility and base exchange to schedule appointments. On the environmental front, the office coordinated easements for a modern solar panel array installation. The contract attorneys provided advice on a request for proposals that led to the successful opening of the first ever charter school on an Air Force installation.

The **354th Fighter Wing Legal Office**, Eielson AFB, AK, continued its proactive engagement with installation leadership and the local community. For example, it guided wing leadership on interactions with contractors and community leaders concerning the proposed multi-billion dollar coal-to-liquid plant. The military justice division developed first-line supervisor quality force management training for over 150 noncommissioned officers. For Law

Day, the legal office sponsored a 5K run and conducted two mock courts for ROTC cadets. Finally, Law Office Superintendent MSgt Michelle Deaneer was hand-picked for additional duties as the first sergeant for the newly expanded comptroller squadron when that squadron acquired ADCON over wing staff agency personnel.

On 1 May 2009, the **377th Air Base Wing Legal Office**, Kirtland AFB, NM, was realigned under the Air Force Nuclear Weapons Center (AFNWC), also at Kirtland. This re-alignment was pursuant to the Air Force Materiel Command Center staff standardization plan. The AFNWC is the Air Force's single nuclear sustainment authority and is responsible for the entire scope of nuclear weapons support functions. The center is comprised of two wings and one direct reporting group. In conjunction with JA's realignment under the AFNWC, the staff judge advocate position was upgraded from an O-5 to an O-6 billet. The center's deputy staff judge advocate is dual-hatted as the 377th Air Base Wing SJA. AFNWC/JA recently has been re-organized into four divisions: general law, environmental and real property law, military justice and acquisitions and patents. As a result of its expanded mission supporting the AFNWC, the legal office has hired two more attorney-advisors and two civilian support personnel. AFNWC/JA is now manned by 30-plus legal professionals

On 3 June 2009, **426th Air Base Squadron Legal Office** hosted the first Norway/NATO/U.S. Legal Summit at the Jättå Military Installation in Stavanger, Norway. The participants included the NATO Joint Warfare Centre (JWC) LEGAD staff, Norwegian Police officials and county prosecutors from the Rogaland Statsadvokatembeter. The event featured presentations on recent developments in Norwegian criminal law, the UCMJ, foreign criminal jurisdiction and current NATO legal issues, and included a group lunch.

The **436th Airlift Wing Legal Office**, Dover AFB, DE, was recently recognized for their dedication to

excellence when they received the AMC Outstanding Base Legal Office of the Year Award. Among their many accomplishments, the legal office gave insightful advice on a runway contract which avoided lengthy runway closures, saved the wing \$60,000 per month in utility costs when an electric contractor wanted to raise rates without negotiation, and was the first AMC legal office to receive an "Outstanding" UCI rating in three years. Throughout the year, the legal office also delivered legal readiness to the field by organizing mass briefings for units that require specific LOAC and ROE briefings. The legal office's many accomplishments helped Dover Air Force Base secure the 2008 Commander-in-Chief's Installation Excellence Award.

The **437th Airlift Wing Legal Office** (437 AW/JA), Charleston AFB, SC, received AMC's Excellence in Discipline "Gold Medal." The military justice team processed 100 percent of special courts-martial on time. The 437 AW/JA implemented several new processing initiatives including the newly acclaimed "Justice Notes," a bi-monthly electronic newsletter written by paralegals for the first sergeants. This newsletter addresses hot topics, new topics, trends, or subject matter requests submitted by first sergeants. Additionally, the discharge program also excelled by processing 100 percent of its discharge actions on time. Charleston AFB's legal office recently received an "Excellent" rating on a Unit Compliance Inspection. The legal office was praised for the outstanding contributions of Captain Erica L. Harris; Mr. Jon "Brad" Stanley; and Staff Sergeant Harold Darden

The **460th Space Wing Legal Office**, Buckley AFB, CO, continued to develop its Pioneer Legal Internship Program and Public Interest Practicum with the University of Denver - Sturm College of Law. The two programs are designed to provide law students with substantive legal experience and foster recruitment. The programs are growing in competitiveness: applications for 2009 increased by 55 percent from 2008 levels and

represented the third consecutive year of growth. The legal office plans to continue these programs and present law students with avenues for public service and exposure to military practice.

The **470th Air Base Squadron**, Geilenkirchen NATO Air Base, Germany, helped prepare NATO for its first-ever combat deployment of the multinational AWACS unit. On short notice, the E-3As were called to support the International Security

Assistance Force. Service members from 16 nations made up the crews of Geilenkirchen's AWACS. Paralegals and their attorney provided U.S. caveats to NATO and trained U.S. crew members on ROE distinctions among the nations. Within 48 hours, the first deployers were airborne with ROE/LOAC cards in hand.

The **Air Force Research Lab Staff Judge Advocate Office** (AFRL/RIJ), Rome Research Site, NY, provided counsel to more than 1300 scientists,

engineers and support personnel on 2092 in-process contracts worth \$4.6 billion. Additionally, the legal team drafted and negotiated technology transfer agreements securing Air Force intellectual property rights. AFRL/RIJ wrote the largest patent license in AFRL/RI history: a \$140,000 fee plus recurring royalties for four Air Force patents. Additionally, AFRL/RIJ licensed the patent pending design for a man-portable satellite terminal to the commercial sector for production.

SPOTLIGHT ON ...

a Court Reporter

Tamatha Ogle wants to make a difference in the community as well as in the justice system. She is the court reporter and paralegal for the Warner Robins Air Logistics Center Judge Advocate Office and works all courts-martial and discharge board proceedings for the 78th Air Base Wing and the center.

"I love working in the staff judge advocate office and my duty as the court reporter," said Ogle. "I work with a great group of people and I am happy to be part of the legal team." Ogle volunteers to work after hours and weekends to ensure she is available to produce timely transcripts. She frequently lends a helping hand by traveling to other legal offices to help meet their time constraints when they are short-handed. She has been lauded by Langley Air Force Base legal office for her expert work and dedication in providing crucial records in a high-visibility case.

As a retired paralegal and SNCO with more than 22 years of military service, Ogle enthusiastically passes on her wisdom to paralegals in court reporting and other aspects of the military justice process during her day-to-day interactions. She has trained paralegals, both inside and outside of her office, on court reporting. Some of these paralegals have become, or are now on the path to being, certified as court reporters.

She mentors office paralegals on school, finances, and personal issues. She encourages Airmen to take advantage of the free education opportunities that exist as a military member, and follows her own advice; to date, she has completed four degrees and is well on her way to completing her fifth - a masters degree in business

administration. Outside the military justice realm, she has also worked with safety investigation boards, depositions for labor law cases, and aircraft investigation boards.

"Tammie Ogle is a superb court reporter and critical player in our efforts to help commanders maintain good order and discipline," said Col Jeffrey Wilcox, staff judge advocate. She performs a very difficult job better than I've ever seen it done. Our office could literally not function without her."



Ms. Tammie Ogle
WR-ALC/JA,
Robins AFB, GA



SOCOM field-tested the terminal which was designed and built by AFRL/RIG.

The **Aeronautical Systems Center (ASC/JA)**, Wright-Patterson AFB, OH, directs acquisition, modernization, and sustainment efforts for virtually every aircraft system flying today. While the AFMC Law Office provides legal support for the ASC acquisition mission, ASC/JA provides all other legal support for ASC and its commander, who is the general court-martial convening authority. Additionally, ASC/JA serves the 88th Air Base Wing (88 ABW), a myriad of tenant units at Wright-Patterson AFB, and supported units throughout a five-state region. The deputy staff judge advocate is dual-hatted as the staff judge advocate for 88 ABW, and its commander, who is the special court-martial convening authority.

ASC/ JA personnel worked hard this year to provide high-

quality steady-state services and timely advice on emerging legal issues. Our legal assistance team placed particular emphasis on outreach to geographically-separated units, providing on-site counsel and document preparation for over 300 deploying Air, Naval, and Marine reservists. Our general law division provided opinions for various high-visibility events such as the Air Force Marathon and CORONA. The contract division faced an increased workload because of the receipt of additional funds from the American Recovery and Reinvestment Act.

One of the major accomplishments of the **Legal Office of the Joint Functional Component Command for Network Warfare**, U.S. Strategic Command (USSTRATCOM), Fort Meade, MD, was the development of a global legal and policy framework for offensive cyber operations. This framework supports the strategic

application of forces and capabilities in cyberspace to support multiple war-fighting combatant commanders and resulted in the establishment of USSTRATCOM as the supported combatant command for cyber operations, a historic first. As part of this process, the office developed several groundbreaking issue papers on such topics as use of civilians to conduct military operations and covert action versus traditional military activity. The legal office also sponsored the first meeting of the United Kingdom, Australian, Canadian and U.S. military attorneys to discuss offensive cyber operations.

Other noteworthy accomplishments included the development of supplemental rules of engagement, technical and operational legal reviews, development of the legal curriculum for the Joint Network Attack Course, and participation in the development of the framework for defense of U.S. critical

cyber infrastructure. This included the development of a comprehensive paper on U.S. authorities and a proposed way forward for cyber homeland defense.

The **Oklahoma Air Logistics Center Legal Office** (OC-ALC/JA), Tinker AFB, OK, once again saw a huge workload in the acquisition and labor areas. The Acquisition Law Division was involved in all phases of a procurement program that exceeded nine billion dollars in awards and the Labor and Employment Law Division had a record number of cases in federal court litigation. The

Environmental and Installation Law Division continued their critical role in assisting with the conversion of a former General Motors assembly plant into a modern maintenance facility, nearly 1000 Tinker employees are now working in the remodeled plant.

The **Warner Robins Air Logistics Center Legal Office**, Robins AFB, GA, was one of only three organizations in the Department of Defense to earn the prestigious American Bar Association Legal Assistance to Military Personnel (LAMP) award for their outstanding

and innovative legal assistance program. The program contained a unique guidebook for legal assistance attorneys that addressed Georgia law as it related to common legal assistance topics, including adoption, consumer law, legal residence and domicile, divorce, child custody, wills and estate planning.

S P O T L I G H T ON ...

Perspective of a Defense Paralegal

Being a defense paralegal (DP) has changed my outlook on the Air Force and empowered me as a paralegal. Specifically, it has made me sensitive to the Air Force's most valuable resource...its people. Before joining the defense community, I focused on processes, statistics and training. However, this job forced me to acknowledge the people behind the mission.

The defense paralegal position is unequivocally the most rewarding role this career field has offered me. Not one day goes by where I am not doing something that will affect someone's life. Without a doubt, helping Airmen through difficult times is the most gratifying part of the job. I am humbled by the opportunity to affect Airmen, NCOs, SNCOs and officers' lives by informing individuals of their rights, developing client statements/responses, and providing encouragement throughout the process. Nothing will ever replace kind words spoken by someone who has overcome a difficult situation with my help. In fact, very little compares to hearing about someone being able to continue their career or getting a call from someone who has been reformed because of my efforts. Knowing I have done my part to make a positive impact on Airmen's



TSgt Alexius J. Reid

lives motivates me to do the job with tenacity, professionalism, compassion and excellence – everyday.

After serving in the defense paralegal role, I will never be the same. Assisting clients that had an LOR rescinded, a rank restored, a security clearance returned, or a court-martial acquittal because of my contributions, based on my newly acquired paralegal skills, makes it all worth it. I have learned lessons that will last a lifetime. This job has empowered me to approach commanders, first sergeants, attorneys, paralegals and supervisors with valid concerns as the ADC office is the only voice someone may have. It has given me the opportunity to research complex legal issues, play an integral part in the defense of a client's case (conducting interviews, drafting motions, preparing sentencing packages), and has strengthened my leadership and management skills – which are valuable tools that can be used in every aspect of life. Most importantly, being a defense paralegal has taught me how to step back and focus on the people – because at the end of the day, it will always be about the people.

AREA DEFENSE COUNSEL PROGRAM

The Air Force JAG Corps has 83 area defense counsel (ADCs) and 71 defense paralegals (DPs) serving at 69 bases worldwide. Typically second or third assignment captains, ADCs are primarily responsible for managing legal defense services at a single installation. In this role, ADCs are responsible for representing military members in interrogation situations; Article 32 investigations; pretrial confinement hearings; summary, special, and general courts-martial; all post-trial and clemency matters; involuntary discharge, demotion, and nonjudicial punishment proceedings; flying evaluation, and medical credentialing boards; and various other adverse personnel actions. Overseas-assigned counsel act as military legal advisors in foreign jurisdiction cases as well. Since the ADC program started in 1974, each TJAG has made clear that ADC vacancies are to be filled from among the most highly qualified judge advocates available. Each ADC reports through his SDC directly to AFLOA/JAJD, thereby guaranteeing independence and an unfettered ability to represent clients.

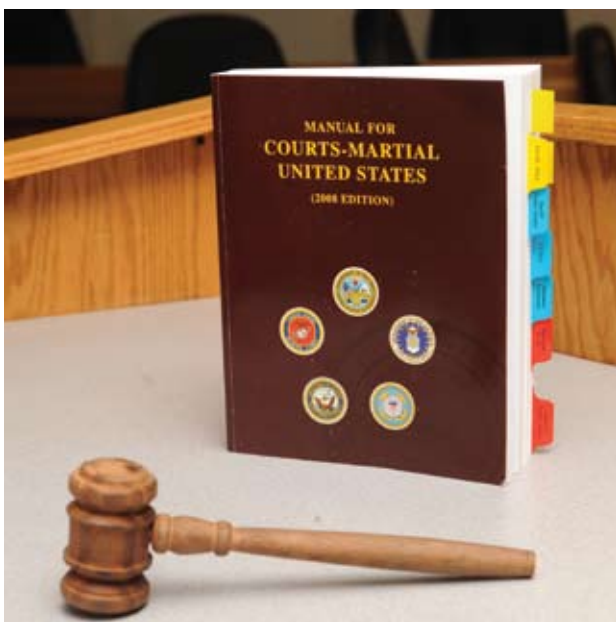
The placement process for DPs is also very selective. Typically selected from noncommissioned officers with significant base legal office experience, DPs are responsible for all paralegal and office management functions for the ADC office. DP duties include: interviewing clients, screening for attorney conflicts, managing case files, maintaining ADC trial dockets and schedules, investigating facts of alleged offenses, interviewing witnesses, performing legal research, drafting statements and other documents, and obtaining investigation reports. DPs are normally selected from the best available candidates at the local legal office. In addition to possessing military and paralegal knowledge, a DP candidate must be mature, professional, and enthusiastic. ADP's organizational skills become the bedrock of every ADC office and make certain the office functions as a team. At bases where a Senior Defense Counsel (SDCs) are assigned, the DP positions have been upgraded to Technical Sergeant, 7-level slots.

In 2009, ADC/DP teams ensured Air Force personnel around the globe received representation in a wide variety of forums encompassing an extremely broad array of issues. They participated in a total of 757 courts-martial, including 221 general courts-martial, 406 special courts-martial, and 130 summary courts-martial. ADC teams also represented Airmen in nearly 7,037 Article 15 proceedings.

Certainly the highest profile defense case of the year involved allegations against a senior judge advocate and former AFLOA commander who was tried at Bolling AFB. The officer originally faced 22 different specifications at trial by general court-martial. Through motions practice and other defense actions, his defense team was able to get the total number of specifications reduced to seven. Part of the defense pretrial motion practice included demands for classified information about the client's duties while serving as General Counsel to the White House Military Office. The Military Judge sanctioned the government for failure to provide these requested records for *in camera* review by holding that the maximum punishment available in the case was "no punishment." On an interlocutory appeal, the Air Force Court of Criminal Appeals affirmed the military judge's decision. At trial, the client was convicted of all the remaining specifications but received no punishment. The defense team included: Col James Sinwell, Maj Amy Jordan, Maj Gwendolyn Beitz and MSgt Angela Weidenbenner, their defense paralegal.

In April 2009, Maj Conrad Huygen, Capt Satura McPherson, and TSgt Alexius Reid teamed to defend a retirement-eligible client who faced sensational allegations of child sexual abuse and bestiality at a general court-martial. From the defense standpoint, limiting the trial to "only" these very challenging facts and keeping out other damaging evidence was the turning point of the case. The defense then presented 21 years' worth of good military character evidence without opening any doors that were so carefully kept closed. The defense earned a full acquittal with a sound strategic plan and well-executed tactics.

At Elmendorf AFB, Capt Greg Yokas and his civilian co-counsel defended a client in the first Air Force prosecution of an alleged violation of Article 119a, UCMJ, intentional death of an unborn child. This offense carried a minimum sentence of life without parole. The government alleged that the client, with the help of two other Airmen, researched how to cause a miscarriage and found a Canadian company that sold medication that would induce a miscarriage. Over a period of time, the client mixed the pills with food and served it to his wife. About two weeks later, his wife miscarried. She later learned about the pills and recorded a conversation, where the client admitted to spiking her food on four occasions. Defense counsel argued that the government failed



to meet its burden of proof in linking the client's actions to the miscarriage, presenting evidence of the wife's previous medical issues during earlier pregnancies, that she smoked and consumed alcohol during the pregnancy, and that she had a normal ultrasound after the pills were ingested. In the end, a panel of officer and enlisted members found the client not guilty of the Article 119a offense and sentenced him to 9 1/2 years of confinement and a dishonorable discharge based on his earlier guilty plea to other offenses.

Capt Bryan Warnock represented an airman in a unique case of aggravated assault. Initially, the report was that the client had gotten drunk, walked to a neighbor's house brandishing two knives and then put the knives to his neighbor's throat while ranting "like a mad man" in front of two witnesses. During Capt Warnock's investigation of the incident, he discovered that his client had been taking the doctor prescribed smoking cessation drug Chantix. Through exhaustive research Capt Warnock learned that the drug had been linked to psychotic episodes. Capt Warnock drafted a memo with his findings and presented it to the convening authority. Based on his efforts, the client averted trial by court-martial and remains in the Air Force.

In a case at F.E. Warren AFB, the defense team of Capt Brian Mason and Capt Lindsay Contoveros defended an airman against two specifications under Article 120 alleging abusive sexual contact and wrongful sexual contact and one specification of attempted wrongful sexual contact. Through witness interviews and records reviews, the defense counsel learned that the complaining witness had previously been the victim of a sexual assault that was factually very similar to the allegation she had made against their client. Additionally, the witness had received mental health treatment long before the allegations surfaced and had misrepresented that medical treatment. At trial, they moved under MRE 412 and MRE 513 to be permitted to cross-examine the witness about the past sexual abuse and her statements regarding her mental health records. The military judge granted both motions. The defense elicited favorable testimony from the witness and later argued that she had used the past events to make a false allegation in an effort to save her marriage. The client was acquitted of all charges.

In a case at Eglin AFB, an eight year NCO attending EOD School tested positive for cocaine on the second day of training during a mandatory in-processing urinalysis. His defense counsel, Capt Brad Morris, conducted a thorough investigation, learning that his client had gone to a local night club the night prior to the test. Second, Capt Morris determined that the client knew about the UA the next day, as did all the students arriving for EOD school. Third, the client had five children he was paying child support on and by all accounts was very frugal with his money. Fourth, about a month after the urinalysis test, the night club he had visited was barred by the wing commander for narcotics activities reported at the establishment. The client didn't know this information until the ADC staff presented the broader picture for him. At trial, the client testified under oath on three separate

occasions and professed his innocence. The members deliberated only 45 minutes before returning a not guilty verdict.

In a case at Tyndall AFB, an NCO was accused of use and possession with intent to distribute marijuana. The charges stemmed from a joint investigation involving AFOSI, the local sheriff and the postal inspector. The client signed for a package at his home containing eight pounds of marijuana during a controlled delivery by law enforcement officials. Capt Ezra Glanzer, one of two ADCs who defended him, argued a motion to suppress the urinalysis, stemming from the investigation, based on coerced consent, which the military judge granted. Though the client had signed a consent form, the AFOSI witnesses could not adequately confirm whether he looked at the form or whether they explained that he did not have to give consent. During testimony it also established that the agent stood in the bathroom with the client and the observer while he provided a sample and that the client had been brought to the laboratory in handcuffs. Because the urinalysis test was suppressed, there was no evidence to substantiate use and the specification was dismissed. Although the members found the client guilty of the possession charge and he faced a maximum of fifteen years in jail, Capt Matt McCall's outstanding sentencing argument convinced them to sentence him only to one year.

Maj Aaron Woodward and Capt Grant Wahlquist represented an airman at Kadena AB accused of maiming and child endangerment against her six week old son. The injuries to the child were devastating, resulting in permanent brain damage. Crucial motions were argued and won to suppress statements for Article 31 rights violations and under US v. Crawford. A hard-fought battle resulted with the defense showing that the government could not prove who had inflicted the injuries on the child, and that once the injuries had been imposed, nothing would have changed the outcome for the child. After an emotional six day trial, the court members found the airman not guilty of maiming, guilty of child endangerment, and imposed a punitive discharge, but no jail time.

In an incident in Iraq, an officer accused of violating General Order 1B was offered an Article 15 and her career hung in the balance based on the allegation of her roommate. Realizing there was more to the case than what was known at the time; her ADC caught the first available C-130 out of Al Udeid and touched down at an Iraqi airbase at 0200 on Good Friday. Shortly after arriving, he discovered during his investigation several disturbing aspects about the complaining witness's character for truthfulness. The following day, the officer turned down the Article 15; and, along with her counsel, met with the commander to present the evidence leading to her turn down. After reviewing this new evidence, the government decided to drop the allegations completely.

Defense counsel also represent a number of clients whose cases are returned to a convening authority by the appellate courts, often years after their original convictions. One such case involved an airman who was convicted by a special court-martial, at Davis-Monthan AFB, AZ, in 2006

of one specification of divers use of methamphetamine. In November of 2008, the United States Court of Appeals for the Armed Forces set aside the sentence, finding that statements of a senior member of the court-martial panel cast substantial doubt on member's fairness or impartiality, requiring his removal for cause. A different military defense attorney, Capt Ja Rai A. Williams, represented the airman at the sentence rehearing, this time in front of a mixed panel instead of

an officer panel. The members returned a sentence including significantly less confinement and forfeiture of pay than originally imposed, resulting in thousands of dollars being paid to the member.

Every year presents numerous opportunities for ADCs and DPs to grow professionally and personally. Their jobs are daunting at times, and they are often challenged in ways they may have never imagined. However, the men and women who become ADCs

and DPs step up to these challenges and embrace the opportunities. Defending those who defend America is more than just a catchy phrase; it is the day-to-day obligation of the defense community. Every member of the defense team is honored and privileged to provide world-class representation to each and every client. The best and the brightest of our Corps ensure that the legal rights of the members of the Air Force are protected each and every day. They have the best jobs in the Air Force!

S P O T L I G H T ON ...

The Al Udeid Area Defense Counsel's Office

The Area Defense Counsel (ADC) office at Al Udeid Air Base, Qatar serves 30,000+ Airmen and Department of Defense civilians deployed to the United States Central Command and Joint Task Force—Horn of Africa areas of responsibility; traveling in and out of two active combat zones on a routine basis. During 2009, three judge advocates served in the office: Capt Clayton H. O'Connor, Capt Mike Felsen, and Capt Dan Schoeni. Additionally, three paralegals deployed as defense paralegals (DP): TSgt John Parker, SSgt Leanna Averill, and TSgt April Coleman. This year, their team will defend



Airmen in at least four courts-martial and over 300 Article 15 actions, and assisted more than 700 individual clients.

As combat defenders, the team used helicopters, convoys, C-130s, C-17s, C-21s and nearly any other mode of transportation available to ensure effective, personal defense services, legal assistance and advice to deployed Airman throughout the region. Team members have deployed forward to Joint Base Balad, Kirkuk Regional Air Base, Baghdad International Airport, Tallil Air Base, Ali-Al Salem Air Base, Bagram Air Field, and Manas Air Base.

One example in July, after returning from a special court-martial in Afghanistan, Capt Mike Felsen was joined

by his co-counsel Capt Dan Schoeni at the passenger terminal at Al Udeid AB, literally exchanging case files with their DP, SSgt April Leanna Averill, through the fence

line before immediately boarding another C-130 for Tallil AB in Iraq to defend an airman accused of several sexual assault offenses. The lightning fast turnaround was critical because the client was on administrative hold which prevented him from re-deploying, so time was of the essence. At the Article 32 hearing, a skillful cross-examination of the complaining witness highlighted inconsistencies in the

accounts of the events of the night in question as well as physical impossibilities which impacted the witness' credibility. The Article 32 investigating officer recommended that the charges be dropped and the client was released and re-deployed home shortly after the report was reviewed by the convening authority.

While the travel and environment presents unique challenges and opportunities, the day to day mission is very similar to any ADC office. The ADC-DP team works zealously to represent every client. The hard work is made all the more rewarding by knowing that they are defending those who serve our Nation while at war.

S P O T L I G H T

ON ...

a Deployed JAG

When Captain Brian C. Call decided to go to law school he never imagined that within a few short years he would find himself traveling around Iraq in armed helicopters and mine-resistant vehicles as a detainee operations legal adviser to some of the military's most elite special forces units. Having received his first JAG assignment to the 1ST Special Operations Wing Legal Office (1 SOW/JA), Hurlburt Field, Florida, the opportunity for adventure came quickly; and in May 2009, Capt Call deployed to the Combined Joint Special Operations Task Force - Arabian Peninsula (CJSOTF-AP) as a detainee prosecutor and temporary holding facility legal adviser.

Deploying in a joint billet as both prosecutor and legal adviser, Capt Call had the opportunity to develop expertise in the Iraqi judicial system as well as advise Army special forces, Naval special warfare units, and other special forces embedded with the task force units on nearly every aspect of CJSOTF-AP detainee and interrogation operations. During his six months in Iraq, Capt Call kept a busy and exciting schedule, managing the legal processing and prosecution cases of more than 100 high-value Iraqi detainees and frequently traveling via convoy to present witnesses, evidence, and detainee cases to investigative



judges at the Iraqi Central Criminal Court of Investigation (CCC-I), the highest judicial court in Iraq. "You simply cannot describe to someone else what a day at CCC-I is like. They simply have to experience it for themselves."

With the implementation of the Iraqi Security Agreement, Capt Call also played a primary role in addressing the changing military, political, and legal landscape in Iraq by pioneering a CJSOTF-AP foreign internal defense legal initiative. Through this initiative, Capt Call sought out Iraqi military legal counterparts from CJSOTF-AP partner units in an effort to strengthen professional relationships, provide necessary training, support, and guidance in problem areas of Iraqi detention operations, and increase sharing of intelligence for use in future prosecution cases. Working hand-in-hand with his new-found "Iraqi JAG" friends proved mutually beneficial, opened many doors of friendship, and will be one of Capt Call's greatest memories of his days as a deployed JAG in Iraq.

KEYSTONE Leadership Summit





KEYSTONE OVERVIEW

Over 700 JAG Corps members met for the fifth annual KEYSTONE Leadership Summit, in Dallas, Texas from 26-30 October 2009. This year's theme was "VANGUARD Leadership," dealt with the changes shaping the future of the Air Force and its JAG Corps. "A VANGUARD leader points the way, moves ahead, bridging the gap between the challenges of today and the challenges of the future," said The Judge Advocate General, Lieutenant General Rives, in opening remarks. "A VANGUARD leader makes it happen."

Once again, KEYSTONE featured an exciting array of speakers from senior government officials, military leaders, and private sector experts. Among the speakers at KEYSTONE 2009 were the Secretary of the Air Force, The Honorable Michael B. Donley; the Vice Chief of Staff of the Air Force, General Carrol H. Chandler; the Chief Master Sergeant of the Air Force, James A. Roy; former U.S. Army TJAG, and President of the Judge Advocates Association, Major General John D. Altenburg, Jr., Retired; President of the Center for a New American Security, Dr. John A. Nagl; author of the acclaimed memoir *Joker One*, Donovan Campbell; the General Counsel of the Air Force, the Honorable Charles A. Blanchard, the President of the American Bar Association, Ms. Carolyn B. Lamm; the Director of the Negotiation Center of Excellence, Dr. Stefan Eisen, Jr.; the Fifth Chief Master Sergeant of the Air Force, CMSAF Robert D. Gaylor, Retired; sexual assault prevention consultant, Ms. Anne Munch, Senior Fellow of the Brookings Institute and author of *Wired For War*, Dr. Peter W. Singer; Commander, Army and Air Force Exchange Service, Major General Keith

L. Thurgood; and the Commandant of the Coast Guard, Admiral Thad Allen.

Additionally, the Deputy Judge Advocate General, Major General Charles J. Dunlap, Jr., moderated a panel of senior military attorneys from our sister services. KEYSTONE 2009 also featured the first-ever sexual assault bystander intervention training, and addressed victim-witness issues in the acclaimed seminar, *Trauma to Trial - An Anatomy of the New Article 120*. Further, attendees had the opportunity to broaden their experience with more than 40 different electives on front-burner issues.

Further, the JAG Corps held the New Colonel's Orientation, Senior Paralegal Summit, and annual Military Justice Conference. There were also professional development breakouts, working lunches for JAG Corps senior leaders, optional continuing legal education luncheons, major command conferences, and the annual TJAG Awards Banquet. Throughout the week, the JA Spouse Connection offered spouses a host of special presentations and an engaging tour of local Dallas attractions.

"At KEYSTONE 2010, there will be a new leadership team for the JAG Corps," said General Rives at the conference's closing. "We don't just stay static....We move forward; we make things better. That's what change is all about." Celebrating 60 years of delivering candid, independent counsel to commanders and the warfighter, JAG Corps members continue to lead from the front.



VANGUARD Leadership: Earn it!

A photograph of Maj Gen Charles J. Dunlap, Jr. in a military uniform speaking at a podium on a stage. To his left are three flags: two blue flags with gold and white symbols, and the United States flag. Behind him are large blue banners with white stars and the text 'KEYSTONE 2008' and 'VANGUARD Leadership'. An audience is seated at tables in the foreground.

Maj Gen Charles J. Dunlap, Jr.
Deputy Judge Advocate General



Ladies and gentlemen, I'd like to begin today by thanking TJAG for giving me this opportunity to speak with you as we close yet another terrific KEYSTONE. Although I'll have more to say at another time, I do want to thank TJAG publicly for his leadership, mentorship, and friendship over the years. Sir, it's meant a great deal to me.

I'd also like to say that I'm intensely proud of Lt Col Adam Oler and all the folks who made this KEYSTONE happen. Believe

it's a far more complicated operation than many of the deployments on which I've served.

I think that those of you who made your people available to work on this project will find that they've stepped up in a big way. They've learned invaluable leadership lessons as to how to plan, organize, and execute complex tasks. They've proven they understand the importance of attention to detail, how to make tough decisions, and how to accept responsibility for them.

In short, KEYSTONE is a leadership exercise of the first order, and your people passed it in a way that should make you feel very, very proud.

In so many respects they are typical of the extraordinary people you

first office got decertified because he insisted on arguing at courts-martial that the accused's failure to testify was, in his head anyway, obvious evidence of guilt.

Yet there were also some really fantastic people. They were confident, articulate, and often larger-than-life personalities who had no compunction about challenging conventional wisdom. I have to say, these people influenced me a lot.

One big difference between then and now is the fact that in the 1970s very few people -- myself and TJAG included -- were planning on making the Air Force a career. Actually, that lack of concern about a military career wasn't all bad.

Why? We have a few people today who spend way too much

young people to seek out the toughest jobs sooner rather than later, as their lives will only get more complicated as time goes on.

Anyway, leading JAGs and paralegals of the 1970s, and even the early 1980s, was challenging. Many of my peers were quite independent-minded, and they could be, for want of a better term, "feisty". They were not especially looking to make their boss happy if doing so conflicted with what they thought was the best course of action. Imagine, if you will, trying to manage a young Jack Rives!

Do we have anything to learn from the leaders of that era? Well, I think so. They led effectively without much reliance upon the administrative tools we like to use today. People just didn't care all that much about negative comments on a performance report, since everyone was getting out anyway. And I'm not even sure if a lot of people worried too much about being disciplined in some way.

What they did care about, however, was their reputation for professional competence, especially as advocates. This gave SJAs power. Whatever we may have thought about the Air Force, we knew that our JAG leadership typically had a lot of trial experience.

Since the courtroom largely defined our "world" in those days, being respected by those we viewed as skilled in that arena was really important to us.

What I learned from that experience is that threats don't motivate our very best. Frankly, our top people then - and now - have real options.

What they do crave is respect from people they respect. Never forget that there is nothing more devastating to a truly talented person, than to feel that she - or he - let down somebody they admire.

The leadership lesson is easy. Be someone people respect, certainly as a person of character, but also as someone with real expertise. This means that even as you get more senior, you must continue to maintain your technical skills at a high level,

We clearly have the most sophisticated and talented JAG Corps in our history.

all have the privilege to lead today. We clearly have the most sophisticated and talented JAG Corps in our history.

Speaking of history, I recently realized - sort of accidentally - that this coming summer, it'll be 40 years since I first put on an Air Force uniform (that being for ROTC summer camp).

And it's been almost 34 years since I became a JAG. I've learned a few lessons over the past several decades, many of which are reflected in the "Setting Your Compass" document on your tables. We do give that to JASOC students, but I'd like to add a couple thoughts for your consideration.

Of course, it's a much different world today than it was in the 1970s. The Vietnam War drove a lot of people to volunteer for our Air Force only because it seemed like a better option than the draft might otherwise provide.

Truthfully, JAG Corps talent in those days was kind of a mixed bag. For example, a JAG in my

time obsessing about their career - comparing themselves with their peers, and worrying about their next assignment. They'd be much better off improving themselves, and focusing on their current job because that's actually how people get ahead in the JAG Corps.

In truth, few JAGs are very good at picking their own assignments, including me. My best jobs were often ones that I either never requested, or that I had actively resisted.

The fact is that it's very hard to see ourselves as others see us. Fortunately, our assignments' people are the best in the business at doing just that.

Assignments are trickier today. Years ago spouse and family issues were hardly mentioned, but now they frequently take center stage. Keeping spouses in the loop is vital, so I'm really thrilled that we have so many here at this KEYSTONE. When asked, I - like LTG Chipman - usually tell our

and develop at least a working knowledge of legal disciplines outside your personal comfort zone.

To get respect you have to give respect. This requires having a genuine interest in your subordinates. I think this is part of what Chief Gaylor was trying to tell us.

To some people this means knowing everything about their people's families and personal lives. Sure, there's a place for that, especially given the stresses of deployments and so forth. But I've found it most valuable to listen - really listen - to what subordinates have to say about professional matters.

I've always disliked superiors who pretend to listen, but who are really just biding time until their next chance to pontificate. If you don't truly listen to subordinates, they will sense it -- accurately -- as an act of disrespect.

What's more is that you'll miss a lot. I learned this, believe it or not, as a lifeguard on the beaches of Wildwood Crest, New Jersey.

It's complicated, but during college and law school, I was sort of informally "adopted" by a family with nine children. In the summer of 1973, when I had just finished my first year of law school, the kids -- and especially the six girls -- begged me to become a lifeguard (mainly, I think, so I could introduce them to other lifeguards!).

But I hesitated because I was not -- and am not -- a very good swimmer. And swimming does have something to do with that particular job!

By some miracle I did get hired, and shortly thereafter the captain of the guards came by for a private conversation. He told me -- warned me really -- that although I had a lot more education than most of the other guys working the beach that year, I was doomed if I ever thought I had nothing to learn from them.

As I found that summer, truer words were never spoken. I learned much from high-schoolers, almost a decade younger than me, about how to save people's lives -- and not drown myself in the process.

Learning from others, regardless of their age, or rank, or whatever, has been critical to whatever success I've enjoyed. I can assure you, there are valuable things to learn from even the youngest, newest, paralegal in your office.

This brings me to our paralegals. Just as it is today, the quality of most of our paralegals 34 years ago was superb. The best then (as now) were those who made it their business to ensure that "their" JAGs succeeded.

I've seen that spirit throughout my career. On a trip to the AOR years ago, I found myself waiting with the deployed paralegal while the local

SJA showed a VIP around. I told the paralegal that I really didn't need to see anything on the base because I had been there many times.

Well, this paralegal -- who I had never met before -- wasn't going to let me fail on her watch. She looked me straight in the eye and said, "Well, sir, I don't think you've seen our barbershop lately," and promptly drove me there for a visit. That's a real NCO!

Her name may be familiar to you: Sharon Reeder, who later -- no surprise -- won the Swigonski award.

A different paralegal taught me another lesson that's served me well over the years. When I deployed to Egypt in 1999 for Bright Star, my paralegal teammate was Stacy Rozell (now a MSgt).

To make a long story short, I exploded one day when I walked into our little field office and found some NCO using our color printer. Now understand that this was a "you-have-what-you-have" deployment, so if that color cartridge went dry, that was it. As I ranted, Stacey just glared at me, and she gave me the silent treatment the rest of the day.

On the way back to our tent city, I pleaded with her to talk. Well, she finally did, and the conversation went something like this:

"Stacey, please, tell me what you're mad about."





"Well, sir, can I be totally frank?"

"Uh, yeah . . ."

"Who is in charge of office supplies, me or you?"

"Uh, you . . ."

"Have you ever not had some thing you needed?"

"Uh, well, no . . ."

You can see where this was going. As it turns out, she had made a deal with the NCO to take care of fueling our vehicle, which was a really tough task on that deployment, in exchange for occasional use of our color printer. It was a great deal, and I almost wrecked it.

The leadership lesson for me was essentially to give people a job, and then stay out of their way, unless and until they fail to produce. It also underscores the importance of making sure you understand the facts before you act.

Along that line, I urge you to adopt a lesson I learned from TJAG, that is, new facts, new decision. Better than anyone I know, he's willing to change his mind when confronted with facts that present the opportunity for a better decision.

Don't cling to a decision out of a distorted sense of pride. I'm not talking about compromising eternal principles, I'm just saying change data-driven decisions when the

data changes.

Deployments taught me another lesson. Our people tend to perform best when they're challenged. We can miss the opportunity this motivator provides when we allow people to feel sorry for themselves.

For example, I've seen situations where people were allowed to think they were overworked when, in fact, they really weren't. If a leader underestimates what his or her people can do, they will surely live down to that underestimation.

It doesn't have to be that way. I often think about the performance of then SSgt Debbie Stocks during my first SJA assignment at Blytheville AFB, Arkansas.

Deb served as the only paralegal in our military justice shop. Was she busy? I think so. In one year she processed 25 courts, along with over 150 Article 15s. By herself. And, oh, by the way, she had a baby that year too.

I don't compare myself with Chief Stocks, but I've had some life lessons in challenges.

Remember the lifeguard gig I talked about a few minutes ago? Well, the qualifying test was the toughest thing I've ever done in my life. With no training, we were supposed to swim out about 150 yards into a freezing, storming ocean, and then pull in a

lifeguard posing as a victim. I took one look and told the tester I just couldn't do it. He said simply, "if you think you can't, you won't. And if you won't, we don't want you."

But I just could not go home to those nine kids and tell them I didn't try. I decided that it was better to die in the effort than to disappoint them. Seriously!

Sometimes in life you come to those kinds of unexplainable conclusions. With that incentive, I somehow passed. Forever after I've always thought about that test whenever faced with something I thought was just too much for me.

While people can be motivated to play above their game at times, leaders still must recognize -- and deal with -- people's actual strengths and weakness.

For example, as a lifeguard I still had to face the fact that I was a lousy swimmer, and that wasn't going to change much because I just didn't have the athletic ability.

Again, my supervisor guided me to success by telling me to work on what I could do well -- my running and my rowing -- in order to make up for my lack of swimming ability. Good leadership found a way for me to succeed.

That taught me that as leaders we need to identify what people can do well, and make the most of it. My experience has been, much like MG Altenburg's, that almost everyone in the JAG Corps can do something very, very well.

That's the real leadership challenge, to find a person's special talent and to maximize it to the mission's benefit. So I recommend spending less time badgering JAX to send you superstars, and more time discovering the stars you already have.

Speaking of stars, sometimes people ask me, how do you get stars? How do you become a general -- or, for that matter, a chief? The short answer is to be very, very lucky -- and I'm really not kidding!

Of course, you have to be ready to be lucky. In our business, that

means being ready to meet the client's needs, perhaps even before the client realizes she or he has needs.

Accordingly, I really believe that one of the most important things any legal professional can do is educate him- or herself in the client's business. Donovan Campbell made this point beautifully.

In the Air Force, this means studying everything you can about air, space, and cyberspace power. You must immerse yourself in world affairs, military history, doctrine, weapons, strategies, and much more.

Ask yourselves which book are you reading right now? I can tell you that when I asked this same question of the staff sergeant that worked outside my office last year, his response was: *Crisis of Islam*, one of Bernard Lewis's seminal works on the Middle East.

That staff sergeant, Andy Mathews - currently assigned to Kadena AB - is better read than many of the senior officers with whom I've worked, and he did his reading while also taking a calculus class to pursue his degree in computer science.

Not only did his professional reading make his advice more valuable to me when, for example, he helped me prepare for a media interview with Dan Rather, it also made him a more valuable Airman generally - especially since he's now deployed to the AOR.

In short, beyond my wife Joy, nothing - really, nothing - has propelled my career more than the fact that I like to read. The knowledge and insight reading has given me about our client's business has opened more doors than anything else.

Understanding the client's business helps decision-making tremendously. That's why when I visit a base I always ask someone to recite the wing's mission. Usually I ask the youngest person because I want people to learn this philosophy early on.

Why do I do this? Because everything we do in a legal office ought to resonate in some way with that mission statement. Keeping it in mind will help us stay focused correctly.

Why else should we read? Good reading is the shortest road to

good writing. It really is that simple. My bottom line is that reading has made me look way, way smarter than I actually am, and perform far better than my true ability would predict.

A couple of further observations. I'm a reader today much because I grew up with a mother who worked full time as a librarian. This was in an era - the 1950s and 60s - when very few mothers worked outside the home. I share this with you because I know we have many mothers in our JAG Corps who wonder if their careers are hurting their children in some way.

I am not an expert on child rearing, so all I can tell you is that in my case the role model my working mother provided me was a great incentive. I fully realize that no one can "do it all"; some important things do have to be sacrificed. I saw that. Making choices and setting priorities is painful - but I believe a balance can be found, as was the case in my own life.

This is a serious issue for our JAG Corps Family because the future of the Corps is in jeopardy if too many of our best and brightest conclude that military service and motherhood are incompatible. Fortunately, there are a lot of people - mothers and fathers - in this room who could help explain to those who are struggling with this issue how to make the wisest trade-offs.

Just a few more observations about reading. I emphasize it because I see it as a principle element of self-reliant, self-improvement. Today we have a range of training opportunities that were undreamt of 34 years ago. The JAG School has many more in-residence classes, and technology makes a wide variety of courses available online.

As good as all this is, I do worry sometimes that people depend too much on formal training efforts. There's a lot to be said for self-study, for reading the book, so to speak. Not only does doing so expose the reader to the fuller context, it also induces a level of focus and reflection that is otherwise impossible to achieve. We

should never underestimate the value of individual initiative.

Technology has, of course, revolutionized our practice. It's hard to envision, but 34 years ago there were no cell phones or computers - thus no texting or e-mail. No legal office had a fax machine, and copiers were very scarce.

We lived in a land of carbon paper and grease pencils. Electric typewriters, believe it or not, were the great "new" innovation. Yes, we did have phones - sort of - but making a long-distance call was a complicated affair we didn't do often.

Today it's relatively easy to communicate with anyone anywhere, even with those deployed to remote areas. I recall one of my earliest deployments (which was to support relief operations to Somalia) where there was no e-mail, phone calls were almost nonexistent, and even "snail mail" was iffy.

We did have faxes by then (this was 1992) and one of the most precious things I ever got on any deployment was a fax from my office that said simply "Happy Thanksgiving."

My lesson is this: don't assume that because of all the means of communications these days that people deployed forward never get lonely, afraid, or discouraged. Everyone has moments like that, and so do the families left behind. Let's be sure we are still supporting our whole JAG Corps Family as we should.

There is another, darker side to the ease of communication that we have today. Our JAG Corps is much gossipier and prone to rumor-mongering than ever before. Rumor-mongering is unbelievably destructive to the JAG Corps Family, so I urge you to crush it...ruthlessly.

Of course, succeeding in our JAG Corps requires more than just knowing the client's business, or even the law. You have to think like a legal professional, and be able to advocate effectively.

During the early part of my career, commanders seldom consulted a JAG about anything but

an indisputably “legal” matter. That’s changed a lot over the years. It’s not unusual at all these days, especially at the senior level, to be consulted on issues that really aren’t legal ones.

My sense is that our leaders are finding it helpful to tap into the different perspective of someone trained in critical thinking, evidence, procedure, and other elements of legal reasoning.

What truly makes a lawyer a lawyer, however, is the ability to effectively advocate. (And that’s true about paralegals as well!)

I think TJAG and I would agree that our courtroom experience really is the foundation for the skills that we so often rely upon as senior JAGs. In the decades since TJAG and I entered the JAG Corps, however, the opportunities to learn and practice advocacy have diminished greatly.

Now let me confess something: when I first came into the Air Force, I didn’t want anything to do with trying cases. In fact, I didn’t even take trial practice in law school. Why? I had -- and sometimes still have -- a great fear of public speaking.

Fortunately, I had a SJA who - like others in my life - insisted upon challenging me to do what I did not think I could do. By forcing me into the courtroom, the course of my life changed.

After trying scores of cases, mainly as a trial counsel, but a few as defense counsel, I was lucky enough to become a military judge where I got into the courtroom in another 100 or so cases.

While it’s been many years since I was a trial participant, the skills I acquired in the courtroom have been invaluable to me. In truth, JAGs and paralegals are always advocating and persuading.

If you doubt me, think about your discussions every day with commanders, first sergeants, and others. Moreover, anyone who has been in a CAOC -- or the office of any senior leader -- knows how important the ability to persuade is to success in our career field.

How do we maintain these skills in an era of a diminishing numbers of trials? One way is to ensure that where we have magistrate court programs, they are run by our younger JAGs, not civilians.

Let me mention our civilians for a moment. We have the greatest civilians in government, hands down. But, we might be on the cusp of too much of a good thing.

What do I mean? Because it’s easier to hire civilians than to get a military billet, certain JAG Corps 21 initiatives have a heavy civilian component. Civilians do bring stability, expertise, and “corporate memory”, but there can be a fine line between those positive qualities, and less attractive ones.

We’ve avoided some potential problems by hiring a lot of former military people who understand the work, and who easily fit into our military culture. But we’ve now eaten the seed corn, and if we don’t carefully manage this challenge, at some point in the future it may be very difficult to find the right people.

We have to keep growing JAGs with the needed specialties. That’s why we are increasing the number of JAGs who are earning an LLM in, for example, contract law. It’s vital, really vital, that we have a robust uniformed presence in all of our legal disciplines.

We also need our civilians to lead. When I visit a base and find a legal specialty given over to a civilian lawyer, I’m cheered when that attorney takes young JAGs and paralegals under his or her wing and trains them. That’s the kind of leadership I’d like to see everywhere.

Getting back to how to preserve advocacy skills, we also ought to look for every opportunity to have our JAGs and paralegals put together a briefing and present it live. This is just good practice. For example, I’ve never seen computerized LOAC training that was really appropriate for more than a very basic orientation. In most instances, a live briefing is a much more effective training technique.

We ought to capitalize on that, and seek out commander’s calls, Right Start, Heart Link, and other opportunities to put our terrific young people on stage. A whole range of positives will result.

Much of what I’ve discussed this morning has to do with preparing our people to be leaders themselves. Vanguard Leadership demands this.

A week from now after you have traveled back to your offices and cleared out your in-basket, I want you to ask yourself: what have I done this week to mentor and develop my people? How have I helped them to grow as Airmen, as legal professionals?

And I am not just talking about developing your “bright and shiny” Airmen. We owe it to all our people to challenge them to achieve to the utmost of their capability.

Let me speak about one more critical issue. If you take nothing else away from what I have said here today - please walk away with this: you, the men and women of our JAG Corps, must continue to provide candid counsel. Believe me, this isn’t easy, and it isn’t without consequence...but it is our reason for being.

One of the most important “lessons learned” since 9/11 is the value of having independent-minded military lawyers who are insistently proactive and willing to “tell it like it is” - even if doing so displeases the powers that be.

That - ladies and gentlemen - is why valor is officially one of the JAG Corps’ Guiding Principles.

Colonel Lindsey Graham, our JAG Corps reservist and Senator from South Carolina, may have explained this best when he spoke to us at KEYSTONE 2007. He told us in no uncertain terms that “You are the conscience of America.”

And he’s right. We must provide our clients...our commanders and our Service...our best and honest advice. Not the advice our clients’ necessarily want to hear...but the advice they need to hear.

Ultimately - and come what may - “speaking truth to power” is

our duty, and we must never shirk from that duty. We just can't count on anyone else to do it. That is the most important lesson I've learned in all these years.

Such candor does not come with grade or position. It comes with practice. As Vanguard Leaders, we must not allow the creation of a generation of "yes-men" and "yes-women". And you must lead by example.

Most clients realize they need your candor, but others may not appreciate it. And sometimes there's a price tag for being frank. But it's a price that each of us should be not only willing to pay, but proud to pay.

The legendary Colonel John Boyd, who was one of the most provocative thinkers and reformers in Air Force history, once said that if you take a certain "fork in the road" in your career, and try to "do something" for the Air Force and the country - even though it isn't what's popular at the moment - it may cause you, he says anyway, to "not get promoted", to "not get good assignments" and to "not be a favorite of your superiors."

I really don't think Boyd was entirely correct. Over the years I've tried to "do something" by being provocative and candid, especially in my speeches and professional writings, and my career has been absolutely fantastic.

Actually, becoming a two-star general exceeded my wildest dreams. And, I have to tell you, it amazed and dumbfounded my critics - and friends alike! Yet I very seriously believe that being true to myself, and speaking my mind, had much to do with my personal good fortune.

But Boyd wasn't entirely wrong either, especially that part about "not [being] a favorite of your superiors" at certain points in your career. Some very powerful people may find your thinking too edgy, too bold.

My advice? Be edgy and bold anyway!

Still... I guess that maybe I shouldn't have been particularly surprised when General Schwartz

and Secretary Donley told me last July that they did not want me to lead our JAG Corps.

So...Joy and I expect to move on to another phase in our lives sometime next year. Of course, even after leaving active duty, we (Joy, especially, I think!) plan to stay connected with the JAG Corps Family. Perhaps I can come to some future KEYSTONE as Joy Dunlap's spouse!

Seriously, it's really wonderful to realize that our JAG Corps won't miss a beat. In the past year I've visited over 20 bases, and I know we have the smartest, toughest, and most dedicated legal professionals anywhere, and they really are ready for what I am certain will be a truly exciting and challenging future.

I'm also totally confident, and I mean - literally- "totally confident", that whoever will lead our JAG Corps will be someone who will "do something," who will tell clients what they need to hear versus what they want to hear, and who will fully live our JAG Corps principles of

wisdom, justice, and - of particular importance these days - valor.

I challenge each of you here... keep making a difference. Vanguard Leaders lead from the front, no matter what the risk. Be the leader your country needs you to be - now more than ever.

Remember, you're Vanguard Leaders - Earn it!

Let me close by saying that Joy and I have given everything we have to our Air Force. When we're gone we would only want it said that we were just two Americans who tried to do our duty as God gave us the light to see that duty.

Joy and I wish each and every one of you the very best for the future, and ask God's blessing on our JAG Corps, our Air Force, and our Nation. Thank you.

The previous remarks, which have been edited for this publication, were made by Major General Charles J. Dunlap, Jr. at the KEYSTONE Leadership Summit on 30 October 2009.



Perspective of the Air Force General Counsel



The Honorable Charles A. Blanchard
General Counsel of the Air Force

Before I start, I want to thank all of you. As I've made my rounds to various bases, I cannot tell you how welcome I have felt in the Air Force legal community. Every trip has been fantastic. I've gotten to know a lot of the leadership of the JAG Corps, but more importantly, I've been able to spend a lot of time with brand new JAG officers and with very junior paralegals. It's been wonderful. I plan to continue it. I know when I come to your base that I'm putting a huge burden on each and every one of you. However, I really appreciate the effort. It's been a great introduction to the JAG Corps. I also want to thank the JAG leadership. Both Jack Rives and Charlie Dunlap have made me feel welcome from the very start.

As a newcomer from the Obama Administration, I'd like to make a few observations about the administration's approach to national security, and hopefully start a dialogue about what that means for you.

The first observation I'll make is the surprising degree of consistency in the national security area. Most obviously, there's been continuity in people. Secretary Gates remained as the Secretary of Defense. Secretary Donley remained as Secretary of the Air Force. Scattered throughout the Pentagon there are a lot of other Bush Administration political figures who remained. However, continuity goes beyond people. If you look at the approach to areas that were very contentious during the campaign, such as our engagement in Iraq and detainee issues, there has not been a rush to change. Although, there is going to be change in some of our policies, there has been a sense that these are tough and difficult areas and that they should be addressed with some sense of doing the right thing, the right way. For example, there's not been an immediate closing at Guantanamo. There has not been an immediate change in various national security policies, but instead there has been a movement toward change and a lot more continuity than I think people expected. One reason there's been so much continuity is that this administration has been very conscious to make sure that it's not a small subset of a national security community that makes the decisions. This is not an administration where the Vice President is running national security or the Secretary of Defense has more influence than the Secretary of State. Probably, perhaps to a fault, this is an administration that follows the process very carefully. Those of us who were involved in the decision to assert the SOFA in the Romano case in Italy probably were frustrated with that fact because we had to get our bosses ready for the various meetings, working groups, deputies meetings, principal's meetings -- another round of working groups and principal meetings until the decision was ultimately made. Another reason why there's

I cannot tell you how welcome I have felt in the Air Force legal community.

been some continuity is that there's been a sense that national security policy is made best when everyone feels like they have a place at the table. There's no one dominant player. Everyone's views are heard. I think the best example of that is what is now happening with Afghanistan. It can be criticized. Some may believe that the process is too slow or too deliberative. On the other hand, I suspect what we are going to discover, when the White House announces its policy on Afghanistan, that every assumption was looked at three or four different ways. Every view was heard.

Once the policy is announced, we'll probably have a good understanding of what benchmarks we have. I suspect that those folks like Donovan Campbell, and folks now in Afghanistan, are going to be much better off as a result of this deliberative process. The centerpiece of how this administration is approaching national security is that it is going to be deliberative. It's going to follow the process, and I doubt you are going to see a dominant player. It's going to be a case of a cabinet of rivals, but also a cabinet of equals. Sometimes we prevail, such as we did in the Romano SOFA matter. Sometimes we won't, but it's a case where everyone knows on every decision each agency with equity is going to be heard.

Multilateralism is probably another aspect of this administration. There was a sense that in previous administrations we were too unilateral. I think this administration is trying to move us more toward multilateralism. This doesn't mean that we are going to immediately sign on to every treaty we have not signed in the past, but it means we are going to engage. I believe we are probably going to engage on issues that before we weren't engaged on. We're going to engage on climate warming. We're not going to sign the Kyoto Treaty, but we're going to engage on those issues. We're not going to immediately sign on the treaty creating the International Criminal Court, but we are going to engage on those issues. We may ultimately not sign any of these treaties. I doubt we will in their present form, but we will engage in and be part of that discussion. We're using that approach with North Korea and Iran. I think we're going to see this approach used in other areas as well. I think you're going to see that more and more in Afghanistan where we are working hard to get a larger NATO presence. Afghanistan should be more of an international coalition fight than it is now, but I think you are going to see that in an approach to Iran, North Korea, problems we're seeing—emerging problems we are seeing in Africa, certainly in areas like Somalia and Yemen where we're seeing sort of a movement of Al-Qaeda. I think we're going to see a lot more of an attempt by this administration

towards a multilateral approach. The reason why is simple. As dominant a player as we are militarily, we don't have all the resources we need. Certainly, with the kinds of fights, other nations have as vital an interest as we do. If we do it alone, quite frankly, we're doing their work for them. I think that is the sense of this administration. Hopefully, we'll succeed by getting our coalition partners more involved in the fight and more involved in the work that's being done. This will include countries that traditionally have not had a very close military relationship with the United States. It includes countries that really need a lot of help in developing their own capabilities. I think you are going to see a lot more emphasis within the Air Force and with DOD on building partnerships as a larger toolset.

In the Air Force strategy, building partnerships is a key part although it has not been resourced in the past. You are going to begin to see a lot more focus and a lot more attention to building partnerships as a way to meet this need towards multilateralism.

The next item about this administration was one that came up in the campaign. President Obama was criticized for the willingness to engage with our most hostile enemies such as Iran and North Korea. I think it's been a little misunderstood. It's not engagement for the sake of engagement. It's not diplomatic talks because we think that is going to really solve our problems. I don't believe this national security team was naïve enough to believe that if we ask nicely the Iranians would get rid of their nuclear weapons. That was not what this was all about. Instead, it was a realization that diplomacy can be used as a strategic tool; as part of an overall strategic plan. I think that has played out pretty well with Iranians; where we made serious efforts to engage them on a whole host of issues and were largely rebuffed. One could, therefore, call that diplomatic engagement a failure. Actually, I don't think it was if you look at it more broadly. What happened was, because we engaged so seriously with the Iranians and so openly, it actually increased the willingness of some of our partners to come to table. They were more willing to impose sanctions, and more willing to come to the negotiating table as a block. China and Russia are not where we want them to be with Iran, but they are far tougher and far more willing to impose sanctions than they were before this kind of engagement. Certainly, our European allies have gone from very skeptical of our approach to Iranian policy to true partners. When the French are outflanking you on the right when it comes to Iran, you know you've made a major accomplishment. This, to me, is an example of how diplomacy is being viewed by this administration. It is not just as an end in itself, but a strategic tool among others to achieve our objectives. We don't know yet whether what's happening in Iran is just buying more time or not, but certainly more progress has been made than we expected.

Similarly, while North Korea is not where it ought to be, again, we're beginning to get some signs that we may be making a better approach and receiving a better response from the North Koreans. Is this part of a never

ending cycle of the North Koreans wanting to engage and then pulling back? Who knows? But, it appears that the international pressure that's been put on the Koreans, and not only by the United States, but also by our partners is a result of our willingness to engage with North Korea. It is an example of where diplomacy is not just an end in itself, but a strategic tool.

The final area, which is important for this audience, is this administration's respect for the rule of law. Now, I don't mean just that we are now going to comply with the letter and spirit of the Geneva Conventions and that we are no longer going to play games with the definition of torture. I mean on some issues where the President really wants to make change, he's respected the rule of law. The best example I can think of is—Don't Ask, Don't Tell. There are a lot of creative lawyers on the left who came up with some pretty inventive ways in which the President could, on Day 1, by executive order simply announce that we are not going to enforce the Don't Ask, Don't Tell policy. It was the judgment of the White House and every lawyer within the Department of Defense that that just didn't pass the smell test. As much as this administration wants to change this law, it recognizes that we have a clear statute, passed by Congress, and signed by the President, which bars gays and lesbians from the military. I suspect that you will see a major effort by this administration to try to get, either through a stand-alone bill or through the defense authorization bill next year, a change in that policy. In the meantime, the White House and Department of Defense are telling us that we will continue to comply with the law. This position is, as you can tell from reading the newspaper, detrimental to President Obama's standing with groups that want change to occur right away. This is an example where this administration can use all the help in the JAG Corps. We want to make sure that, as we try to move forward with national security efforts, whether it's in the cyber world, space, or strikes in Afghanistan and Pakistan, that we are going to follow the rule of law. It's our responsibility as lawyers to make sure that's occurring.

Members of the JAG Corps write 99 percent of the legal opinions in the Air Force. It is your responsibility to make sure our commanders know what their legal options are and make sure they get the information they need to do their jobs. With that, I want to make this short to leave time for questions. I will answer questions, not just on this issue, but on any issue you want to talk about.

QUESTION FROM THE AUDIENCE: How do you see the roles and responsibilities between the General Counsel's office and the JAG Corps progressing in the future?

ANSWER: Well, that's an area of real effort and discussion right now. We have a working group. The group is made up of three folks appointed by Lt Gen Rives and three folks appointed by me. They are working through a set of proposals on how we should allocate duties between the two. In my view, we have two law firms that represent the

Air Force. One law firm is largely out in the field, and the other has no presence in the field. Both have a presence in the headquarters. The trick is to try to make sure that the talents and efforts of both groups are most effectively used when we give legal advice to our commanders. That's what we're focused on now. I have no interest in turning the General Counsel's Office of the Air Force into the Navy model. I think we'll continue to be a headquarters focused law shop working in partnership with the JAG Corps to provide legal advice to our Secretary. However, we are trying to figure out what is the most effective and efficient way to do that. There are some issues in which it's really a good idea to have two shops, have a JA shop and a GC shop, working. It will ensure that the views of both communities are reflected. There are other issues where, quite frankly, it may be more efficient for one shop to be "go to" shop with the recognition that the other shop can weigh in if they think things are going awry.

The final observation I will make is that I fully respect the independence of the JAG Corps. I fully expect that if Lt Gen Rives has a different opinion than mine, or anyone in the JAG leadership in the future has a different opinion than mine, that both opinions are going to be presented to our leadership. Hopefully, we'll work them out before then, but I fully respect the ability and right of the JAG Corps as an independent legal voice. That's not just a matter of statute. I think General Altenburg will agree with my next statement. This is how I ran my shop when I was at the Army. I believe that it's useful for our clients to know when there's a difference of opinion.

QUESTION FROM THE AUDIENCE: I had the privilege of serving as a reservist for four years in the General Counsel's Office; at a time when the relationship was slightly less amenable. I'm curious to see if you think there's a value in continuing that kind of a program and what you see as the biggest challenge for the General Counsel's Office.

ANSWER: A lot of this can be solved, not just by structural change, but by us resolving to stop fighting and start serving our clients. I think the reality is, at the action officer level, the relationships have been really, really good. People have to work together. We're all professionals. We're all lawyers. Largely, we come to the same conclusions. I do think it was very useful to have members of the JAG Corps serve in the General Counsel's Office. I think we benefit by having the people who have actually had hands-on experience advising commanders in the field in our office. I think

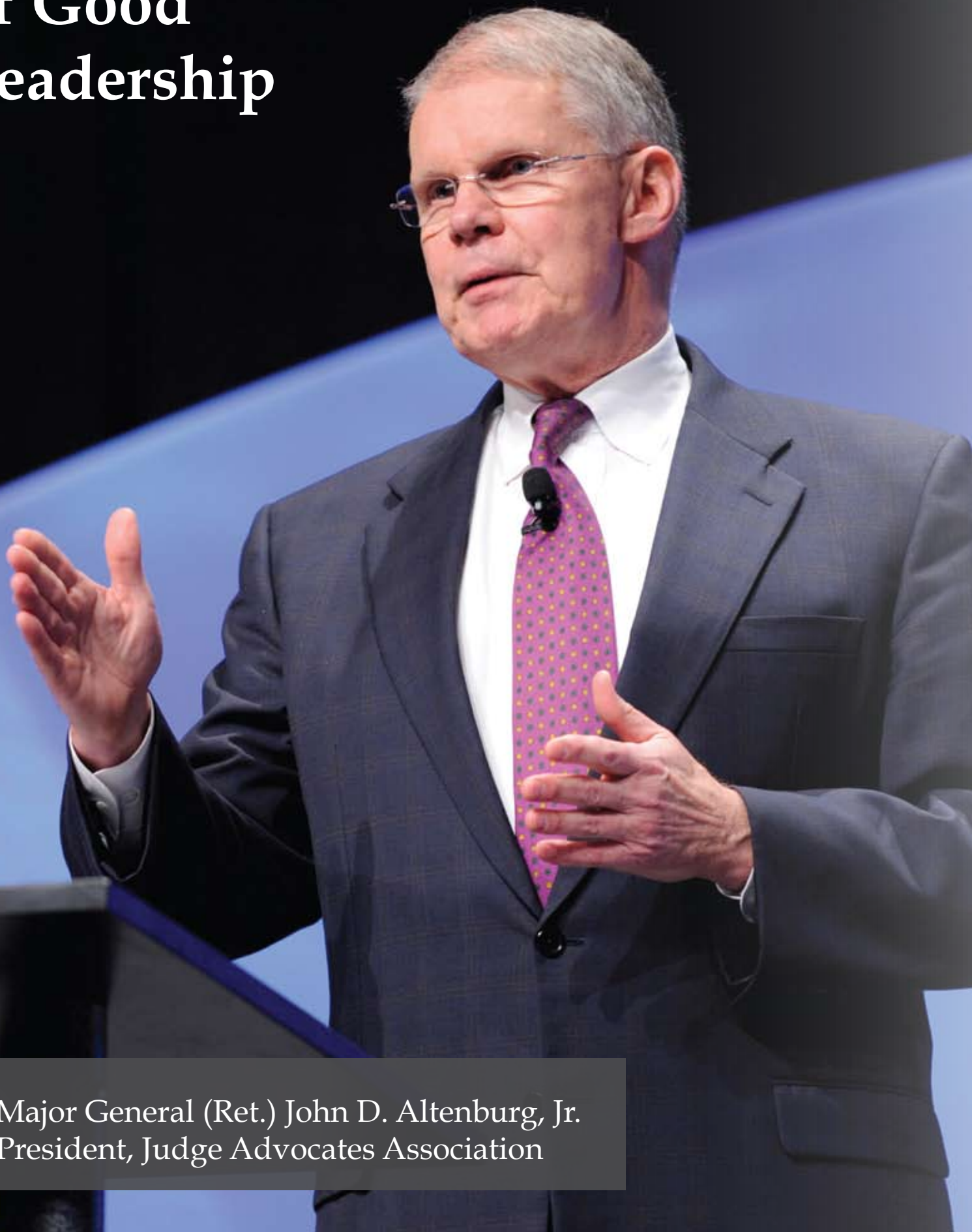


the JAG officers that come into our office will get a chance to work on high profile issues that are important to the Secretariat. Then, they can return to the field with a better understanding of how the Pentagon works. I think that is the real value. When I was at the Army General Counsel's Office, there was a very significant JAG presence. There was a much higher percentage of JAGs in the office than we currently see in Air Force General Counsel's office. Now, I realize that if I were to adopt that model, there would be empty SJA slots all over the Air Force. So, we can't do that immediately. I do think it's very healthy and very positive to have members of the JAG Corps serve in the Air Force General Counsel's Office. We have some really outstanding young officers and senior officers, and I would love to see them serve there in the future.

The previous remarks, which have been edited for this publication, were made by The Honorable Charles A. Blanchard at the KEYSTONE Leadership Summit on 27 October 2009.

Charles A. Blanchard is the General Counsel of the U.S. Department of the Air Force and chief legal officer and chief ethics official for the Air Force in Washington, D.C. In this role, he provides oversight, guidance and direction for legal advice provided by more than 2,600 Department of the Air Force military and civilian lawyers worldwide. Previously, he served as General Counsel of the Army, where he acted as the top legal officer to the Department of the Army. From 1997 until 1999, Mr. Blanchard served as Chief Counsel to the White House Office of National Drug Control Policy during the tenure of Barry McCaffrey as Drug Czar.

The Fundamentals of Good Leadership



Major General (Ret.) John D. Altenburg, Jr.
President, Judge Advocates Association

Change needs to come from the bottom up. The more things are top driven, the more likely they will be micromanaged. As a leader, you need to make sure you have right systems in place to create organizational success. To use a football metaphor, much of leadership at the base level amounts to blocking and tackling—remembering to do the basics and stay with the fundamentals. This is more important in a time of change than any other, because the basics and fundamentals of good leadership never change.

The Three Qualities of Successful Organizations

We need to give people the tools to exercise leadership. In an organization that has many big egos, that means recognizing that leadership is not about being the smartest lawyer in the room. Too many staff judge advocates go into a leadership position assuming that. But to be a leader, and not just a great lawyer, an SJA has to build a team, and create an organization that is responsive to command and produces world-class legal products. You have to lose the ego. The single most important quality of a good leader is humility because if you are humble, you realize you cannot do it alone. You can't make it happen by yourself no matter how smart you are, or how many 20-hour days you put in.

It takes a team. The key three members of that team are the staff judge advocate, the deputy staff judge advocate, and the legal office superintendent. These three individuals must stay together even though their constituents have different perspectives, different needs, and different wants. If you are going to build a team, you must have a central core that understands where the organization is headed. These leaders must share the vision of where the organization needs to go, then empower people to make it happen. How do you measure success in an organization in a JAG office? Start by looking for three qualities: Is the organization responsive? Is it effective? And is it efficient?

Responsiveness

In terms of responsiveness, how long does it take to get a legal assistance appointment? How long does it take to turn around advice? I know how long it takes to turn around advice to the installation commander—a nanosecond—but how long does it take to respond to a sub-organization that needs an opinion? Does your organization find legal ways to accomplish command goals? Is everyone ready to deploy? Are you ready to help others mobilize? When you prefer charges for trial, are you going to take months to get there, or will you work to minimize the impact on combat readiness? Are your metrics meaningful? How long from the time that the JAG office becomes aware of the offense or the command becomes aware of the offense until it's resolved, either with a lower disposition, a dismissal or a court-martial? I know all kinds of people who are real proud of their processing times, but mere processing time is meaningless if it's about figuring out how to count it to look good in our own statistics.

Effectiveness

Secondly, is your organization effective? What's the quality of your products? What's the quality of the advocacy? That's not just trial work, but persuading commanders to do the right thing. Is the office of the staff judge advocate integrated into the command, or is it a stand-alone organization? Do you sit in an office building and wait for the problem to crawl into your inbox? How often are you surprised? If you are surprised by events, then maybe it's a measure of how effective you are as an organization, and an illustration that you are not integrated into the command. In the AOR, we like to tell commanders all the legal issues don't begin with the letter "L." You need a lawyer in there to be reading the message traffic to figure out whether there's a legal issue or not.

Efficiency

Third, in terms of efficiency, how often does your organization have to reinvent the wheel? Are people managing their own schedules, or are the schedules managing them? How's the morale? Do you have time for sports and social events, or is everybody working 18 hours a day? That has to do with efficiency. The way you get there is

The single most important quality of a good leader is **humility.**

by having systems in place at the base level. You need a newcomer's orientation program so that incoming officers and non-

commissioned officers understand what the organization does and how the various functional components relate to one another. In a large office, each division chief should brief the new officer. If you are an office with five attorneys, the orientation for the new officer or the new noncommissioned officer may be a matter of hours, but if you are at a larger installation, the orientation may need to be several days. If you build this system right, and involve your entire office, you will empower your people and make them feel like they are really in charge of something. Then when there's an Article 6 visit, the organization remains calm and you can take care of the visitor. The SJA doesn't have to do everything, because he or she has set the right attitude.

Ongoing Leadership Development

Maintain an active leadership development program. Having a leader development session a minimum of every two weeks enables you to do all kinds of things with your organization where you are sharing your values, and you are sharing what you think is important. The leader development session can be a visiting IMA who is with you for two weeks who happens to be the first Assistant U.S. Attorney in a given district or it could be a state court criminal court judge from Brooklyn. Furthermore, this program gives the staff judge advocate an automatic platform to make a brief introduction as to how this relates to everything else the office is doing. And just in case something terrible is going on in terms of morale, you have an automatic forum to meet everybody and it's no big deal. I can remember being part of an organization where the boss says there's a meeting this

afternoon, all hands on deck at 1600. Everybody starts the rumor mill. Everybody starts talking and stops working. You can address those kinds of issues at a regular meeting for leader development once you have the system set up.

Everyone knows that Sir Edmund Hillary was the first person to scale Mount Everest, along with Tenzing Norgay, his Sherpa guide. But not nearly as many people know about Colonel John Hunt. Colonel John Hunt was a British officer in charge of the Everest expedition in 1953. I didn't know anything about John Hunt until I saw his obituary in the New York Times and the Washington Post many years ago. I saw a great example of what we mean by leaders, and the importance of the mission and the organization coming ahead of the individual. Colonel Hunt, when interviewed, said that he would have loved to be the first man at the top of Everest. In fact, as part of a smaller expedition from the main expedition, he got within 400 feet of the summit. As Colonel Hunt reflected on who he was going to send the next day, he sublimated his own ego, his own desire to be the first human being in history to be on the highest mountain in the world. He put that all aside because he thought it was more important for the team that it be Hillary and Norgay, that they were really the two best situated to make it to the top. How many leaders in our lifetime in the military have we met who would make the same decision?

Anybody Can Coach Michael Jordan

Once I had a young judge advocate in the First Armor Division who was a superb action office and crackerjack trial counsel—good at everything that came her way. One day I was sitting at my desk in Augsburg, Germany, basking in the glory of my leadership, thinking about how wonderful it was that this officer had me for a staff judge advocate because I held her to such high standards. And as I sat there, I thought to myself—what would she be like if she was working for that other SJA in a similarly sized organization as mine? Then it hit me. She'd be every bit as good. She was a star. She had great natural ability and a wonderful work ethic. Who couldn't lead somebody like that? It occurred to me that I wasn't really having that much of an effect on this officer's development, and then it struck me who you really do need to develop.

Anybody can coach Michael Jordan. Anybody can take care of really talented people. The challenge to leaders is how many people in the middle of the pack can we move through leadership to greater success. How do you lead the people that make you say to yourself—who in the world was the recruiter? How did this person get in my Air Force? A really good leader is like a talent scout, and figures out what people can do to contribute to the organization. That may mean that you narrow and neck down the scope of their responsibilities to where they're not responsible for much, but they can at least make a contribution in that one area. That's the ultimate challenge of leadership: taking a person who slipped through the cracks, and then guiding them to make some kind of meaningful contribution to the organization.

Establishing a Baseline of Competence

Leaders need to establish what I call a baseline of competence. When your people have achieved that baseline, you can send them off with the wing commander and know that if they get asked a hard question, they'll give the answer you would give, or they'll have enough presence of mind to call you and find out what the answer is. In other words, it all comes down to issue identification. The key component of someone being ready to deploy is when they have the common sense and judgment to spot the issue, realize it's an issue, then address the issue or ask for help to address the issue. That's the baseline of competence, and that's what we work toward in orientation.

Addressing Ethical Standards

When I got to 18th Airborne Corps, we had a legal assistance officer who devised a scheme by checking the roster of clients who signed up for the separation agreement and divorce briefings. This young, single officer decided this file was a good target list to get phone numbers and call these women who, obviously, were in a bad relationship, then hit on them. The investigation went all the way up the chain, they found him guilty, and it came back to me to handle the officer evaluation report counseling session. We were talking about what his report was going to look like, when it struck me—maybe this guy was asleep in law school when they talked about ethics, or wasn't paying attention in our basic course, and maybe somehow thought this was okay. I don't really believe that, but it made me realize we need to have a failsafe in place.

This starts by addressing ethical standards with every newcomer. The big standard for me is confidentiality. I made it a component of everything I ever did in every office that the standard is not attorney client privilege. The standard is absolute confidentiality of everything that happens in our organization—a much higher bar. If you do that, you know you are going to meet the ethical standards. This was reinforced back at Fort Bragg when I was a captain and heard a Soldier talk about being in line at the PX lunchroom and listening to a JAG captain—not violating attorney-client privilege—but running his mouth about everything that happened that morning, and how unprofessional it seemed. People may not understand the attorney-client privilege, but will see behavior like that and think, "I don't want to go to that JAG office." Respecting confidentiality is an important component of what we do in orienting our people, because it's our business.

Don't Misuse The "E" Word

At the same time, you cannot toss around the "E" word. It's so easy to label a myriad of bad conduct as unethical. For example, the defense counsel talks to the trial counsel at 7 o'clock in the morning and says, "I know we're in trial today and I was supposed to make all of my motions, but I woke up at 5 o'clock and I realized I've got to make this Fourth Amendment motion." The trial counsel responds, "That's unethical. You knew a week ago you were going to make that." But who knows? Laziness, sloppiness, and mediocrity are all kinds of negative traits that we don't

want to see in lawyers, but don't always equate with an ethical violation. In our organization, you weren't allowed to say unethical. If you thought another attorney had been unethical, you had to go to your division chief. If you and your division chief agreed that someone was unethical, then you had to go to the deputy. If all three of you agreed that it was, in fact, unethical conduct, then they'd come to me and if we agreed, then we would do the right thing if it needed to be reported. That is another important part of orientation and establishing the fundamentals.

Remember To Give Positive Feedback

When I was a staff judge advocate in Germany, I was hard on people, especially when they first started trying cases. They had to do it my way for six months before they could develop their own system. One day I was driving one of my subordinates who lived in the same village home. He'd been prosecuting for six or seven months. We were stopped at a traffic light and he asked how he was doing. I said, "You're doing great". He said—"Really?" I then told him why I thought he was doing well. Of course, I'd been hypercritical for the first four months. That was on a Thursday. He had a trial on Friday. Afterwards, the judge came up to me and said, "What in the world did you do to your trial counsel, he was like a different person in court. He had all this new confidence. He's always been okay, but he was like a different person." That's when I realized—shame on me. Shame on me for not realizing you got to stroke people. You've got to tell them when they are performing well. I had failed to do that, absolutely, and it was burned in my brain. That was in 1979. That guy ended up being a MAJCOM staff judge advocate and he retired as a colonel. Had I not been lucky enough to say something nice to him, he might have been gone in four years.

True Moral Courage

I've been in a couple wars, and was enlisted in Vietnam with the 9th Infantry Division, so I know something about physical courage, but there is also

moral courage. We lawyers especially embrace the moral courage trait and know that it's important because we've got to make sure the command does what's right. I will tell you nothing in my life required the moral courage that it took many times to sit across a table and tell an officer or a non-commissioned officer why they were getting the performance report they were getting. We pay lip service to moral courage, and then have inflated reports and we take the path of least resistance. How my Army could have to change this performance rating system every seven or eight years because senior raters let it get out of control, and yet still stand on a box and talk about moral courage, is beyond me. That's moral courage. We shouldn't paint it any other way. Many of us don't do that very well.

Drill Down To Real Leadership

Drill down and look behind the words and clichés we use when we talk about quality leadership. The person who people say is a micromanager may actually be holding people accountable and making sure things get done right. The SJA who prides himself as power-down delegator may be a lazy boss who doesn't want to follow up on anything, and has no clue what his people are doing. One of the last things I will tell you is that you cannot fake this stuff. We all know the difference between real leaders and those who masquerade as good leaders, but really aren't because they really don't care about people. Your Airmen and non-commissioned officers know who the phonies are, and can spot those who are only interested in self, not team.

It's All About The Team

There's nothing like wearing the uniform. It's the best job there is. Remember that the single most important quality in a leader is humility, focusing on building a team, rather than being the smartest lawyer in the room. It's all about the team. Have the right systems in place to train your people and developing them as leaders so you affect change from the bottom up. Being the right kind of leader and building the right organization is what makes you capable, and makes the Air Force capable of addressing any change that comes along, whether it's tomorrow, next year or ten years from now.

The previous remarks, which have been edited for this publication, were made by Major General (Ret.) John D. Altenburg, Jr. at the KEYSTONE Leadership Summit on 26 October 2009.

Major General John D. Altenburg served for 28 years as a judge advocate in the Army. From 1997 to 2001, he was The Assistant Judge Advocate General of the Army, helping transform the practice of law in the Army by insisting that lawyers acquire soldier skills and immerse themselves in their clients' business to become more effective advocates. Presently, he serves as president of the Judge Advocates Association, a national professional legal organization dedicated to judge advocates and practitioners of military and veterans' law.



One Marine's Story



Mr. Donovan Campbell
Author, *Joker One*

I'm an accidental writer and an accidental Marine. When I wrote *Joker One*, I did not in the least intend to produce a book just as I had not intended joining the Corps. I wrote the book in business school to be quite honest, because I did not write enough while I was at war. By that I mean, I did not write my men up for enough awards while we were together because I did not understand the magnitude of what we were doing. After I got out of the Corps, I went back to school and I talked to a number of my men and they all told me the same thing: "Sir, we really don't tell our families what we did overseas because explaining war is kind of like trying to explain red to someone who's colorblind." None of the families of my Marines knew of the amazing things they had achieved overseas.

The Marines of Joker One

I backed my way into being a Marine. I did OCS, the ten-week boot camp for officers, in between junior and senior year because I thought quite honestly it would look good on a resume. I had no real intention of joining, and boy did I learn a lot. No one in my family had ever served, and after taking in the screaming and beginning and ending every sentence with, "Yes, Sergeant Instructor," I determined that I would follow in my family's tradition of non-service. Over my senior year though, something changed, and I decided that I wanted to serve something greater than myself. I decided that I wanted to learn to lead by actually leading; I became an officer. Two years and one combat deployment later, it's the fall of 2003 and after months of effort and some fairly substantial bit of whining, I was given command of a Marine Corps infantry platoon, whose call sign was "Joker One."

With four exceptions, every one of my Marines was between 18 and 21. Their backgrounds ranged the gamut from Jim Hardy, an Irish-American with a wonderful family who had left Syracuse where he was on the dean's list to come join us and fight in the wake of September 11. Ramses Yebra was a first-generation Colombian-American who had multiple cross-country scholarships he left to join us. My men were motivated, excited, and right where they wanted to be. For three months we trained together for a hazy mission, believing that major combat operations were over. The Corps had pulled out of Iraq altogether in the fall of 2003, and I was on one of the last helicopters out of there. By January 2004, it became increasingly apparent that there was actually still some fighting left to be done in Iraq, and the Marines returned to the country in February. *Joker One* and I went with them.

Most of them are blue collar working class kids from single parent families. Once on liberty, many think their main mission in life is to experience every one of the

I wanted to learn to lead by actually leading; I became an officer.

freedoms that was denied to them in high school. They tattoo themselves with gusto. They buy pit bulls and cars that have giant wheels, small wheels, or no wheels at all. They dress like little thugs, or fashion-blind dorks, and if you saw them walking down the street in a pack, their squad often, you might cross to the other side. But these little dorks are the most special, wonderful creatures imaginable. They work seven days a week, and operate in the most demanding conditions imaginable, without a single day off. Not one burnt out. They patrolled for hours in the 130 degree heat, carrying combat loads greater than half of their body weight. Not a single one of them quit. They charged enemy machine gun positions without hesitation. They ran out into the open to save their comrades, sometimes taking a bullet. The wounded always wanted to return, and did anything to get back to the unit, even if it meant potential long-term health problems.

And if continuous combat wasn't enough, during their downtime we made them do continuous work improving the base, digging trenches and filling sand bags. They knew what was at stake in Iraq and constantly wanted to be reassured their work made a difference. They had trouble leaving because they want to stay until the job is finished. In their spare time, they do some of the strangest things you will ever see, possibly because they're young, and largely because they're infantry people. We give these young men the power of life and death, and then we expect them to use it responsibly under the most horrific conditions imaginable.

Life in Ramadi

Amidst the pressures and expectations placed on their shoulders, it's easy to forget they are college-aged kids placed in extraordinary situations. My company flew to Kuwait on the 19th of February, 2004, and trained for two weeks before we moved northward into Iraq in a large convoy, in the middle of the largest rotation of troops and men since World War II. U.S. vehicles stretched endlessly along the main highway going into Iraq. After a three-day journey, we made it into Ramadi with no idea of the tough fight that awaited us. During the journey, we developed a standard combat load for nearly all of our missions, which included a Kevlar helmet, interceptor body armor, six quarts of water, M-16 rifle, a pistol, rocket launcher, NVGs, ammo, and first aid kit. The total weight was 50 to 80 pounds, depending on the weapons system. Once in Ramadi, we immediately took up residence at a combat outpost, on the eastern edge of the city. The base was a former Iraqi chemical compound, in the earliest phases of rebuilding with no running water, electricity mess hall, phones or Internet.

Ramadi is a city of roughly 400,000 people packed into 15 square kilometers. I could walk across the city in 45



A MARINE UNIT on patrol in Iraq.

minutes. Our company of 160 was assigned the entire city as our area of responsibility, and our mission was to keep the population secure and under control. It would prove a very difficult mission. We spent two weeks with the Army paratrooper unit then responsible for our area, when our first casualties came. One of our jerry-rigged Humvees, which we had tied the armor to the sides, was hit by an IED, wounding four including one person who lost his face from the upper lip-down. This was the first of many, many casualties.

The Army left immediately after the turnover and we began our missions. Since we only had four Humvees for our company at the time, we walked everywhere. Initially, urban patrolling constituted 70 percent of our missions, and when we weren't patrolling, we were doing raids, area searches, observation posts, and the dreaded morning route sweep, where we walked down the middle of the city looking for IEDs. Iraq, as you know today, is still awash in unsecured ordinance, and our search typically produced at least one or two weapons caches, which we would

immediately confiscate and destroy. Additionally, because Ramadi is the provincial capital of the Anbar Province, it contains a key node for both infrastructure and critical personnel, making it a high value target for terrorists. So we soon took on the responsibility of securing it 24 hours a day, working alongside indigenous forces and private security contractors.

About 90 percent of the time, our missions took place in the heavily urban, population dense city center, but every now and again we would find ourselves operating and fighting in the lush rural area to the east. With its undulating prairies and thick palm trees, you could easily sit there and picture yourself in Vietnam. The patrols were as short as two hours or as long as fourteen in the 135 degree summer heat, and we never wore anything less than our 50 or 80 pound standard combat load. No matter how routinely though we patrolled, the tension of constantly being surrounded by a foreign population going about its daily business was a huge stressor because you never knew which one of the seemingly ordinary people was going to

shoot at you, throw a rock, or detonate a hidden bomb, then disappear into the surrounding crowd.

The pace of operations was unrelenting and eventually wore us out. The men rarely got more than four hours of sleep, so we used to say that next to fighting, sleeping was definitely what Marines did best. After about two months, most of the platoon commanders, myself included, started suffering from insomnia, largely because of the stress that results from constantly worrying about your men; constantly sitting there and saying, "Okay, who's going to get shot tomorrow," and "If I screw this one up, who's mom am I going to have to write to and say I'm sorry that your son is dead, it's my fault, I wish I could have done a better job." That really keeps you up at night, and eventually I became unable to sleep without the aid of heavy sedatives. But let me promise you, once the bullets start flying, and this is us under attack at the provincial government center, every vestige of tiredness drops away.

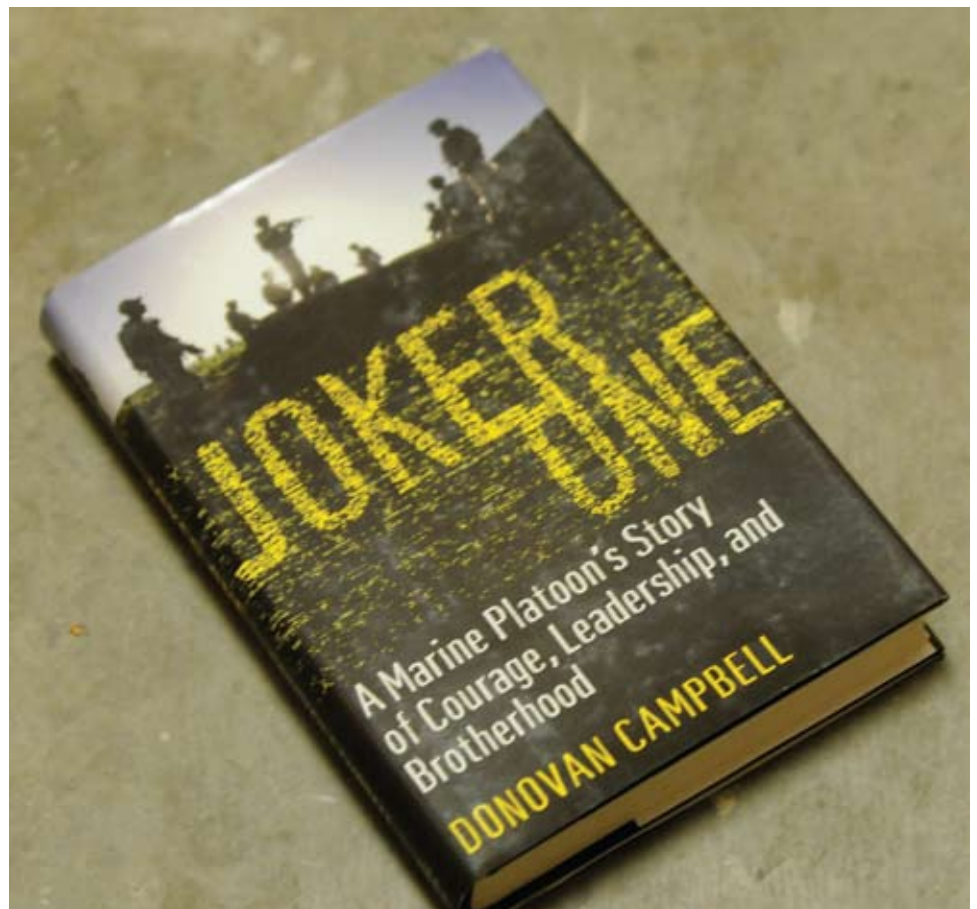
Combat

My first firefight occurred on March 19th when terrorists fired a rocket propelled grenade at one of my squads as we were sort of patrolling out of a heavily urban area. They followed the RPG with a burst of small arms fire. The rear fire team disappeared in smoke, and I thought to myself, "My God, I have just lost four of my Marines." However, not a single one was hurt; the RPG had skipped off the pavement and went underneath one of my men and impacted 15 meters north of them. We did not fire back at our attackers, even those shooting at us with small arms like AK-47s. The reason was they had surrounded themselves with a crowd of small children, and my point fire team was worried that if they shot at them, they would hit the kids. And this was a pattern that would repeat itself time and time again.

April 6th, 2004, was a wake-up call for my company. It was our first major battle, and we eventually needed our entire thousand-man battalion to roll back and destroy our attackers who had launched simultaneous offensives all across Ramadi on that day and in the rural zone to the east. We ran into the fight with only what we could carry on our backs, and by the time the day had ended, we'd fought off an estimated 1,000 to 2,000 attackers. It is very hard to figure out who's the professional terrorist, and who is the minuteman who has picked up his rifle and is happy to shoot at you until you pass. Two of my company squads were pinned down

in compounds by hundreds of insurgents running back and forth and hanging their weapons over the compound walls, firing at the Marines. Joker One launched a rescue of these pinned down squads, and fought our way block-by-block and house-by-house until we could relieve them. By the time we got to our comrades, we'd expended all of our grenades, all of our rockets, and were running low on ammo. Those we rescued had nothing left. After ten hours, the enemy gave up and melted away.

The next day was similarly bad, but we again fought hard, and by the time the smoke cleared we had killed between 300 and 500 enemy at a cost of 16 of our own. From that time on, my company had contact with the enemy nearly every single day. Starting in late June and continuing through August, our battalion deployed into the city at least once a week, engaged in a city-wide firefight. At one point, our observation position was the most frequently attacked place in Iraq. No matter how often we changed our tactics, our enemies adapted just as rapidly. Until the day we left, we were fighting fiercely and often. Prolonged, intense fighting inevitably produces casualties, and we were no exception. In our battalion, one out of every three was wounded, and in my company, it was closer to one out of every two. However, our Naval Corpsmen and our doctors, and our medevac procedures were outstanding, and we generally were able to get everyone into higher echelon care within the golden hour. As the only base on the



eastern side of the city, we facilitated a tremendous number of medevacs, both for our units, and others. Most of the casualties, however, returned to duty and many responded by smoking a cigarette and wondering when they could get back into action.

Honoring the Ultimate Sacrifice

The human body has a lot of blood, and every time a casualty came in, we would perform a grim duty. You don't think about it, but this is what happens. No matter how good our medevac procedures were, not everyone can be saved. We lost 12 men on the 6th of April. We lost four more on the 7th and the 10th. Echo Company, our sister company at the outpost, would lose 22 over the course of the deployment. All told, with attachments, our battalion lost 44. The casualty rate, we were told, exceeded that of anyone before us, Marine or Army, since Vietnam. It was very important to honor the dead properly out there; it provides closure to the Marines by allowing them to grieve. These men died as heroes. Though the missions didn't cease, we would hold memorial services to bid our friends goodbye and honor their sacrifice. Then we would pick up our gear, go back to work, still carrying the losses like stones. As each month went on, our hearts got heavier and heavier.

Lessons Learned

After seven and a half months, fewer returned home than went over. The last eight years for me have not been easy, but in spite of the difficulty, tragedy, and horrors we, witnessed, these experiences were transformative. Here, are a few of the lessons that I have learned. First, human beings are amazingly and infinitely adaptable. Most people are capable of far more than they realize, both for good and ill. Given the proper circumstances, ordinary people can and will perform the most amazing acts of heroism and the most shocking acts of cruelty.

Never underestimate the capacity for good or evil that dwells within all of us, and never underestimate what you are capable of enduring. Right now, there are 18 and 19 and 20-year olds manning the wire in some remote place in Afghanistan, and they may not take showers for two or three months. Whenever I'm having a rough day at work, I think of them and it

you seize the moment? Pick whatever cliché you like. I don't know, because I cannot conceptualize what it is like to die. What I do know is this: often you have no say in tomorrow. Most of the time you don't even have a say in what happens today, but you can do your absolute best at the tasks now in front of you. You can pursue excellence for its own sake. You can

...these experiences were transformative.

puts things in perspective. It helps me to remember, "Do not underestimate what you can do if you have to."

The second thing I learned the hard way was perspective, patience, and the precious gift that is time. When the only earthly possessions that matter to you can be carried on your back, you tend to develop a certain perspective on whether material comfort is necessary for happiness. When every decision that you're making is life and death, you tend to develop a truer sense of what matters. You develop more patience with the small inconveniences of life. And when many of your friends and comrades no longer have any tomorrows because they have bled their lives out on a nameless street in a city most Americans will never hear of, you begin to value every day. You begin to give your best because you know tomorrow is not assured. You tell yourself, "Corrall's family would just love to spend an hour more with him, but they're never going to get one." Neither is Berming's family, or Winchester's, or Shumney's.

However, I still live. So what am I going to do with this day that I have been given, a day that so many others long for, and will just never get? What will I do with this responsibility? How will I earn my time here so that I can make the most of something that so many friends no longer have? How do you do this? How do you live each day like it is your last? How do

take the opportunities given to you as responsibilities, and you can use them to their fullest because to do any less is a slap in the face to all of those living and dead who would love to have what I have. We can live in fear that one day we'll look around at all of our possessions, at all of our success, and we'll look ourselves in the mirror, and say, "With our opportunities, I have served only myself. I have been weighed in the balance and I have been found wanting."

The third thing I learned was that failure is an inevitable and necessary part of life that happens whether you want it to or not. Sometimes it's the result of an error in morality or judgment, and sometimes it's just because time and circumstances had a vote. In the long run, the real question is, how do you respond to failure? Life is a marathon; everyone stumbles and falls at some point. Sometimes it's enough just to get up and keep putting one foot in front of the other, moving forward no matter how defeated you feel. You have to accept the challenge before you with the mentality that you have no outs and no choice but to shoulder your load and succeed. There can't be a personal exit strategy. Paradoxically, it becomes easier to once you make the decision to raise your hand and say, "You need someone to blame for failure? Here am I."

The fourth thing I've learned is that before you lead, you have to



A MARINE BEHIND the wheel of a battle damaged HMMWV.

know what you stand for. People will not follow someone who doesn't know where they are going. I think you need an ultimate moral code because combat can bring out the darkest in the heart of man and believe me, it brought out mine. Only knowing in advance that you would rather die than dishonor your faith, or your men, or your mission, is, I think, the only way you can remain sane. I am a Christian, I'm far from perfect, but overseas I was determined that I would reflect great credit on my faith and show my men through my actions, the nobility of my belief system. That's why I didn't tell my guys, "Please kill at least a dozen people in response to Bolding's death."

That's what kept me from going to some of the places I wanted to when I was angry and I wanted revenge.

You need to find what works for you. Though it may not be lives that are on the line for you, it will at the very least be livelihoods. People look up to you, people follow you, people's futures and careers are in your hands; that is no small thing. Decide what it is you believe, what moral principles you will not bend or break, and then stick to them for the rest of your life, no matter how much money or opportunity can result from looking the other way.

The final thing I have learned the hard way is that servant leadership

is the only leadership model that works over the long run. In today's world, these types of leaders are in high demand but short supply because consistently subordinating your self-interest to that of others just isn't easy. If you are like me, you will eventually want to stop doing it, and instead focus on your position rather than on the needs of your people. We will reveal our values by the sacrifices we make to uphold them because in this life, we value everything at exactly the price we pay for it. So if we cannot make the personal sacrifices to uphold our belief systems, all we're doing is giving it lip service. What do I mean by servant leadership? Simply put, I think servant



leadership demands that a leader place their cause and their values first, their team second, and their own welfare a distant third. I think a leader exists to remove obstacles for their team so that their team can then accomplish a worthy goal. Servant leadership asks that people observe what we do rather than listen to what we say. It demands integrity, wholeness, consistency between word and deed; and above all else, humility.

Servant Leadership

Lest we think servant leadership hard to attain, just let me put it in perspective for us. Lance Corporal Dunham, a Marine and Medal of Honor winner, participated in the Iraqi invasion at the age of 23

and was scheduled to get out of the Marines shortly after he returned. But when it became apparent his squad would be going back to Iraq in 2004, he extended his enlistment to go with them. He went back as their squad leader, and on April 14th, 2004, Dunham and his men were patrolling when they came under fire. Heading south to cut off the ambushers, they came upon a seven-vehicle convoy exiting the scene. His Medal of Honor citation states: "Corporal Dunham and his team stopped the vehicles to search them for weapons. As they approached the vehicles, an insurgent leaped out and attacked Corporal Dunham. Corporal Dunham wrestled the insurgent to the ground and in the ensuing struggle, saw the insurgent release a grenade. Corporal Dunham

immediately alerted his fellow Marines to the threat, aware of the imminent danger without hesitation, Dunham covered the grenade with his helmet and his body, bearing the blunt of the explosion and shielding his Marines from the blast. In an ultimate and selfless act of bravery in which he was mortally wounded, he saved the lives of at least two fellow Marines."

Some may very well be asked to give the last full measure of devotion for their causes and people, but most of us probably won't. For those of us who are going to emerge from these wars alive then, I think if not in practice, we can certainly emulate Dunham's example and spirit and with deep humility, serve others first. We can model a different type of leadership for all of our countrymen

who have never served. I think we can bring honor to the American armed forces, not only overseas, but also in our homes, neighborhoods, and communities. We can never stop fighting to make our world better one small bit at a time.

Upholding a Sacred Responsibility

It is an amazing time to be in the U.S. armed forces, perhaps because it is the only federal institution that enjoys widespread trust. With that trust comes a sacred responsibility. We must demonstrate morals that do not fluctuate with circumstances. We have got to prove that we care more about the patient acquisition of virtue than the rapid accumulation of wealth and power. We must, with our actions, demonstrate that we lead by serving others. Never underestimate yourself, and never take a single day for granted. Accept that failure is inevitable; be the first to take responsibility for it. Know what you value, and know what you cannot and will not trade off. Serve your causes and your teams first, and put yourself a distant third. None of these things are easy, and I know that they take years

to do well and minutes to erase. But if we can do them, we will keep our profession's honor but even better, we will end our days on this earth with our heads held high and our families will be proud to bear the names that we leave them. *Semper Fidelis.*

The previous remarks, which have been edited for this publication, were made by Mr. Donovan Campbell at the KEYSTONE Leadership Summit on 26 October 2009.

Donovan Campbell graduated with honors from Princeton University and Harvard Business School, finished first in his class at the Marines' Basic Officer Course, and served three combat deployments—two in Iraq and one in Afghanistan. He was awarded the Combat Action Ribbon and a Bronze Star with Valor for his time in Iraq. He is now working for PepsiCo and living in Dallas, Texas, with his wife and daughter.





Senior Military Law

Maj Gen Dunlap (moderator): What do you see as the major challenges that you're facing in your JAG Corps for the future and how does your service plan to address the challenges that you see?

LTG Chipman: In an era of persistent conflict, our challenge is to be able to retain our personnel, which is our fundamental strength. Right now we have 450 judge advocates and paralegals deployed in Iraq, and about 140 in Afghanistan and we expect that number to increase. Many of our paralegals are on their third or fourth combat tour. Judge advocates in our graduate course have never known an Army that wasn't at war. Our fundamental challenge is to figure out how we are going to retain our people and how to balance the need for stability in their lives between deployments. We are focused on a balance of rotational tours in the theater and opportunities to get back to the states. As part of that as well, we are focusing on what's the right kind of counterinsurgency training to be able to provide value added in full spectrum operations.

VADM Houck: I think for us the biggest challenge is the sizing and shaping of the Navy JAG Corps. We are

still built very traditionally like we were for years with offices spread all about the country designed to take on military justice cases that from our stand point continue to decline and get fewer and fewer in number. At the same time, we've a multi-level chessboard that we're playing on, with surging missions in other areas such as cyber, environmental, and national security law. Therefore, we may be a bit imbalanced in that we've got more people pursuing a military justice caseload which is almost a legacy practice, at least in terms of volume, not substance, and yet we have emergency practice areas where we may be under-resourced. Trying to balance all that at the same time where the Navy is not growing, we need to maintain the right level of people and put them in the right places at the time when our service is in a lot of transition.

RADM Baumgartner: One of my biggest challenges is figuring out how our legal program can adapt to the Coast Guard's biggest reorganization in the last 50 years. We're not that big of an organization to begin with, and had a structure in the past where our legal program could support many different missions and commands out



yers Leadership Panel

of several centralized legal offices. Our organizational scheme is changing radically to something called a product-line management scheme, which means we now have new chains of command for our clients that are not geographically clustered. The challenge for us is to find an efficient way to support a disaggregated organization with a tremendous amount of distance legal support maintaining client contact, while maintaining integration with the support elements of the Coast Guard. Another big challenge for us is increasing specialization in our mission execution organization. One of the strengths that we've had as an organization is the fact that our JAGs are line officers and many of them go off into operational billets. That makes them much better judge advocates. It makes the commands better. It fits with our mission profile nicely. Specialization inside those other mission areas will create challenges for us in terms of how easy it is to send judge advocates out to these particular operational billets and bring them back into our legal program.

Maj Gen Dunlap: Something that Admiral Houck mentioned is a phenomenon that we're seeing in the Air

Force and that's the general decline in the number of military justice actions. Have you been seeing a similar decline and, if so, what are your thoughts as to why that may be?

RADM Baumgartner: We haven't seen a tremendous decline. Ours is cyclical. Percentage-wise, it's actually a much smaller military justice load than the other services have. Part of that is the size of our units which is much smaller, the locale that they're in, a whole bunch of other factors like that so we haven't seen that big of a difference, but we've been in a much lower level for a longer period of time which creates kind of a challenge for me, making sure that all my judge advocates have a reasonable amount of time in the courtroom.

VADM Houck: From our standpoint we've wanted to be very careful about judging this too quickly because once you get rid of end strength, it's very difficult to get it back. I think the trend that we have watched for really the better part of ten years is probably a function of a high quality force. Our people coming in are wonderful. Our investigative agency resources are now oriented in

different ways to focus on counterterrorism, as opposed to investigating crimes. It's not that they've given up investigating crimes but the relative emphasis has changed. Additionally, the complexity of some of the cases has made it more expensive and more difficult to try them and that leads commanders through a different set of thought process in some instances.

LTG Chipman: We've had some recent challenges in capital litigation. I look at how time consuming, resource intensive and difficult it is to have capital qualified counsel now. In part, we have an Army at war, under stress, and commanders are looking for a rapid disposition of misconduct.

Military Justice and our competence in military justice is our statutory mission, so we take seriously the challenge ahead.

Maj Gen Dunlap: What thoughts would you have for our staff judge advocates to pass on to our young JAGs and paralegals based on your experiences over the years?

LTG Chipman: Take the tough jobs early. The more difficult jobs you take early in one's career, the more rounding and the more developmental experience you will get and then those follow-on opportunities will present increasing challenges. I found that our young judge advocates that we give the most responsibility to are

particularly up the chain of command and to not wait to be asked.

RADM Baumgartner: As I see my job, it's helping the people that work for me be able to do their jobs. I don't necessarily see that they work for me as much as I should be working for them. I started with that philosophy when I was an ensign as a department head on a ship and I've tried to keep that feeling to today. I might set vision and tone and priorities but the rest of my job is trying to make sure that the folks that work for me can do their job and that I'm working for them. I think that if you approach your work in that manner and discuss it with the judge advocates that are developing



When you advise the, "well, this will be an Article 32 and a general court-martial to follow and it will be over a period of months," they look back and say—"that's not good enough. I'm focused on getting this division out the door and deployed on a rotational sequence." That's a challenge. We're trying to address that much in the way the Air Force is centralizing some of its functions by creating some more capabilities with special victim prosecutors that we have assigned regionally at our larger centers as well as highly qualified experts to try and improve our advocacy and litigation skills across the board. We know that fundamentally the Uniform Code of

the ones who perform the best so if I were an SJA, I would seek to empower those great young captains as early as possible, load up their rucksacks, and watch them respond.

VADM Houck: My advice to you would be to learn how to be honest and say what you think particularly up the chain of command. Learn how to do that in a way that is respectful of other points of view but to never back off of what you believe to be the truth is. There will be many pressures on people to do that, to temper or waiver on things that you believe are accurate and right so I would encourage you to speak honestly to everybody,

underneath you; you're going to be tremendously better off. Another key thing I tell my judge advocates is the reason that they have a job, is because somebody is executing Coast Guard missions. If they don't think their primary job is seeing those missions are executed efficiently, effectively and safely, then they are not really somebody I want in my JAG Corps.

QUESTION FROM THE AUDIENCE: Have you noticed within your JAG Corps respectively a tension between a generalist track and specialization? In particular, is there any specialization in your JAG Corps for military justice? If there is a tension, how are you all

addressing that tension between generalist tracks and the specialist tracks?

VADM Houck: We have some tension in the Navy, particularly in the military justice area; we decided a few years ago that we wanted to create a specialist track in military justice. I think it intersects with the phenomenon I was talking about earlier in which we have fewer cases, and we're trying to strike the right balance between having enough people. This is our statutory mission, and we've got to do it right. The American people expect us to do it right so we have created a specialty track in that area. The other two areas that we are going to keep a close eye on are environmental law and cyber.

LTG Chipman: We have some tension, but we've recognized that our military justice practice needs to have some level of proficiency. That's an area we're tracking now, but I look at the specialization as absolutely required as well. I look at the theater and I look at how much support we've gotten from the Air Force JAG Corps in contract and fiscal law. We would have been absolutely broken without that because we allowed that specialization within the Army to atrophy. We're in a process now of growing back some fiscal law and contract law capability but I look at, across the services; this is where there can be some complimentary effort. I would prefer not to grow a corps of cyber law qualified people if I can outsource it to the Air Force. That would be my desire.

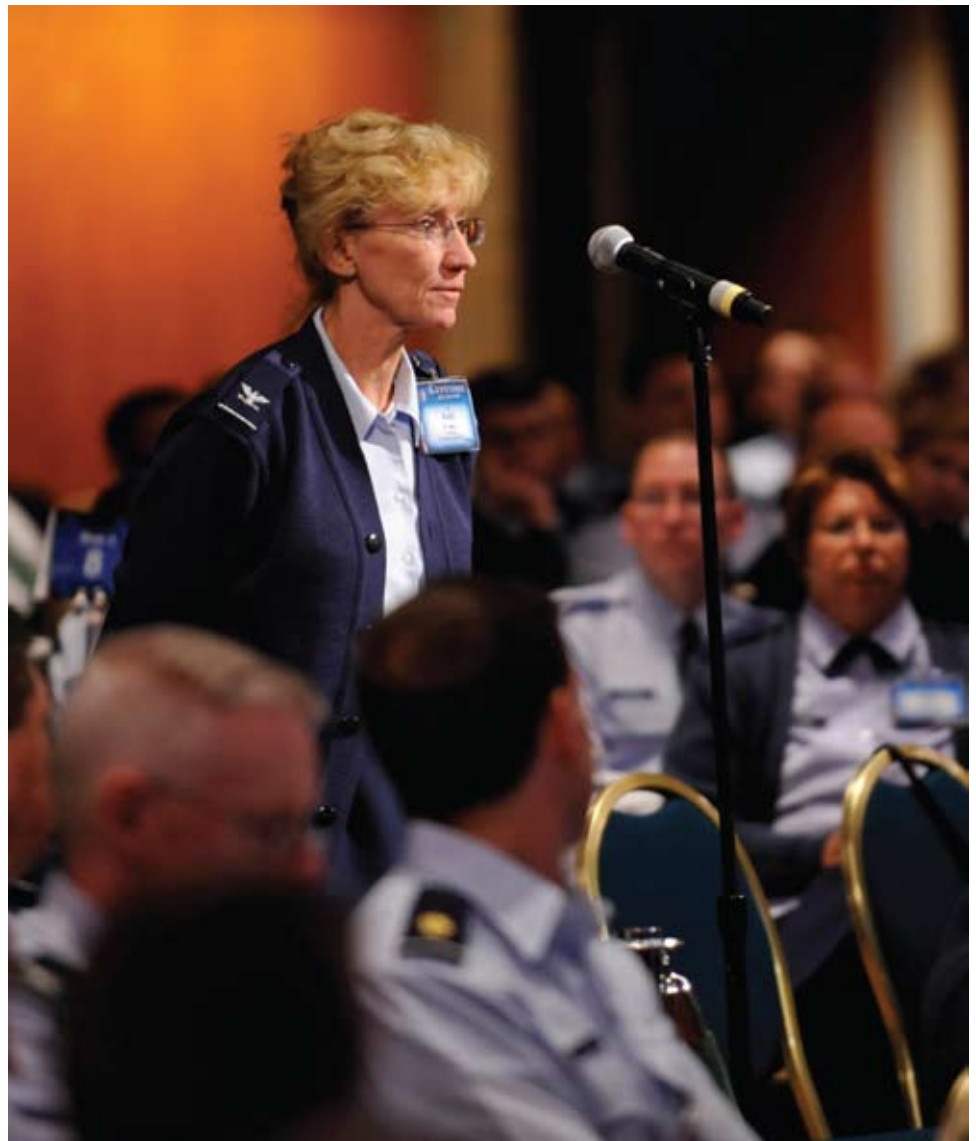
RADM Baumgartner: Size has a lot to do with different things. Here, within our judge advocates, we don't have a lot of specialization. The areas that we need specialists in, say acquisition—I primarily use civilians. There are 90 percent civilian attorneys to do that. Some parts of environmental law I rely heavily or almost exclusively on civilians to do that environmental compliance. I need my mid-level and senior judge advocates to be mission-execution specialists. Military justice, we don't have that much to justify a

special track so we watch that very carefully and we also compensate so the chief judge of the Coast Guard Court of Criminal Appeals is a civilian. That's done very purposefully to make sure that you've got somebody with a great deal of judicial experience and continuity there. Actually, I have some of my associate judges on that court are also civilian as well, most of them retired. In fact, all are retired judge advocates, so that's how we manage that process and balance things.

QUESTION FROM THE AUDIENCE: General Chipman, based on your experience as SJA at two war fighting combatant commands, how would you grade both your own service as well as the Air Force on achieving

the jointness required by Goldwater-Nichols?

LTG Chipman: I start by saying I think the Navy's got it best. As I saw on three different operational tours, the Navy has the luxury of so many civilian counsel that they can devote their uniformed judge advocates to an operational law practice. I think the services across the board work very well in implementing Goldwater-Nichols at the combatant command level. We're all products of the cultures in which we were raised, and I think there is room to be done in further implementing Goldwater-Nichols for our civilian partners, much of what John Nagl spoke about growing capability across the inter-agency.



RADM Baumgartner: The Coast Guard lives completely in a partner world. There are only very few of our missions that we can actually do without either inter-agency, joint-service, or private industry partners. We consider that one of our core competencies. There is something to be said for growing up with the reality that you don't have everything you need to get done, get your job done so you learn how to influence people, you learn how to be what one of my bosses told me once is you don't have to be in command to be in control. I think we've got a lot of our officers that have taken that to an art form. I tell my judge advocates I expect them to be something I call a fearless integrator. I expect them to integrate across missions in the Coast Guard, integrate across agencies, and lead their clients in that effort.

QUESTION FROM THE AUDIENCE: How do your services address legal specific training and how do you find the smart balance between web-based CBT training and face-to-face time in question and answer sessions with students?

RADM Baumgartner: We're trying to find the right balance for our computer training. Our faculty believes strongly in face-to-face interaction and yet we know that we can increase our capabilities if we provide more web-based training. We have tried to address the need for real time preparation for theater specific missions with a new effort over the last year called Brigade Judge Advocate Mission Preparation, a three-day seminar conducted in DC for those who are deploying and may not have been to our one-year graduate course program, which we think that effort is yielding good results. The mix is always going to be a little bit of a challenge, but we're addressing after that with a these new initiatives.

VADM Houck: I found in our judge advocate community and with, our enlisted paralegals, some resistance to distance learning. I think our ability to do it right now is, at least in the Navy's case, somewhat primitive, so

people look at the short-term fits and starts that we have in trying to do it and get alienated and turned off by the process. But we have to keep pushing in that direction because the days when we have lots of money to continue to fly people all over the place to brick and mortar, face-to-face learning opportunities are not going to last. We've got to do distance learning really well. It's something we're going to have to come to terms with.

RADM Baumgartner: I think it will be interesting looking at new generations that come into the service that have spent so much of their lives in front of a computer screen already. That's their primary method of communication. Those of you with teenage kids, particularly teenage daughters know that they carry on most of their conversations with their thumbs texting back and forth, sharing and gathering information on Facebook. The methods of learning that our new folks will see in the future are changing. It's not what we did when we grew up.

LTG Chipman: I think there are some things you have to keep in mind when looking at any particular training. Are you trying to impart information, or are you trying to impart a way of thinking and teach someone how to think about something? These are two different things and we very frankly have some courses that focus on one or the other. We may have to rethink what the delivery platform for those courses needs to be.

QUESTION FROM THE AUDIENCE: What are your thoughts on the utility of a single JAG Corps for all the services?

RADM Baumgartner: I think we are way too much weighted to our own cultures and traditions, but there is goodness there. I thought we might be able to get to a single digital camouflaged uniform and yet we've got four variants. I think that more joint basic training would be good. We really enjoy the fact that we do

the basic lawyer course with the Navy and the Marine Corps, but you kind of balance the cohesion within the specialty versus cohesion with your client. Building that cohesion with your client is tough if you are in a different uniform and you are now seen as a different service. It's got to be tough to be on the inside of the decision cycle for those commanders if you are not in the same uniform. That's a huge challenge.

VADM Houck: We deal with this in ways sometimes that the rest of you don't have to within the Department of the Navy because we have two really very distinct services within our own department. We have very different cultures and as much as we have the same missions, we still have really different clients and service cultures and JAG Corp cultures in some cases. I think that if we are skillful about this, we can get all the goodness out of collaboration in working together and stitching ourselves together where we need to be without making ourselves all look alike or be alike. I think we'd all really lose something if we all blended together and became homogenous that way. I think we're much stronger the way we are so long as we're willing to work together and find out common strengths.

Maj Gen Dunlap: Thinking back to when you first came into your service, what are the most dramatic differences between then and now, particularly with reference to the people and are there particularly attractive things that you see in the people that are coming in now and are there any qualities in the people that are coming in now that you find, shall we say, less attractive, or even a concern?

LTG Chipman: The Army JAG Corp active reserve and the guard is 9,070 people right now. Each one of them wants individual feedback from me. I'm having a hard time managing the personnel requirements of the position. The generation we're attracting now truly wants instantaneous and constant feedback and they want to know "how

am I doing.” “Well, I talked to you last week.” “Yes, but that was last week, how am I doing this week?” So I’m finding that to be a little bit of a challenge. This generation wants to serve and this generation that we’re recruiting right now believes in contributing as part of a team so I am encouraged by the folks that are applying to come into the Army’s JAG Corp. We are benefiting, obviously, from a difficult legal market right now but business is great. The law students out there look at these JAG Corps across the board and look at this as a wonderful opportunity to start the practice of law in a tough market. They see the commitment, the chance to obtain a well-rounded practice and to serve something broader than themselves, and they are applying in record numbers.

VADM Houck: I am thrilled with the people that are coming into the JAG Corp right now to the extent that they push us to do things differently. That’s a good thing.

RADM Baumgartner: I’m not sure if I can think of too many negatives with the folks that we’re getting in now. They are very smart. They are very bright, and as Admiral Houck mentioned and General Chipman mentioned they challenge, they ask questions which, frankly, I don’t have 9,070 people all asking me the same thing. I have a much smaller number, and it actually makes things much more enjoyable for me to have that kind of an interaction. I was just at the Navy Justice School talking to a basic lawyer

course last week and it’s just wonderful hearing from them and hearing the interaction, the enthusiasm. I think the challenge that we will have though, and many of you already know it, is the economic model of the family is different and making the transition between those single judge advocates and—well, whatever specialty you happen to be in your service, make a transition from a single individual, they get married with a two-income or two-income family, and then you start moving people around and children and all the family dynamics and that’s going to be the big challenge that we continue to have is how you blend all of that stuff together and make it work.

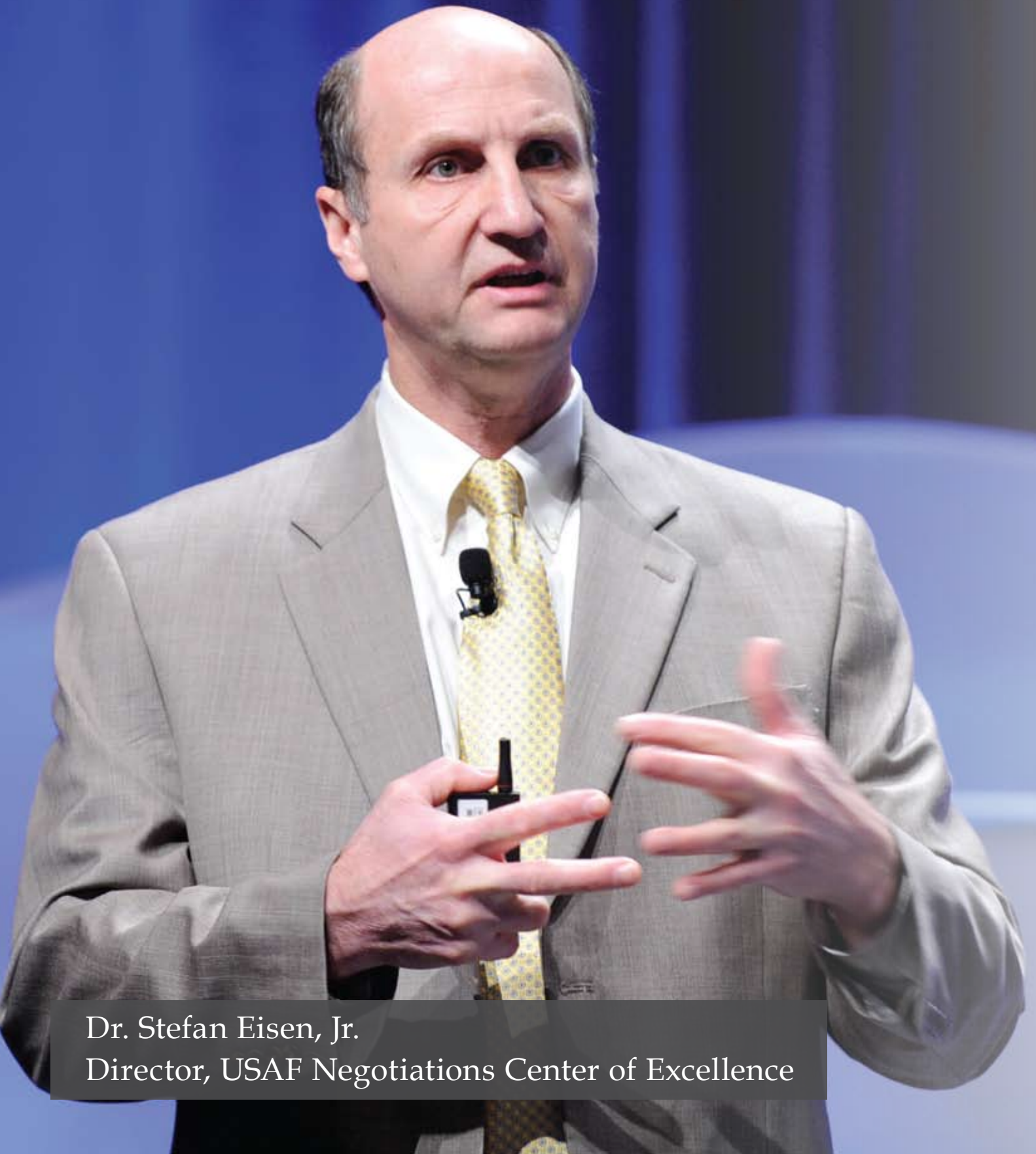
Vice Admiral James W. Houck is the 41st Judge Advocate General of the Navy. After graduating from the Navy, he served as a Surface Warfare officer before attending the University of Michigan Law School. He later earned his Master’s of Law Degree from Georgetown University Law Center and has served as the Deputy Judge Advocate General of the Navy and Commander, Naval Legal Services Command. As Deputy Judge Advocate General, Admiral Houck also served as the Deputy, Department of Defense Representative for OSHA policy affairs and he recently became The Judge Advocate General of the Navy.

Lieutenant General Dana K. Chipman is the 38th Judge Advocate General of the Army. A graduate of the United States Military Academy, General Chipman was an infantry platoon leader before attending Stanford Law School under the funded legal education program. Prior to his current position, General Chipman served as the Commander of the Judge Advocate General’s Legal Center and School at Charlottesville, Virginia and Staff Judge Advocate of US Special Operations and Central Command.

Rear Admiral William D. Baumgartner assumed his duties as the Judge Advocate General and Chief Counsel of the Coast Guard in 2006. After graduating from the Coast Guard Academy with degrees in marine engineering and electrical engineering, he specialized in surface operations before joining the Coast Guard’s legal program. Admiral Baumgartner received his juris doctorate degree magna cum laude from Harvard Law School. Prior to his current assignment, he served as Chief Office of Maritime International Law and headed the United States delegation to the legal committee of the International Maritime Organization.



Becoming a Master of Negotiation



Dr. Stefan Eisen, Jr.
Director, USAF Negotiations Center of Excellence

I was a commander five times, which means five changes of command. Changes of command are an interesting observation on communication because in the front row my dear wife is there, my mom is right next to her and then my mother-in-law is right next to her. As they go through my resume my wife is thinking, "Oh God, there goes his ego—can't wait until he gets home tonight." My mom is sitting there proudly: "Yep, that's my son." Then there's my mother-in-law in stunned disbelief: "Who's this guy they're talking about?" All three people all have the same information, but totally different communications, and that's what negotiating is all about.

The Art of Persuasion

During World War II, General George C. Marshall, observed that a senior military leader must transform from a political soldier who is used to giving out orders, and learn the arts of persuasion and guile. Being able to negotiate is not brand new. It's been around a long time.

When I arrived at Lackland AFB as commander of basic military training, my vision of what the JAG Corps was significantly altered. Jim McDonald was my JAG there, during two and a half of the most wonderful and terrible years of my life. There were always five people that I took out to lunch within a week of taking command and they were the inspector general, the chaplain, the JAG, the medical group commander and the public affairs officer. Why? Because when things are going to go wrong in the big organization and start hitting the fan, that's not when a commander wants to go meet the wing JAG. It's all about relationship building and communications before the actual problem solving and negotiations go on.

I grew up in a system during the Cold War where I could do my entire mission and never talk to anybody outside a blue shirt. We're living in a totally different operations environment today, working with joint and coalition services. Why is that so important in negotiating? Number one is the span of control is less than the span of responsibility. We've got leaders nowadays that are charged with mission success involving people they have no direct authority over. Influence, negotiating and problem solving have become key leadership skills. It's no longer an option. The second thing, because of the complexity of this environment is the span of a leader's situational knowledge needed for an effective decision. I believe in the theory that two or three people working

together can come up with a better solution than any one person can on their own. That's one of the key benefits of negotiating and negotiating effectively.

The Military Culture on Negotiation

As a CENTCOM commander recently said, we need to be masters of negotiation. The Negotiation Center of Excellence (NCE) was stood up in 2006, and I got lucky enough to get the job of running it. What is the current military culture when it comes to negotiating? What are our preferences? To put a bumper sticker on it, we're a hard power culture trying to work in a soft power environment, and that presents unique challenges, because Congress organizes, trains, equips and budgets us to be a hard power culture. In the last five years, there has been tremendous change in Army doctrine, joint doctrine and other service

doctrine in adapting the concept of using soft power to solve problems, not just in special operations, but across the services. We're changing our training to be much

Influence, negotiating, and problem solving have become key leadership skills.

more about coaching and mentoring. The National Training Center in California now has a full week's worth of education, training and simulations that teach negotiating.

The culture is adapting. Senior leadership is really putting a lot of emphasis into developing programs and curriculum to help promulgate the idea of negotiating as a key leadership skill. We have an enduring warrior culture. We don't want to lose it, but have adapt it to deal with other cultures. What's the NCE's objective? We deliberately try to develop an additive, adaptive soft power skill set rather than replacement skill set. If you read current literature out in the business world, they say you need to chunk the old style of American negotiations, and adapt a brand new one. I say you need both.

Additionally, negotiation is identified as a part of key leadership in the USAF's Institutional Competency's List that was published in 2007. Doctrine training and service culture is moving into the realm of giving every leader the ability to negotiate, this key skill set. One of the things we've been able to do at the NCE is develop what we call the bull's eye chart. We try to categorize negotiating in five categories to help students kind of identify when to use a particular strategy in a particular set of conditions. These different strategies are intended to help you plan more effectively as leaders on how to approach engagement with another party.

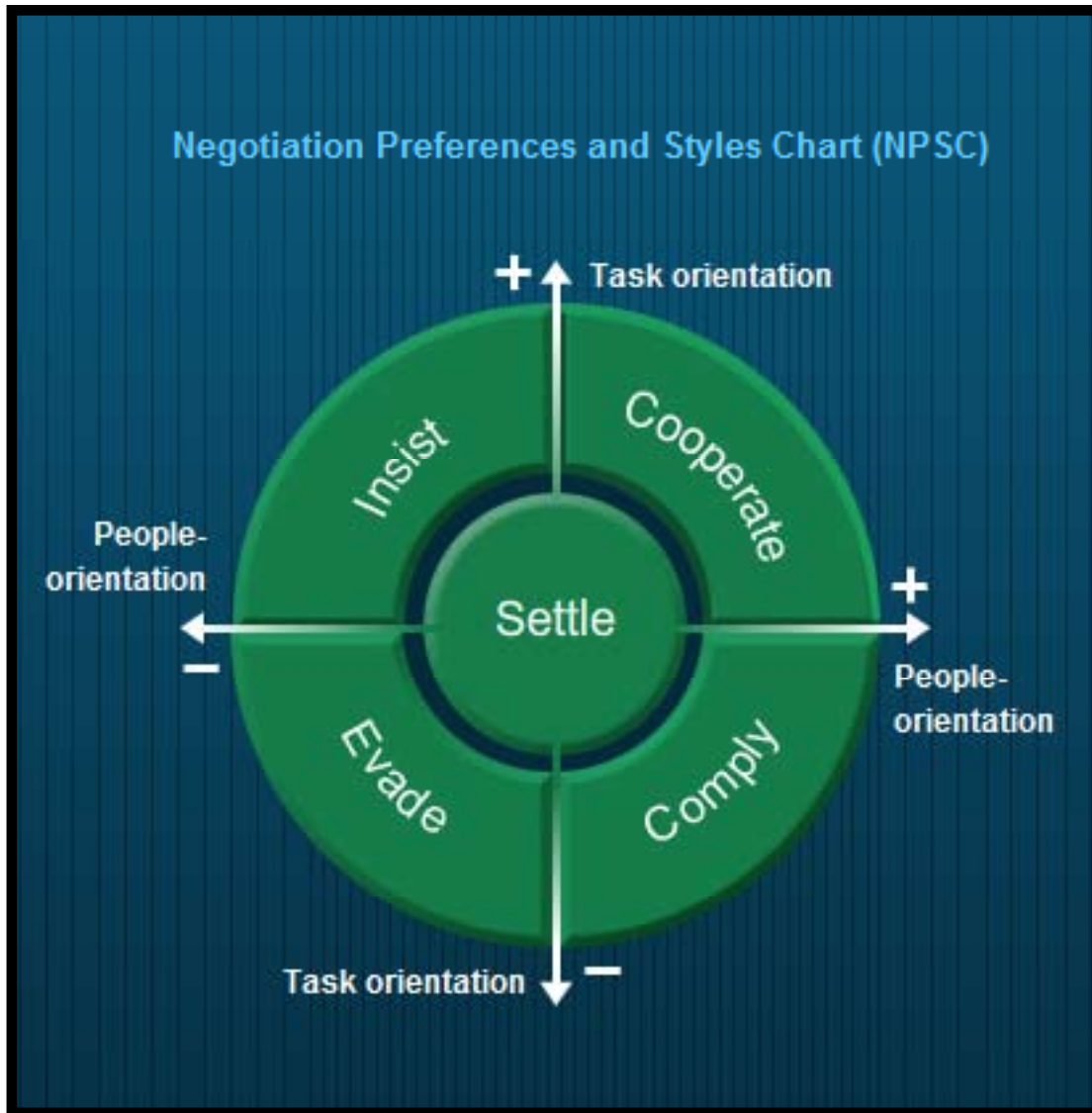
Negotiation Strategies

Note in particular that the insist style and settle style are distinct strategies. The insist style is where you make a demand—take it or leave it, absolutely no wiggle room. It's really surprising when some folks walk into a negotiation and they make a demand that reveals their bottom line upfront and, all of a sudden, the other side adopts the settle strategy and they are making out offers and counter-offers expecting you to move and, of course, you can't move because you've already revealed your bottom line. Truly, the way you enter and plan for a negotiation can affect its outcome.

There is also the comply strategy, where preserving the relationship is so important that you don't care what the outcome is. For example, when I was dating my wife of 31 years back in flight training and I said, "We are going to go where the Air Force tells us to go. We are going to do what the Air Force tells us to do. We are going to live where the Air Force tells us to live. We have no say in the matter. At the end of it all, the last PCS is yours." I was interested in maintaining that relationship and the outcome—so I retired in Montgomery, AL, where my wife and daughter chose.

Now, what is the military's current preferred method of negotiation? Not surprisingly, we prefer the insist style. We've got extraordinarily strong convergent





problem solving skills. It's part of our national DNA—we are a “to-do” culture. For example, at my change of command, it was all about what I'd accomplished in my career, not my background, my family name and where I came from. That's not important in the DOD, but in many other cultures, it is. You can see how that might influence the way you might approach negotiations in a cross-cultural environment.

The Japanese are the most adverse culture to negotiating. We see the environment and want to control it. If we don't like the river, we'll put a dam in front of it, then put a bridge over it, put canals next to it, or levy it. Rather, the Japanese approach is observe the environment, then try to adapt. For example, only 18 percent of Japan is arable land and yet they are almost self-sufficient in rice. The way they've been able to do it by carefully terracing the mountains, which gives you 30 percent more production than the American style which is flatten the mountain and

build a rice field. There is a difference between controlling the environment and trying to adapt to the environment, and this will influence your negotiation style.

We also are not a risk-averse culture. One of the great things about being at Maxwell is you get to work with the international officers. One of my best friends is a Pakistani officer who is now most-likely a one-star general, who said, “Americans are okay with risk. In fact, you like to tilt the machine every once in a while because your bench is deep. You've got resources.” When you go to a culture that is resource scarce, you can see in a negotiation where they may be very risk averse and be very conservative how they come to an agreement or if they come to an agreement at all. There's a tremendous difference in our perspective on risk.

Will the current Air Force culture evolve into a more cooperative negotiating style? We don't know yet. Americans prefer inductive reasoning. We gather facts and



work hard to assemble a solution. At that first meeting we present the solution and defend it. The problem is, we've got a psychological issue because we're convinced our idea is the best one. We buy into our own solution at that first meeting and disregard or dismiss other possibilities. We also believe that if the other side was presented with the same data then they should arrive at the same solution. This is a classic insist style. Again, there's nothing wrong with this, but you can see how it might be a problem when new information starts popping up at that meeting. There now is a psychological barrier to adjusting to these counter proposals. Or in other words, as a friend in the Army told me, we're competitive, but will also cooperate—to promote victory, not harmony.

Recognizing Your Perceptions

You've probably heard of the Myers-Briggs Type Indicator. It is a questionnaire designed to measure psychological preferences in how people perceive the world and make decisions, based on sixteen categories. Over 54% of the U.S. general population is a "J" or "judging versus perceiving." How do you deal with the outside world? Do you want things decided? Do you want things left open? If you're the perceiving type, you like to keep decisions open. If you are the judging type, you like to have matters settled. Going back to the 1980's, the data shows that we assess a cross section of lieutenants, but we promote primarily STJs (Sensing, Thinking, Judgment)—or those who fit in a "supervisor" role. In fact, over 70 percent of colonels are STJs. That's only 21 percent of the US population.

The military prefers pragmatic, loyal, and convergent thinkers. Moreover, most large U.S. organizations—IBM, Ford—are run by STJs. Now, remember Myers Briggs is not fatal. It's a descriptive, not prescriptive assessment. It doesn't mean that you cannot be a good negotiator in other than a directive style, but it does mean that you have to deliberately make an effort at it.

Contrasting Cultures

The whole purpose of the NCE is to deliberately develop these additional skill sets. How do we build these additional skills in cooperative negotiating? Our goal is to adapt negotiations to the warrior culture. We still want to maintain the warrior culture, while increasing understanding of an inherently cross-cultural environment.

The late Dr. J.T. Hall came out with a culture contrast model, which distinguishes between high and low context cultures. The United States and northern Europe are basically the only low context cultures in the world. Everybody else is some variance of a high context. We're competitive, results-oriented, free market system, while high context cultures are cooperative and relationship oriented. For example, my mother-in-law, over the last 31 years, I figured out, is a very high context person. She defines success by the interplay and the richness of the relationships. She measures results and success in how many family members come to the family reunions, how long they spend, how deep and inter-related are her friendships with the family and extended family. When

there is a problem within her family, they resolve it as a community. They all get together and they huddle around the fireplace and all that kind of stuff and they solve the problems. I come from a very low context northern European family. I call my mom on the cell phone and say, "Hey, this is

look at time as a resource like it's in a bank account we can withdraw and make deposits. We try to spend and save it. Time, in most high-context cultures, is a gift. No matter how rich or how poor you are, you only have 24 hours in a day. It's really interesting because in the military, we are time

may have been shooting at you just a few months ago or a few weeks ago and now you've got to negotiate with them. You've got mission imperatives and time lines that seem artificial when they come down. Maybe there needs to be flexibility there. We have the option of using force. How does that impact the other side's perception of us? Are we genuine?

In negotiation, you need to separate people from the problem. **Focus on interests** and not positions.

going on." She says, "I gave you all those skills to solve those problems on your own, son. Best of luck." She loves me—it's just a different cultural context.

Conflict is normal in our culture. However, in Japanese culture, conflict means that there is a failure of harmony. The Japanese do not like to negotiate, or to say no, because it indicates that one of their cultural values, harmony, is not working properly. They do not like to come to the table to negotiate because after all that means something in their system has failed. On the hand, our government is set up to be in constant tension. We like to problem solve. Other cultures don't see it that way. We like detailed written contracts, laying out all the risks and obligations. Most other cultures, especially the high context ones, emphasize verbal detail. A handshake is stronger than a written contract. We have legal recourse in the country. But there is a lot to back up that handshake. It's called honor and shame.

Time is another important factor in cross culture negotiating. We want an agenda. We like to get in there, get down to business, and lay everything on the table. We've already brought a solution and are prepared to support it with some good detail. The other side of the table is thinking, "Wow, you're pushy Americans." We

pressed and have mission imperatives. We've got schedules to meet. But in another culture, it may take several meetings to finally get down to business. It comes back to building relationships and showing respect by sharing time. Do you see how that affects your negotiation agenda?

The Way Forward

In negotiation, you need to separate people from the problem. Focus on interests and not positions. In fact, Fisher and Ury advise not to reveal your position. At the same time, there are a lot of cultures where you have to acknowledge the positions. There may be deep-seated prejudices on top of those positions. Acknowledge them, but then move on and continue to try to focus on what the underlying interests are. Encourage divergent thinking for mutual gain. Throw all those ideas on the table and brainstorm. Finally, realize there are a lot of situations where there is no precedent or protection in law. There's not a whole lot to go on to pick the best idea off the table. Then pick the solution that best meets each of your top interests.

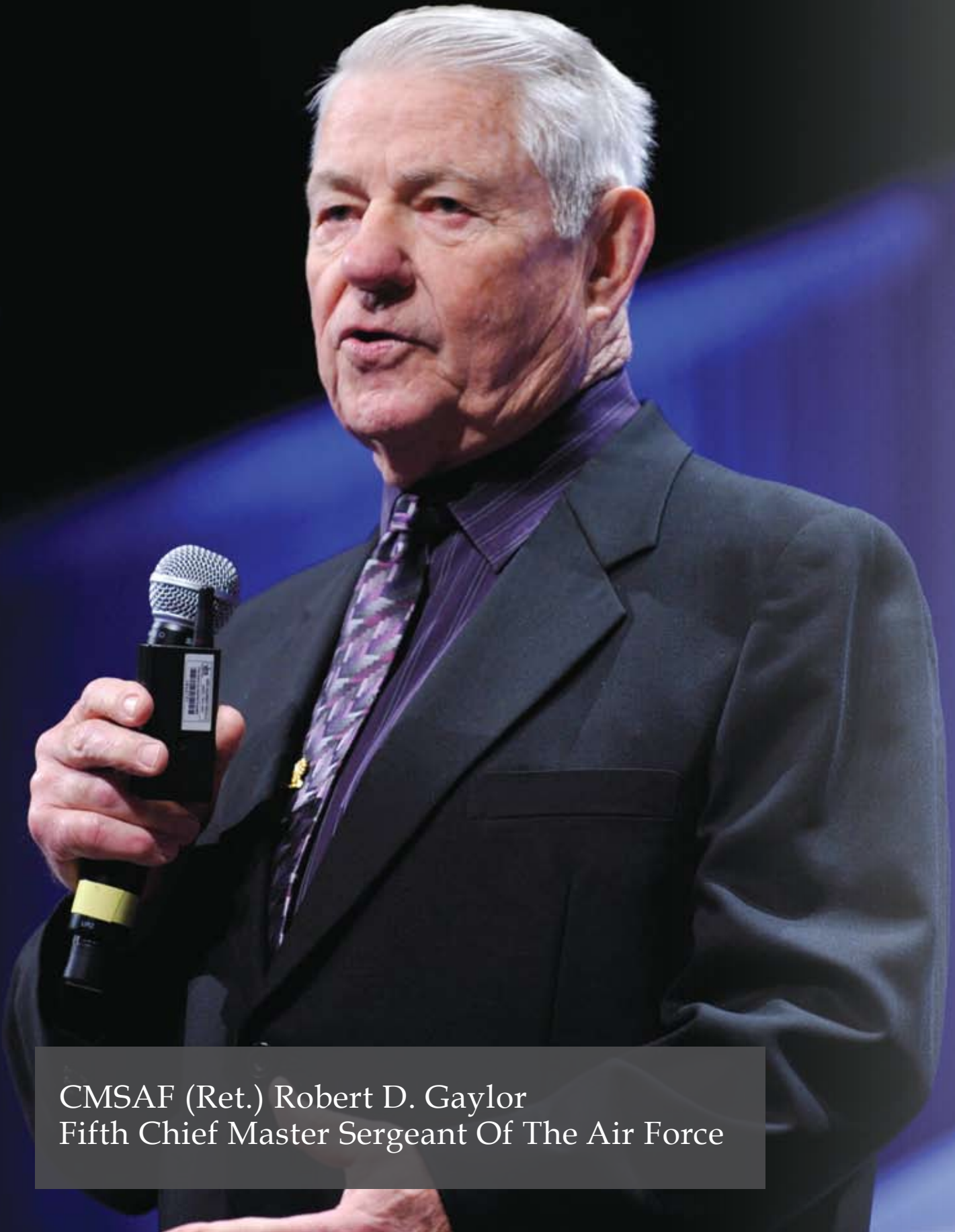
We have forced partnerships in some of these negotiations. You can't choose the person you're dealing with. Not like a car dealer where you can go down the street. That person

The Negotiation Center for Excellence has recently developed publications to help you. AU-24 is a leadership publication and has several articles in it that addresses these issues. We're also presenting conference papers and designing new AU curricula. These works are the foundation of what we hope to be a field guide that will be distributed in training environments as well as academic environments. We want a pragmatic approach, as well as an academic treatment to gain perspectives on the warrior negotiator.

The previous remarks, which have been edited for this publication, were made by Dr. Stefan Eisen, Jr., at the KEYSTONE Leadership Summit on Tuesday, 27 October 2009.

Dr. Stefan "Stef" Eisen Jr. is the Director of the USAF Negotiations Center of Excellence. During his 30-year career in the Air Force, Dr. Eisen served five times as a commander, retiring at the rank of Colonel. Prior to his retirement, he served three years as the Air War College's Dean of Academic Affairs. His areas of expertise include leadership, negotiations, conflict management, cross-cultural-communications, military-media relations, training and education program development, organization dynamics, retention studies, and statistical analysis.

Hi-Tech, Hi-Touch



CMSAF (Ret.) Robert D. Gaylor
Fifth Chief Master Sergeant Of The Air Force

I have a passion for the United States Air Force. I've been in 61 years. I joined in 1948 and have been involved with the Air Force ever since, and as long as my health holds up, I'm going to continue to make my contribution to the greatness of our United States Air Force. After my retirement, I went to work for USAA Insurance for 16 years. In the early '80s, they invited a speaker in named John Naisbitt. You may remember he wrote the book *Megatrends*. John got up on the stage and he began to talk about the contents of the book that he had written. He was a fascinating guy, somewhat of a futurist, and went from one trend to another. Towards the end of his talk, he introduced the phrase, "hi-tech, hi-touch," but he only spoke about it for five minutes. While he was talking, lights were flashing on in my head. What an amazing concept. I liked what he was saying. I wanted to know more.

One of the executives later asked, "Do any of you understand this hi-tech, hi-touch bit?" And his staff all went, "Uh," so I said, "I do." Then he said, "Well, explain it to me." I gave him a brief explanation. He said, "That makes more sense than anything else I've heard. Why don't you put a talk together and give it throughout the building to all the employees?" So that's what I did. The next thing you know, I'm getting calls from Kiwanis Clubs, Rotary Clubs, AARP, and many other organizations. I gave the talk over 100 times at the Lackland Air Force Base NCO Academy, which by the way is now the Robert D. Gaylor NCO Academy. And so I've become the hi-tech, hi-touch guru.

What is hi-tech, hi-touch? When I say "hi-tech," what do you think of? You immediately think of gadgetry. Hi-tech is easy to understand because we have so much of it. It has literally come in and taken over during the last 35 years. It entertains us, allows us to do our job better, to communicate better, and provides so many capabilities. You've got a car full of it, a house full of it, a workplace full of it, and some of you have it strapped on your waist.

Hi-touch, believe it or not, is a little more difficult to define. Hi-touch is interaction between human beings, caring, sharing, recognizing, and reaching out to one another—like a hug. Not too many things feel better than a hug. A hug is a hi-touch gesture. I've never found a computer that will hug me. Allowing someone to merge in heavy traffic and they wave. And you feel virtuous. Your young child puts on their pajamas for bedtime, and they jump up in your lap, nuzzle your nose and say, "I'm glad you're my mom." "You're the best dad in the whole world." What would you sell that for?

**A hug is a hi-touch gesture.
I've never found a computer
that will hug me.**

Now, you may be beginning to see the dilemma. Hi-tech takes away hi-touch. If we're not careful once we introduce the hi-tech, we begin to experience a diminishment or, in some cases, a loss of hi-touch and that's what has happened in our society. I am not anti-hi-tech. But I don't understand all of it. I was born in 1930, and didn't see a television set until I was 21 years old. I do understand DVDs—I've worn that brand of underwear about 30 years or so. But other than that, hi-tech confuses me. I was a cop for 18 years and I know what motivates people. I know what makes people feel good. I'm a husband and I'm a father to four children and six grandchildren, and I'm a hi-touch guy. Hi-tech takes away hi-touch.

I gave a donation to a political party some years back. I signed my check with my rank, "CMSAF," and look what they did. They took "Rob" and hooked it to my last name and they made my first name "CMSAF." Six times in the letter said, "Dear CMSAF, thank you for the generous contribution." I wrote a handwritten note, "That's a rank and my name is Robert Gaylor." That didn't shut them off. They even referred me to U.S. News and World Report. They wanted "CMSAF Robgaylor" to take out a subscription. If you want to irritate the hell out of someone, what's the quickest way to do it? Mess with their name. You mess with somebody's personal name or even their rank, and you've got irritation. That's just one example where a hi-tech device came into play and messed things up.

When hi-tech device—be it a cell phone, a computer, or microwave—comes into our life, we do one of three things. First, we try to get hi-touch use out of the device. We ask "What is that? What will it do to?" "It's a microwave—it'll allow you to fix your meals in six minutes...it's a remote control—you don't have to get up and walk over to adjust the volume on your TV, you can sit on the couch and do it." And if we get the right answer, we go, "I love it. How did I ever live my life without it? My goodness, I've got to have it."

Meanwhile, there's something subconscious happening. In the absence of hi-touch, we feel the need to invent it. We engage in some activity that allows us to feel human, to keep our feet on the ground. Look at the bumper stickers on cars. "Honk if you love Jesus." "My money and my daughter go to Texas University." "My son's on the honor roll at Brandon Elementary." We wear T-shirts. Do any of you own a T-shirt that doesn't have writing on it? We're all walking billboards, advertising the school we like, the team we're rooting for, where we've been, and what we've seen. It's a hi-touch gesture.



Finally, if we can't use it for hi-touch, we walk away from hi-tech. You're less apt to do that than I am. I have walked away from quite a few hi-techs. Most of you get enamored by it and you engage in it, you learn about it. I'll bet you that your favorite aunt or grandmother has said to you, "I don't like it when I get your answering machine. I'm not quite sure what message to leave." I guarantee you people my age are not dropping their Social Security check in a box in a lobby of a bank. We stand in line to look in the eyes of a human teller. It's one of the big events of my day when I go to the bank "Oh, Mr. Gaylor, you always have such nice looking money. What would you like to do with it? Meanwhile, you're out at the ATM jamming a card in there. You're not getting any hi-touch. You say,

"Why would I want hi-touch, I just want my five \$20 bills and let me get out of here."

Here's where it all began: television. The first TV I saw in 1951, I went home on leave to Mulberry, Indiana, and I watched the World Series in October of 1951. Great big television set, tiny screen. I sat there watching in amazement in living black and white. It was an amazing hi-tech introduction and we loved it. And by 1958, there were 58 million TV sets in America. They took over our life. We called it the boob tube then we said things to friends like, "We never get to see you. Let's get together, give us a call," because we were glued to Milton Berle, Friday Night Fights, Gunsmoke and Sid Caesar. And so by 1960, 83% of all homes had a TV while only 79% had indoor plumbing.

There is great hi-tech that keeps people alive. You know how many people in America are now over 100? Seventy-five thousand and the figure is going up daily. They're kept alive by transplants, a variety of hi-tech medical treatments that are just marvelous. But at the same time we need to try to keep up on the hi-touch side—the hospice movement, care of the elderly, and geriatric introductions. Here's an example. There's a lady named Millie Brown that lives at Hillhaven, a 365 bed nursing home. Every Thursday the local dog pound brings 20 or 25 little dogs and turns them loose to run throughout the residence. And Millie Brown and the other residents get to pet them. A hospice worker said, "When she pets the little dog for ten minutes, Millie sleeps and eats better for two weeks. Don't give her a sedative, give her a cocker spaniel."

The excitement of life is not in your iPod or in some fancy hi-tech device—it's what we do for, with, and to people. There's a human side of our lives and I'm suggesting simply we have lost that.

Some families have introduced the term "quality time." Where is it at? The evening meal? Spending twenty minutes with your kid? Turn off the television. Limit computer time. Talk to one another. There are so many things you can do where you can allow your kids to grow up in a hi-touch fashion.

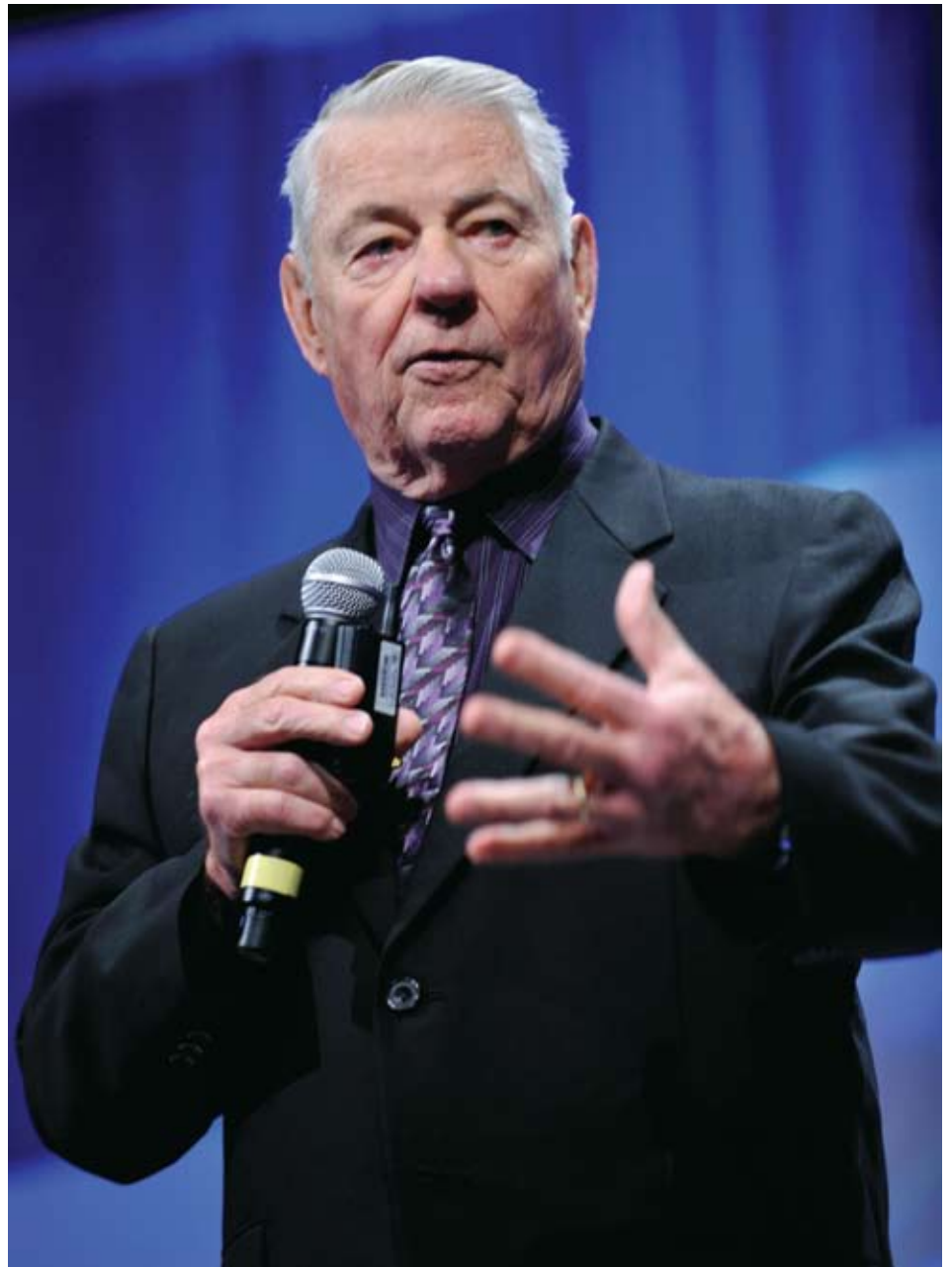
You're vital leaders in key roles. I just think that we have to go out of the way to train our Airmen in the art of delivering quality service. That's the important thing. I think we ought to wear a big button to work every day, "What is the Air Force paying me to do? What has the Air Force hired me to do?" We should never lose sight of that. Let's not forget why we're here. You can train a personnel expert, but if they're not customer centered, they're very disruptive. Customers come in seeking guidance, answers,

and the provider is rude and abrupt. What good is their talent if they're driving people away or not meeting their needs? I think that word focus is so important that it should be the key word of the decade. With a shortage of resources that you're faced with, you've got to focus on what your purpose is and why you're there and what it is that you do.

I was a cop. At guardmount every once in awhile I would say to my flight, "Let's not forget why we're here. We provide safety and security. Our job is to make people feel safer and to take care of our resources. Hit the road." We've got to do that. Otherwise, we go to work, plug in and go through the motions and forget why we're even there in the first place. Reward those who do and take action against those who don't, be it training or reprimand, whatever you deem is appropriate.

Maintaining a positive environment in the Air Force is important. Grievance avenues, new fitness centers, working conditions, job security, promotion policies, rules and regulations, all of these are important. People may complain, gripe, they grouse, or write their Congressperson. These do not make people happy; they keep them from being unhappy. There's a distinct difference.

Feelings are what motivate us. Believe it or not, leadership today is denying people feelings because "we just bought you a new computer, what do you want?" And the Airman is denied a feeling that they're an important, vital, and contributing member. These are the things that motivate. What feelings do you get when you leave work? I guarantee you when you leave work feeling good, it's not because they built a new fitness center at your base. It's because the boss came by and said, "You know what? You're doing a great job and making some great contributions and I just wanted to share that with you." You say, "Hey, thank you. Gosh, that felt good." And it only took 30 econds. Hi-tech, hi-touch is a simple message, but one that I think has profound implications. It's something to reach out in a human way. Some of you have, to some degree, lost that a bit. How many of you have worked for an ineffective supervisor. Why were they ineffective? Was it that they didn't seem to care about you, weren't a mentor, or never took time to train?



I was invited to Laredo, Texas, down on the border to speak to the National Association of Banking Women. I arrived there three in the afternoon. I was in the hotel lobby with four and a half hours to kill, and decided to visit downtown Laredo. So I got back in the car and started down the narrow one-way street. I was just killing time looking in the shop windows and my stomach said, "Bob, you didn't have lunch. It might be four or five hours before you eat." Right before my eyes on a street corner was a hamburger stand with a man standing behind the counter. I pulled in to a parking space, walked up, and ordered a hamburger with everything on it. The man had a French fry dipper and a small grill and a butane tank. He didn't have electricity because when I ordered an orange soda, he dug it out of an ice chest. I moved down to the end of the counter and I

began to eat my burger and I witnessed a most amazing event. His phone rang. He'd gone hi-tech. And he began to write down the orders, hung up, and

him instructions in Spanish, and the kid took off down the street running. It was like a starting-pistol went off and he took off down the street with

are you, Juan?" He said, "Eleven." He went on to tell me he worked at the hamburger stand every afternoon after school, 3:30 to 5:30 as the delivery service. I said, "You were really running, Juan." He said, "I always do." I said, "Every order—that fast?" "Yes, sir." Then I asked the big question: Why?" He scrunched up his face and said, "PEOPLE LIKE HOT FRENCH FRIES."

I got in my car and went to give my talk. I finished about 9:30. On the drive home to San Antonio it suddenly hit me, "Juan has found the answer. People like hot French fries." Do you deliver hot fries? When people receive your service, your product, whatever-you-do, do they say, "Wow, these fries are hot," or do they say, "Same old damned, soggy fries." You've been to Air Force functions, personnel, finance, whatever you've been where you've walked out and said, "That was terrible. They treated me like I was nobody, like an idiot." People like hot fries. What a powerful message of hi-touch.

You have your I-Pods, Twitter, Facebook, and MySpace. They're all gimmicks and will phase out because some new device is already on the horizon. But the farther we get away from hi-touch, the more road rage, spousal abuse, child abuse and high school dropouts we will have, because what is missing in people's life in America today is basic hi-touch, concern for one another, mentoring, training, reaching out, recognizing, praising, and doing things that humans do so well.

The Greeks taught us years ago the importance of balance. The balance of hi-tech and hi-touch is important. I am such a lucky, fortunate, blessed man to be able to still be a part of the great Air Force way of life.

The Greeks taught us years ago the importance of balance.

immediately put six burger patties on the grill—that's all it would hold. And then he took potatoes out of a sack and immersed them in the oil. Then he spread the buns out on a wooden part, mustard, mayonnaise. This guy was good. A couple of times I wanted to applaud. As soon as he finished the order, he turned, right across from me, and barked out a name. Out from behind the shack came a small boy. The guy handed him the sack, gave

the sack of food, zoom! As a student of motivation, I wondered what lit his afterburner? What did the man say to him that caused him to explode out of the starting blocks with the sack of food?"

I finished my burger, wiped my mouth, and prepared to leave and the boy came up running, running full speed, same speed. I had to find out what was going on. I asked him his name. He said, "Juan." "How old





Thank you for serving; thank you for all you do; thank you for the sacrifices. Take care of one another, take care of yourself, take care of your family, and when you repeat the Airman's Creed, listen to what it is you're saying. The words are so powerful and are filled with hi-touch. They are the message that we need to be saying.

The previous remarks, which have been edited for this publication, were made by Chief Master Sergeant Robert D. Gaylor, at the KEYSTONE Leadership Summit on Tuesday, 27 October 2009.

Chief Master Sergeant Of The Air Force Robert D. Gaylor, Fifth Chief Master Sergeant of the Air Force Chief Master Sergeant of the Air Force Robert D. Gaylor was adviser to Secretary of the Air Force John C. Stetson and Chiefs of Staff of the Air Force Gen. David C. Jones and Gen. Lew Allen Jr. on matters concerning welfare, effective utilization and progress of the enlisted members of the Air Force. He was the fifth chief master sergeant appointed to this ultimate noncommissioned officer position. After retiring from the Air Force following three decades of service, Chief Gaylor taught, coached, and mentored

leaders at all levels for USAA, a Fortune 200 company. In 2006, the NCO academy at Lackland AFB was named the Robert D. Gaylor NCO Academy in his honor.

Winning the Future



Major General Keith L. Thurgood
Commanding General,
Army and Air Force Exchange Service

ADVOCATE GENERAL

Seventy percent of 14-year olds have cell phones. There are 200 million users on Facebook today. There will be 8 billion text messages sent this month. Every 17 seconds, somebody turns 50, and in the time you read this, AAFES will serve over 100,000 customers. I have a fundamental belief that everything we do at AAFES and everything that we do in the military is about leaders making a difference at every single level of the organization. What we try to do at AAFES is to make sure that everything that we do as leaders, and as an organization is tied to making sure that our troops and families, wherever they are across the globe, have everything they need to be an effective fighting force and to keep those families satisfied who keep the home fires burning back home.

What AAFES Does For You

When I got to this job almost two and a half years ago, I found myself thinking, “Well, how hard can this be? You go to the BX, you get your stuff, you move out, and that’s it.” And what I found is, most of us don’t know much about AAFES. I don’t know of another job where you can be the commanding general and the CEO of a \$10 billion for profit enterprise. At AAFES, we have two missions: Our first mission is to provide the goods and services that our troops and families need wherever they are. Second, we have this competing challenge to make sure we never take our eye off of the revenue stream.

Did you know that if AAFES were on the Fortune 500 list and a publicly traded company, it would be number 237? We have \$10 billion revenue stream, with over 3,000 stores in 30 countries, and all 50 states. We run all of the brick and mortar stores that you’re used to shopping in and all the military clothing sales stores. We have the world’s largest privately held credit card. We run the e-commerce business as well as the catalogue business for the entire Department of Defense. We hold all the name brand fast food outlets all across the globe. We also run a handful of manufacturing facilities across the United States, producing baked goods, water, and ice cream. And believe it or not, we actually run the Department of Defense’s school lunch program in Europe and the Pacific. It is a very fun job and we have a very critical mission.

As AAFES Commander, I report to a board of directors. My boss is Lieutenant General Richard Y. Newton III, and on our board, sits the Chief Master Sergeant of the Air Force, the Sergeant Major of the Army, and many of the three-stars from the Air Force and the Army. My deputy is Major General Francis Hendricks from the Air Force and the Chief Operating Officer is a civilian. In fact, at AAFES there are 45,000 people in the organization, with only 70 military personnel. We have a chance to get right back to the secretaries and the services on issues that are impacting our troops and families wherever they are.

One of the things that we’ve been trying really hard on at AAFES is to fundamentally change the paradigm about how we think about this very large enterprise with businesses in 30 countries, including Iraq and Afghanistan. We’re on a journey and our focus is “winning the future.”

This means thinking big and acting small. Thinking big is about changing the culture of the organization. It’s about moving from no accountability to performance, innovation, and entrepreneurship. Acting small is making sure we’re taking care of our customers at the local level every single day. One of our key objectives is to make an emotional connection with our customers wherever they are because we have Airmen and Soldiers all across the world coming out of the training bases. I’ll see them in the PX or BX and I’ll ask them, “Why are you here?” They respond, “The first sergeant told me to come over here a get a haircut.” I then ask them, “What do you know about AAFES?” and, “Do you know what happens to our money at the end of the day?” They don’t know. So I get to tell the story about AAFES because except for the salaries of the 70 military personnel and the \$100 million that Congress gives us to cover the distribution penalty from here into the combat zone, we don’t get any money from Congress. Virtually everything that we do at AAFES is self-funded. At the end of the year, we take those profits, we recapitalize ourselves. All the stores we build are with NAF, Nonappropriated Funded

AAFES is now on
Flickr and Twitter,
and you can talk to
me on our blog.

money. We give the rest of the money back, hundreds of millions of dollars, to the Army and the Air Force to build MWR-type activities.

Harnessing New Technologies

We’re only at the beginning of this journey and have a lot of work to do. We have to get better at listening to our customers. From a social media standpoint, AAFES is now on Flickr and Twitter, and you can talk to me on our blog. Every once in awhile I get a comment from one of our customers in the blogosphere, and they’ll say, “I’m over at Andersen Air Force Base, I’m looking for a Coach purse, AAFES never has what I want.” We’ll pick that up and we’ll Tweet back to them, “This is AAFES; what kind of purse are you looking for?” They’ll say, “Really? I didn’t know you cared.” And we’ll find the kind of purse they want.

We’re also in the very early stages now of developing our AAFES app if you have an I-Phone or similar device, you can get reminders and favorites. In some stores right now, we’ll send you coupons to your mobile phone that you can scan at the cash register going out. AAFES is a very sophisticated enterprise with lots of great technology. We’re going mobile. But most importantly, we go where our soldiers go every single day, including the far reaches of Afghanistan. Wherever our families are, whatever they do we are there to support them.

Making Collaboration Work Right

The old way of thinking is still prevalent. If you want to drive productivity across an enterprise to get people to work differently, you have to break down functional silos. As Michael Hammer said, “the next wave of productivity is getting enterprises to talk to enterprises and to collaborate at a totally different level.” And so at AAFES for the two and a half years, I’ve been talking about collaboration. Our guiding principle is this: what is the right solution for our troops and families? Collectively, as an enterprise, Department of Defense, the Army, and the Air Force need to be driving towards that one solution, and if we do that right, we will win in the end.

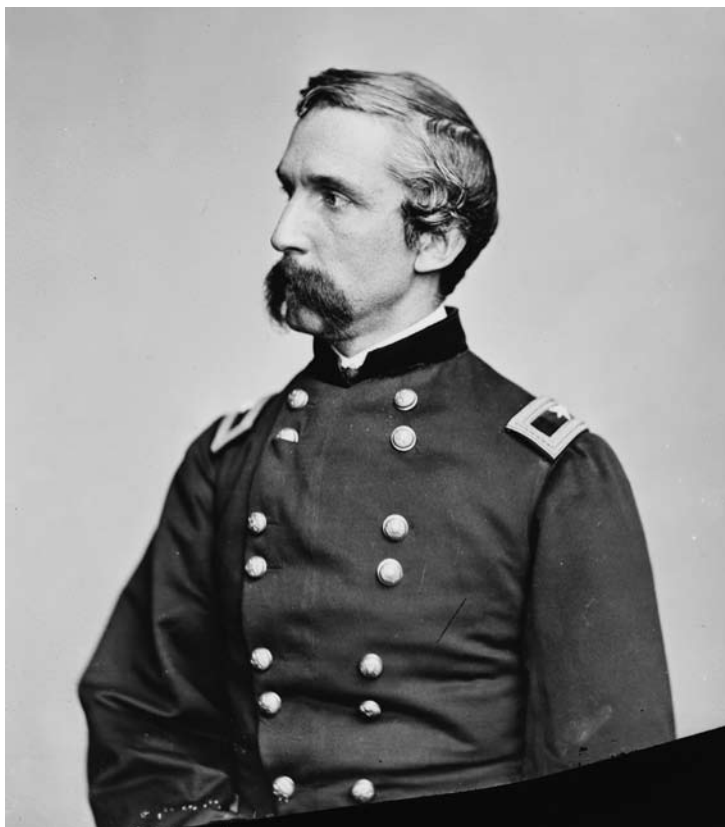
Now, to make collaboration work right, you have to have leaders that think differently about what they’re trying to do. One example is Brigadier General Canham, who served in the 8th Infantry Division at Baumholder, Germany during World War II. Coming towards the end of the war, General Canham, is supposed to accept the surrender from the Germans. The German coming to give the surrender was a three-star general named General Ramcke. As you know, in the military, rank means something. When General Canham showed up, General Ramcke, pointed to him and said, “You’re a one-star general, I’m a three-star general. What are your credentials?” In response, General Canham pointed to the dog-faced soldiers behind him and said, “Those soldiers are my credentials. Those are the folks that made a difference.”

Another example is John Stephen Akhwari, a marathon runner who competed in the 1968 Olympics in Mexico City. He hoped to win the gold. But about an hour into the marathon, John Stephen Akhwari fell down, but he picked himself up and got back into the race. Throughout the course of the race, he fell three more times. He continued, wounded and struggling. In two hours and 20 minutes, all of the other runners had finished the marathon. It was starting to get dark in Mexico City. But John Stephen Akhwari was still running. People knew that he was out there running and pretty soon, this big ripple started to go through the athletic camps. About six hours later, John Stephen Akhwari finally reached the stadium, limping, barely making it into his final lap. The stadium was full of well-wishers. He finished the race dead last. A reporter came up and asked him, “Why did you finish the race when you had no chance of winning?” And his answer: “My country did not send me here to start the race, they sent me here to finish.” That’s what leaders do

My final story comes from Gettysburg, Pennsylvania in 1863. In July of 1863 there were 2400 people in Gettysburg. Four days later, there would be over 160,000. Fighting for two years, both sides had lost many of their soldiers. The Confederates needed a victory desperately. In that single battle, 24 percent of the Union army, almost 24,000 soldiers, were casualties. In the Confederacy, almost 40 percent of the force were casualties. The battle was back and forth. The Confederate Army pushed the Union all the way back to a place called Cemetery Ridge and on that ridge, there were two big mountains. One was called Big Round Top and the

other one was called Little Round Top. The Union Army got to Little Round Top just before the Confederates. There, Colonel Joshua Lawrence Chamberlain, would become an unlikely hero.

Until war broke out, Joshua Lawrence Chamberlain had been a professor at Bowdoin College, who joined the military because he thought it was the right thing to do. He taught himself Greek, and spoke several languages, but had no prior military experience, before he was put in charge of the 20th Maine. On the second day of battle, he was supposed to have over 500 people in his brigade, but was down to 300. He had a huge sector to protect and his mission was not let the line fall. The Confederates were ready to charge. Colonel Chamberlain realized the desperate situation they were in. He lined his soldiers up and he did something really unique: he went to the end of the line and instead of stretching out further, he told his soldiers to form a right angle so it would be harder for the Confederates to get around. The Confederates attacked in waves. The Union repelled them back, but ran low on ammunition. The Confederates lined up for the final attack. Joshua Lawrence Chamberlain then gave the command that put him in the history books, “Fix bayonets, charge.” His men charged down the mountain. The Confederates were so surprised and dismayed, they retreated back, never to come again. The day was saved by Colonel Chamberlain and the 20th Maine. Of course, the next day was Picket’s Charge and they were in the thick of it again. Colonel Chamberlain would rise to the challenge again. That’s what leaders do.



Joshua Lawrence Chamberlain

The Economics of Trust

I recommend a book to you called *The Speed of Trust*, by Stephen M.R. Covey. There's a simple formula when you think about trust: if you are in an enterprise where trust is low, I guarantee you the speed with which decisions are made will be slow and you will be causing pain and cost to rise everywhere else. Conversely, if this trust level is high, you will improve your cycle times and you will reduce cost wherever you go.

What about trust at the individual level? In a survey, students were asked if they'd ever cheated on an exam. Forty-three percent of liberal arts students, along with 63 percent of medical students, 63 percent of law students and 75 percent business students, said "yes." Now, compare contrast to that with a similar study that was done with convicts. Convicts in minimum security prisons scored as high as the MBA students did on ethical testing.

We've got to do better, and that starts with leaders making a difference. When I think about leadership, I think about it in three dimensions, what I call the 3-D model. It's very important that we as leaders first define the kind of leaders and managers that we want to develop. From that, you can develop a very robust human capital management progress. Then we have to develop them, give them the right jobs and deploy them in the enterprise where they can make a difference. We have to define, develop, and deploy. Now, this will look very familiar to you because I was looking at your inaugural book on leadership, *I Lead!*, and the very first thing in there talks about integrity. When I think about leadership, the heart of effective leadership is this idea of personal trustworthiness, integrity, and trust. And the best way to build trust and personal integrity is to make a promise and to keep a promise. I applaud you because your book says *I Lead!*, which to me means, "It starts with me if I want to be an effective leader going forward." And then you can talk about what that means for credibility at the individual level, what that means for consistency at the team level, and how you gain organizational alignment for everything you do.

The world is full of naysayers. We do not need people that are the great, abominable no-men. We need people that will solve for yes. That is hard. We need you to be us -- we, collectively, to be part of the solution and not part of the problem. So I would encourage you, wherever you are, to figure out how to solve for yes at the end of the day.

Everything that we do collectively across our enterprises, the way we engage each other, the way we empower each other, the way we enable our enterprises is made better and magnified when we do two things: communicate and collaborate at totally different levels. And if there was ever a time for us to think about collaborating differently and broadly, it is now.

QUESTION FROM THE AUDIENCE: Given your experience in the civilian industry world, what traits do you look to promote in industry for future leaders and how does that compare to what you look for in military leadership?



ANSWER: The companies in the civilian world, in the corporate world that are winning today in the marketplace and have the right strategies to succeed in the future, do two things really well: first, they deliver results. In other words, they have a vision they're articulating, they define the right strategies, and they're rallying the right resources. Secondly, they grow leaders. Similarly, the military does two things really well: growing leaders and delivering results. When I look out for people that I want to make a difference on my team across my enterprise, those would be the two characteristics that I look for.

The previous remarks, which have been edited for this publication, were made by Major General Keith L. Thurgood at the KEYSTONE Leadership Summit on Friday, 30 October 2009.

Major General Keith L. Thurgood is the Commanding General and Chief Executive Officer of the Army and Air Force Exchange Service. During his over 26 years of service, he has been assigned to a variety of command and staff positions, including command at company, battalion, and brigade levels. AAFES is the 39th largest retail company in the United States, with revenue of approximately \$10 billion per year, employing more than 43,000 civilians in all 50 states and more than 30 countries.

The Robotics Revolution and Conflict in the 21st Century



Dr. Peter W. Singer
Senior Fellow, Brookings Institution

Imagine yourself in Iraq. Ahead of you is what looks like a piece of trash alongside the road. But hidden inside is an improvised explosive device (IED). With the amount of explosives packed into it, you would have to be as far away as a football field to escape injury or death from the fragments coming at you at bullet speed. Even if you're not hit by one of those fragments, the sheer force of the explosion can break limbs.

The team that is hunting for this IED is an EOD team--Explosive Ordnance Disposal. In a typical tour in Iraq, an EOD team will go out on 600 bomb calls, diffusing about two bombs every single day. The number that's a better indicator of their value to the war effort is that insurgents placed a reported \$50,000 bounty on the head of a single EOD troop.

Unfortunately, this particular call would not end well. By the time the Soldier got close enough to the device to see it wasn't a piece of trash--the telltale wires--it exploded. The Soldier was on top of the blast, and when the dust settled and the rest of their team advanced, they found little left.

That night, the commander of the unit did his sad duty. He wrote a condolence letter back to the United States. He talked about how tough the loss had been on the rest of the unit, how they considered that Soldier to be one of their bravest. Then, he tried to talk up the silver lining that they at least took from this incident. And this is what he wrote: "At least when a robot dies, you don't have to write a letter to its mother."

This is the story of the very first robot "killed in action" in Iraq. This EOD soldier was a 42-pound robot called a PackBot. The destination of that condolence letter wasn't to some farmhouse in Iowa like in the old war movies, but actually to a building just outside Burlington, Massachusetts, that on the side of it says, "iRobot." It is a real world company named after the fictional Isaac Asimov novel (and the not-so-great Will Smith movie), in which robots start out doing daily chores and move on to making life and death decisions.

As I describe in my book, *Wired For War*, there's something big going on in the overall history of war and maybe even humanity today. The U.S. military went into Iraq with only a handful of unmanned systems in the air, none of them armed. We now have over 7,000 in the inventory. On the ground, we went in with zero unmanned ground vehicles in the invasion force. We now have over 12,000 in the inventory. This year, the U.S. Air Force will train more unmanned systems, operators, and pilots than it

will manned fighter plane or bomber plane pilots.

These are all parts of a breakpoint in history we are experiencing right now. What we need to remember is, when we're talking about PackBots and Predator drones, we're talking about the first generation--the equivalent of the Model T Ford or the Wright Brothers' flyer. We once used the term "killer app" to describe "killer applications" that cause mass bow waves onto industries, like what the I-Pod did to the music industry. With these systems, armed with everything from Hellfire missiles to 50 caliber machine guns, killer app is taking on an entirely new meaning. And that is merely what's happening right now. An U.S. Air Force three-star general I met said we won't be using thousands of robots in our wars soon, but rather "tens of thousands."

Moreover, the technology will improve for these tens of thousands of robots. One of the things that we have in technology is something that we call "Moore's Law." This is the idea that we can pack more and more computing power into our microchips, such that they double in their power and capacity every two years or so. Have you ever had your spouse give you one of those Hallmark greeting cards that opened up and played a little song? If you received

An U.S. Air Force three-star general
I met said we won't be using
thousands of robots in our wars soon,
but rather "tens of thousands."

that, then in your hand you held more computing power than the entire U.S. Air Force had in 1960. That's Moore's Law in action, that doubling effect year after year after year.

What happens if Moore's Law holds true over the next 25 years the way it's held true over the last 40 years? It means that our technology, our computers, our robots will be a billion times more powerful than today. I don't mean a billion in the kind of amorphous way that people use that phrase "a billion." I mean literally multiply their power with a 1 and 9 zeros behind it. Now, what if Moore's Law doesn't hold true? What if, for example, it goes just a hundredth as fast? Then our technologies will be a mere million times more powerful than today. What we have happening here is the kind of thing that we used to only talk about at science fiction conventions like Comicon, are now becoming something important to the Pentagon. We are living through, and you have to figure out how to adjudicate, a robot revolution.

When I use the phrase "robot revolution," I'm not talking about the Terminator-style rise of the machines, with Arnold Schwarzenegger showing up at your door. Rather, it's the idea that every so often in history, there's a technology that comes along that rewrites the rules of the game; a technology that forces us to ask new questions about



what's possible that was impossible. More importantly, there are new questions about what's proper; questions about right and wrong that we never had to think about before and things like ethics and law. These are very rare in history. These are things like the printing press, gun powder, and the atomic bomb.

It is interesting to see the historic comparisons that people make to where we're at with the robotics industry today. Many of the scientists liken it to where we were with automobiles around 1909. That year, Ford produced 240 Model T Fords. But due to the demands of war, by the end of World War I, they were producing over a million.

Now, if this is the case, think about the ripple effects that automobiles had beyond. For example, the automobile didn't just mechanize war, it mechanized our society. It allowed some random desert nomads to have a stranglehold on the global economy simply because they live above a valuable resource to automobiles. It reshaped the American city. We didn't have the concept of "suburbia" before automobiles. It reshaped our social behaviors. We didn't have "dating" before automobiles; teenagers previously had to court on the front porch. Now, they had independence.

Most importantly, it forces new questions about the law and the creation of new laws that in turn, require an understanding of this new technology. It forced literally the creation of new rules of the road.

Other people make the comparison to computers. In fact, Bill Gates said, "We're with robotics right now where we were with computers in 1980." Think back to that comparison. Back in 1980, the military was the primary spender on research and development of computers, and

the primary buyer of them. Computers were these big, bulky devices that we'd only figured out a few applications. Very soon, however, we found more and more functions and applications for them, both in war and in civilian life. Soon, we get to the point that we stop calling them "computers" any more. I have a computer in my kitchen. I call it a "microwave oven." I have over 100 computers in my car. I don't call it a "computer car."

The same thing again is playing out with robotics. For example, the new Lexus SUV parallel parks itself. We don't call it a "robot car." But go back to those ripple effects and things like society and law. Computers allow things like transformations of social identity through social networking. It allows me to be

friends with people that I've never met. But in turn, it allows things like identity theft, a crime that your grandparents wouldn't even be able to wrap their heads around. Or cyberwarfare, a realm of war that it would be very difficult to see general officers 50 years ago being able to wrap their heads around.

The final comparison people make is to the atomic bomb, a technology that's incredibly elegant and cutting edge. But one we may well regret having built.

But in all of these things, it's not the technology that's truly the interesting part of the story. It's the ripple effects that it has on our wars, on our politics, on our laws, and it's the tough questions that come out of this that I think you'll be wrestling with in the future.

Now, I'm someone who has studied the war side of this for the last several years, and I've gone around interviewing anyone and everyone connected to this realm of robotics and war. What is it like to be a scientist who builds these systems? What about the science fiction authors, who inspire and some cases advise the military? What is it like to be that young officer sitting in Nevada flying a system that's actually over Afghanistan? What is it like for their squadron commander? What is it like for the four-star generals? What do the civilian politicians think about all of this? In turn, what do insurgents think about our robots? What do they think about you sending robots out to fight them? What about the war of ideas? How are journalists portraying this? Not just our journalists, but journalists in the AOR on the other side of the globe?

What fascinates me as much as their stories is how their experiences also shine a light on the political, legal, social, and ethical issues that ripple outwards.

The first of these ripple effects is that the robot revolution is not just going to be an American revolution. We're certainly ahead right now, but there is no such thing as a permanent first-mover advantage in technology. How many people still use a Commodore computer or play Atari video games? These companies and technologies were at the head at the start of their fields and then fell behind. Likewise, the U.S. is ahead right now in military robotics, but there are 43 other countries that are building, buying and using military robotics right now; countries that range from Great Britain and Israel to Russia, Iran, and China.

The question we might want to ask ourselves is, where do the trend lines have us headed? Where does the state of America's manufacturing economy as well as the state of science and mathematics education in our schools have us headed? Is it an upward trajectory, a flat one, or maybe a downwards one? Another way of phrasing this is, what does it mean to be sending out more and more troops whose hardware says, "Made in China" on the back of it and whose software is increasingly being written by someone sitting in India? On the legal side of this, will their understandings of what is proper, what is right and wrong, be the same as ours?

One of the other things that we're learning is that it's not just how good your technology is, it's not just how much of the technology you have, it's your plan—your doctrine for how you utilize it.

The problem is that we're not wrestling with this enough right now. I remember meeting with a young U.S. Air Force captain out in CENTCOM, who said: "It's not 'let's think this better,' it's only 'give me more.' "That's a sea change. Remember, just a few years ago, we didn't want these systems and now, we want them big time. But it's the "let's think this better" part that's the key, because when we look back at history and we look back at these revolutions, this is crucial to who wins or loses. For example, the British were the ones who invented the tank back in World War I. Coming out of World War I they had about 12,000 tanks—about the same number of unmanned ground vehicles as we have right now. Of course, as all of you are aware, by the time World War II rolled around, the Germans had figured out how to use the tank better.

What's our doctrine? Is this technology the same as manned systems? If it is, we really don't have to change. Is it different? If it is different, how is it different and what do we do about it? For example, do we move towards a doctrine of mother ships, where you have concentrated command control and distributed fire power? Point-and-click warfare? Or do we move to a model of swarming, like a swarm of bees, where it is distributed command and control but concentrated firepower? These are two very different models of war. Which one's right? Which one's wrong? Choose the right one now, we've found the 21st Century version of the Blitzkrieg. Choose the wrong



one, you've sent America on the path for the 21st Century version of the Maginot Line. But also, whichever one we choose will have legal consequences.

Just like the software's gone "open source," so has warfare. These technologies are not like a B-2 bomber; they're not like an aircraft carrier, where you need a huge industrial structure to put them together. They use commercial, off-the-shelf technology. Some of it is even do-it-yourself, such as the Raven, the hand tossed drone that's widely used in Iraq and Afghanistan. You can build your own version for a thousand dollars. That means that we are having a flattening

effect coming to the technology of war, just like we've seen in the software industry. It's not just the big boys who

dominate any more. Recently, a group of college kids in Swarthmore wanted to stop the genocide in Darfur. They decided to hold a fundraiser, a battle of the bands, and ended up raising half a million dollars. Next, they entered into negotiations with a private military company for the rental of unmanned drones to deploy to Sudan, holding talks out of their dorm room. There's a darker side to this. Not every nonstate actor wants to stop genocides. In the war between Israel and Hezbollah, Hezbollah, a non-state actor, still flew four UAVs at Israel.

What we are seeing with this cross between robotics and terrorism are three trends: first, it reinforces the power of individuals and small groups against the state. Second, it eliminates the calling power of suicide bombing. It widens the scope of who can play in both Al Qaeda 2.0, but also a next generation version of a Timothy McVeigh. And third, it may lead to new sparks of terrorism, new causes because not everyone is

This is not theoretical. We're seeing this play out right now in Pakistan.





enamored of this new tomorrow. Not everyone thinks the future has a place for them in it and this is what we're seeing as the rise of the neo-Luddites. The original Luddites were the workers who were put out of work by the first factories back in the 1700s and the early 1800s. By 1812, the British Army was fighting more of the Luddites within Britain and these pitch street battles than it was fighting Napoleon's army in Europe. Their version today are individuals like the Unabomber, who tried to literally fight the future, by sending letter bombs to computer scientists.

The ripple effects of this go out into other areas, including our own politics. I remember meeting with a former Assistant Secretary of Defense, who said, "I like these systems because they save lives but I also worry about more marketization of war, more shock and awe talk to defray discussion of the cost. People are more likely to support the use of force if they view it as costless."

Our nation doesn't have a draft any more. We don't declare war anymore. We don't buy war bonds or pay higher taxes. Now, we have a technology that allows us to carry out acts of force without sending people into harm's way. The barriers to war were already lowering in our society and now we have a technology that literally allows them to hit the ground.

This is not theoretical. We're seeing this play out right now in Pakistan. When you look at the raw numbers, we've carried out more Predator and Reaper strikes into Pakistan than we did with manned bombers in the opening round of the Kosovo War just ten years ago. Unlike the Kosovo War, though, we didn't have a debate about it in our Congress. The media doesn't breathlessly report it every night. We just do it, because we view it as costless, to us.

But the future of war is also becoming a "You Tube War." That is, these technologies don't just merely

remove the human from risk, they record everything that they see. There are several thousand clips of combat footage already up online. Now, this could be a good thing, building connections between the home front and the war front that never existed before. Yet with this technology, we need to remember that it's playing out in our very real, very human world. The ability to watch battle on your I-Phone is turning war into a form of entertainment.

We have the ability to watch more but experience less when it comes to war and it has a warping effect, because we think we understand what's happening, but we don't. There are a number of legal ramifications of this. We now have the ability to Monday Morning Quarterback; that is, what happened in microseconds in a sterile setting can be watched and judged after the fact, from afar. This leads to micromanagement or what I call the tactical general. It's sort of the evil twin to the strategic corporal. In

my book, a four-star General proudly talks about spending two hours watching predator feed and then personally deciding not only to carry out the strike on a single compound, but what size bomb to drop. For two hours, he was doing the job of a captain or a major. And why shouldn't he? Who better knows commander's intent than the commander himself? But, we're reaching down into the battlefield.

Another example I cite is of a patrol that was slogging up a mountain in Afghanistan and got a radio call in that basically someone watching back at the TOC, who had seen uniform violations.

The irony in all this is that while we're talking about using more and more machines, it's our human psychology that's really the determinant here. We have a tough policy dilemmas in this right now. What are robots' impact on the very real, very human "war of ideas" that we're fighting against radical groups around the world? What is the message we think we are sending when we use these systems versus what is the message being received?

I interviewed a senior Bush Administration official, who said unmanned war, "plays to our strength. The thing that scares people is our technology." But what about when you speak with people on the other side of the planet? This is what the leading newspaper editor of Lebanon said, "It's just another sign of the cold hearted, cruel Israelis and Americans who are also cowards because they send out machines to fight us. They don't want to fight us like real men, they are afraid to fight. So all we have to do to defeat them is kill just a few of their soldiers." An absolute disconnect between message sent and message received.

Another example of the ripple effect is on the demographics of war, Who can do what in war? One of my favorite stories in the book is a 19-year old high school dropout, who wants to make his dad proud of him again. So he joins the Army. He wants to be

a helicopter mechanic, but the Army says, "You failed your high school English class, so you're not qualified to be a mechanic. Would you like to be a drone pilot instead?" He turns out to be incredible at it. The Army promoted him, they made him a specialist, and then they made him an instructor at the pilot training academy. Through this technology, this young man has found himself, made his dad proud of him, and is serving his nation. It is not, however, something that many air force officers find as enthralling.

Robotics is also happening within us, changing us. There's over 400 American troops that have lost arms or legs due to these IEDs, who have had them replaced with robotic prosthetics, so good now that they can go back to their combat units. The head of the programs describes it as "the Luke Skywalker effect" playing out in war. But this research is moving from replacements to enhancements. For example, just a few months ago, it was revealed British special operations troops had had surgery on their eyes, not to repair but to allow them to see at night out to 400 meters. Of course, the legal questions of what happens if that surgery went wrong are interesting.

Much of what you're hearing here is that there are always two sides to a revolution. Moore's Law is an action but Murphy's Law hasn't disappeared. We are gaining amazing unmanned capabilities, but also experiencing new human dilemmas. And of course, mistakes still happen.

Some feel these are just easily fixable "oops moments" as one industry executive termed them. But what are "oops moments" with robots in war? Sometimes they're kind of funny, like when they tested out a machine gun armed robot and it started spinning in a circle and pointed its gun at the review stand of VIPs. They were happy there were no bullets in the 50 caliber. Other times "oops moments" are tragic. Eighteen months ago in South Africa during a training exercise, an anti-aircraft cannon had a "software glitch." It was supposed to fire upwards. Instead, because of

that software glitch, it leveled and it fired in a circle. It killed nine soldiers before it ran out of ammunition. How would you investigate a portional accountability in these situations? What law would you turn to for guidance?

Our current laws are 20th Century. For example, the main laws of war would qualify for Medicare if they were people. And on one side, we are using 21st Century technologies like a Reaper drone. On the other side, we're using it against 21st century actors like an insurgent, who knows the laws of war and is doing everything possible to violate them by hiding out in a hospital or using an ambulance to move ammunition. So, the old laws of war are under siege from both sides.

Finally, this leads to what is the most important aspect of the discussion, the ethics of all this. Typically when you talk about robots and ethics, people say, "you mean Asimov's 3 Laws?" Wrong.

The first is that the laws are fiction! They are a plot device that Asimov made up to help drive his stories. Even more, his tales almost always revolved around how robots might follow these great sounding, logical ethical codes, but still go astray and the unintended consequences that result. An advertisement for the 2004 movie adaptation of Asimov's famous book *I, Robot* put it best, "Rules were made to be broken." For example, in one of Asimov's stories, robots are made to follow the laws, but they are given a certain meaning of "human." Prefiguring what now goes on in real-world ethnic cleansing campaigns, the robots only recognize people of a certain group as "human." They follow the laws, but still carry out genocide.

The second problem is that no technology can yet replicate Asimov's laws inside a machine. Robotist Daniel Wilson's quote in the book puts it well. "Asimov's rules are neat, but they are also bull****. For example, they are in English. How the heck do you program that?"

The most important reason for Asimov's Laws not being applied yet

is how robots are being used in our real world. You don't arm a Reaper drone with a Hellfire missile or put a machine gun on a MAARS (Modular Advanced Armed Robotic System) not to cause humans to come to harm. That is the very point! The same goes to building a robot that takes any order from any human. Do I really want Osama Bin Laden to be able to order about my robot?

Moreover, we really shouldn't be talking about the ethics of the robots, but the ethics of the people behind the robots. What should we build? What shouldn't we build? What organizations and individuals should be allowed to use these systems? Which ones shouldn't? What type of training and licensing should go into this? Who should determine that? Who should own the information that they gather? Who should not be allowed access to that information?

We aren't having this conversation right now in fields of robotics, nor really in the fields of law. Even worse, there is an attitude that the conversation should be avoided. Indeed, most disappointing to me was an email I received after a talk I gave at an engineering school in which a professor chastised me for "troubling" his students by "asking them to think about the ethics of their work."

In conclusion, I've talked about the "future," but notice that all the pictures you saw were of technologies today and all the example I gave from war were from past and present, not its future. This sets a great challenge for us all. Are we going to let the fact that what is unveiling itself now sounds like future science fiction, keep us in denial that it is already part of the new reality of 21st century war and technology? That is, go back to the examples I gave earlier of similar technologic revolutions. All of them were first conceived in science fiction, whether it be flying machines or what H.G. Wells first termed the "atomic bomb." Unfortunately, we didn't wrestle with their true impact on our wars, on our politics, on our laws and ethics, until well too late.

Are we bound to make the same mistakes as previous generations?



The previous remarks, which have been edited for this publication, were made by Dr. Peter W. Singer, at the KEYSTONE Leadership Summit on Friday, 30 October 2009.

*Dr. Peter Warren Singer is Senior Fellow and Director of the 21st Century Defense Initiative at the Brookings Institution. Dr. Singer is considered one of the world's leading experts on changes in 21st century warfare. He has written for the full range of major media and journals, including the Boston Globe, L.A. Times, New York Times, Washington Post, Foreign Affairs, Current History, Survival, International Security, Parameters, and the World Policy Journal. Dr. Singer's latest book, *Wired for War* (Penguin, 2009) looks at the implications of robotics and other new technologies for war, politics, ethics, and law in the 21st century. Dr. Singer received his Ph.D. in Government from Harvard University and a BA from the Woodrow Wilson School of Public and International Affairs at Princeton University.*

Defending Liberty, Pursuing Justice



Ms. Carolyn B. Lamm
President, American Bar Association

Thank you all. It is an honor to bring you greetings from the American Bar Association. The ABA has had a long and productive relationship with the military and some of our leaders have come from the military. We are indeed proud. In fact, I began in the ABA as a young Justice Department lawyer and represented, when I went to the Young Lawyers Division, the federal and military lawyers. So I've always had an affinity for the issues of the military lawyers within the ABA as I went through the process.

You know, many times I've been asked, what inspires me to be a leader of the Bar? What inspired me to be a lawyer? And let me give you an example beginning with words that were written some 65 years ago. And I quote, "Is it because I haven't been outdoors for so long that I've become so

smitten with nature. I remember a time when a magnificent blue sky, chirping birds, moonlight, and budding blossoms wouldn't have captivated me. Things have changed since I came here." These words were some of the last words written by a young girl whose whole world was a dark hiding place. She wrote these words in her diary. Her name was Anne Frank. On the day she wrote these words, a young man not much older than Anne Frank was landing on a beach. The beach was Normandy. The young man was my father.

Sometimes the terms "rule of law" may sound like an abstraction, with little connection to the particulars of people's lives. But history is full of evidence that reminds us otherwise. Like many veterans, my father rarely speaks of the war and the things that he saw. But when I went home recently to celebrate his 86th birthday, he took me aside and brought out a small suitcase, which he almost never opens. And it contained many things that he accumulated during the war as he and his battalion fought their way across a continent. As we sat there with each other, he showed me pictures. Some of the pictures were of a concentration camp that his unit liberated. The pictures were of bodies stacked like cordwood, higher than the members of his unit who were standing in front of them. My father reminded me that we all have an obligation to ensure that the rule of law remains strong so that never again is something like this tolerated.

He was not talking about the façade of a rule of law as the Nazis did or paying lip service to the rule of law and then having those in power do what they want. He was talking about the true rule of law that is tied to justice and human dignity.

Nineteen years after my father landed on that beach and Anne Frank wrote the words in her diary, another man, in a different country, sat in a dark cell and wrote words. He wrote them on toilet paper as it was all that he had. His name was Dr. Martin Luther King and he was writing the letter from the Birmingham Jail. In his famous letter, Dr.

King wrote about the difference between just and unjust law. He reminded us that everything the Nazis did was legal and everything that the Hungarian fighters did was illegal.

When the door to Anne Frank's hiding place was opened, she was arrested, shipped to a concentration camp to die—all according to the law. When the door to Martin Luther King's cell was opened and he was released, he helped to heal a nation. As imperfect as our nation and its law were at that time, we struggled toward justice and we still do. It is not just the rule of law that we are called to strengthen, it is the rule of just law. Many sit in rooms made dark by poverty. They sit in rooms made dark by ignorance, injustice, in deference. They sit in rooms that are dark because the light of the rule of law does not shine on them. They sit and they wonder if the door will ever open and wonder what will happen if it does.

Members of our profession are called upon not just to bear witness to history. We are called upon to have a bearing on it. We do this individually and we must do this collectively. And that's why the American Bar Association exists and that's why the JAG Corps exists.

We all believe in strengthening the rule of law. We all believe in the independence of the judiciary and of the profession. We all believe in access to justice and equal opportunity for all. As JAG lawyers, your work is key to ensuring that we prosecute wars fairly, humanely, consistent with the international legal obligations of the United States. You ensure that we treat our service members and their families with fairness and respect. You ensure that our treaties, our rules, our agreements, and the principles articulated in the law of armed conflict are the final words and followed. You give life to the meaning of the rule of law. And to accomplish these ends, the American Bar Association really works hand-in-hand with the military lawyers.

At the ABA, with nearly 400,000 members, we are home to countless practice settings and specialties with interests in a myriad of issues. One of our most honored practice settings is the military. JAG officers have moved the ABA's advocacy on issues involving our national security law, our armed forces law, legal assistance for service members, death penalty representation, public education about the law, and assistance for lawyers with substance abuse problems.

One area of advocacy of particular importance to military lawyers where we've had great success is on the student loan forgiveness assistance program. Backed by our policies and our House of Delegates, the ABA supports student loan forgiveness and repayment assistance for judge advocates as a critical step in recruiting and retaining talented lawyers in the JAG Corps and to help the military lawyers meet the crushing debt burdens and appropriately focus on what is most important--their mission.

We all have an obligation to ensure that the rule of law remains strong.

ABA advocacy also helped military lawyers get the College Cost Reduction Act of 2007. Our work continues to ensure that existing programs to help public service lawyers, including their military counterparts, practice in the way that they choose with relief from their debt burden as a result of their law school debts. The ABA has benefited greatly on these and other issues from the leadership of so many members of the Armed Forces, active and retired.

In virtually all of the areas of the ABA, JAGs, and particularly Air Force JAGs, have played incredible roles in developing our policies and services. Consider for instance, Air Force Colonel Will Gunn, who's now the General Counsel of the U.S. Department of Veterans Affairs. He most recently served as our chair of the Commission on Youth at Risk. Retired Colonel Linda Murnane, who now serves in The Hauge, is the chair of the ABA's Standing Committee on Armed Forces Law. Perhaps you know retired Brigadier General Tim Hemingway. General Hemingway leads our General Practice Solo and Small Firm Division's military law committee. Retired Brigadier General David Ehrhart, the Section of Public Contract Law's budget and finance officer, has served in notable positions throughout the ABA and is well known for his leadership and his service to the American Bar Association. And then there is my dear friend and longtime leader in the ABA, my escort here at KEYSTONE, Colonel James Durant. He has lent his time and talent to the ABA in a variety of positions. Indeed, he after me had the same position in the Young Lawyers Division, representing the federal and military lawyers. And today he chairs our General Practice Solo and Small Firm Division.

Military lawyers, as well as paralegals and non-lawyers who join our ABA as associates, have a home in many parts of the ABA. Some are members of the GP Solo and Small Firm Division. They have a military law committee that works on issues involving military justice, law of armed conflict, homeland security, environmental law, legal assistance, and contracts. Others find a home in the Section of Family Law, whose military committee shares information on issues relating to clients in the military and their families. The ABA's Government and Public Sector Lawyers Division has a military lawyers conference. One of the important roles is to help military lawyers with career development issues including transition to civilian practice. Our Criminal Justice Section, which is tremendously active, has a military justice committee, which provides a national forum to analyze, debate, and propose recommendations on matters involving military justice and the system of military justice. Our Section of Litigation works with the ABA's Committee on Legal Assistance for Military Personnel on successful access to justice initiatives, including the Military Pro Bono Project. We have a proud partnership with the JAG Corps on this program, which matches lawyers in private practice to provide free military lawyer assistance and assistance to active duty members in state and local courts. It's a classic example of how the organized civilian bar works with

the military to support our troops by ensuring they have equal access to justice.

The ABA promotes, at all levels, access to justice for everyone, including our service members. This commitment is reflected in a variety of ways, primarily in the Committee on Legal Assistance for Military Personnel, known as LAMP, to increase expanded legal assistance programs in states around the country. The expanded legal assistance programs, called ELAP, are typically adopted by state supreme courts. They allowed JAGs not licensed in a particular state where they are stationed to go into that state's courts for the limited purpose of representing their service member clients on civil matters before the courts. Several state supreme courts have worked to enhance the ELAP rules and access to their courts in large part as a result of the ABA's efforts to support the program. In that regard, we are tremendously pleased to see two Air Force legal assistance teams honored last month by the ABA LAMP Distinguished Service Award: the 6th Air Mobility Wing at McDill Air Force Base and Warner Robins Air Logistic Center. We applaud their efforts. They've done tremendous things.

Central to ensuring access to justice for service members is the ABA's advocacy on behalf of issues facing service members and their families. We work closely with the military lawyers on these issues. Our government relations reps in Washington helped to lobby the issues at DOD, DOJ, of course, with the assistance of The Military Officers Association of America, The Reserve Officers Association, and the National Military Family Association.

The ABA works to support service member's rights under the Service Members Civil Relief Act, which protects service members from unnecessary civil legal distractions when they are serving our country. The Act, however, is only as strong as the power to enforce rights under it. In recent years, some federal courts have broken with long-standing federal precedents by holding there is not an implied private right of action for service members under the Act. The ABA has taken action to address and confront this vulnerability in the law. Earlier this year, our House of Delegates unanimously adopted a resolution urging Congress to amend the Act and to add an expressed private right of action, and to add language authorizing the U.S. Attorney General to bring civil enforcement action in court in order to protect service members rights under the Act. Our government affairs team is working with as many friends as we can find in Washington on the Hill to push this corrective action through Congress. And we are confident that these much-needed changes will be made.

For those of you that are already a part of our ABA community, I thank you for your support and I thank you for your effort as we continue to defend liberty, pursue justice, and promote the rule of law, all with the informed consent and input of our military law community as a very crucial element of our legal community. For those of you who are not yet members, I hope we can soon welcome you to the ABA community. As an incentive, we offer free membership to JAG Corps members in their first 5 years



MS. LAMM talking with Col Charlie Johnson and Col James Durant.

of service. If you're stationed in a combat zone, regardless of any dues waiver or years of service, you can sign up for a dues waiver during that time. Our military lawyers are eligible for the membership discounts we offer to lawyers in public service and in government work. For instance, our GP Solo Division, in fact, offers similar free membership for JAGs. So you're invited to participate, be with us, help us with our agenda. We want you. And if you have any questions, you are of course invited to visit our website or call the ABA service center at 800-285-2221.

Our nation asks much of those in uniform and their families. As such, the ABA's commitment to the legal rights and legal needs of those who serve is vital and strong. Your dedicated service turns those legal rights and legal needs into realities. I appreciate greatly your support of the ABA community and your efforts to enhance our role as the national voice of the legal profession. I applaud you and I am tremendously grateful as are all in the ABA for all that you do for our country.

My father, a proud veteran, learned of the importance of community early on. And when he got off the boat on the beaches of Normandy, he certainly looked

to his left and he looked to his right and he knew he was not alone. That his comrades were with him every step of the way. And looking out at you and all of the members of the ABA today, I know the same thing. We are all on this mission to preserve the rule of law, to enhance access to justice, and we will succeed. May God bless you in all of your efforts and thank you.

The previous remarks, which have been edited for this publication, were made by Ms. Carolyn B. Lamm at the KEYSTONE Leadership Summit on 27 October 2009.

Carolyn Lamm, an international arbitration, litigation, and trade lawyer from Washington, D.C., is President of the American Bar Association. A native of Buffalo, N.Y., Lamm received her undergraduate degree from the State University of New York College at Buffalo, and her law degree from the University of Miami School of Law. Ms. Lamm was named one of the 50 Most Influential Women in America by the National Law Journal in 2007, and one of Washington's Top 30 Lawyers by Washingtonian magazine in 2009.

Learning Organizations for an Era of Persistent Conflict



Dr. John A. Nagl,
President, Center for a
New American Security

I had the privilege of fighting in two different wars for the United States and in both of those wars, whenever an airplane flew overhead, I didn't need to look up. I knew it was U.S. Air Force or one of our allies. In the wars I fought, we had air superiority and that is an enormously reassuring factor for anyone who is on the ground, who is fighting the war on the ground, and I am absolutely confident that we will continue to have air superiority in the wars we fight in years to come and it's because of you and our brother and sister airmen in our allied countries around the globe and I'd just like to thank you on behalf of the ground forces for that. That's the good news.

Building Adaptive Organizations

The bad news is, we're not doing everything absolutely as well as we could and General Chandler alluded to some of the things that we could do better -- how we are working to build organizations that are adaptive, that can learn, and that can continue to maintain capability at the high end so that future generations of ground-pounders never have to look up when they hear an airplane overhead and also do what we need to do on the low end, the kind of conflicts that we're most likely to face in years to come.

Secretary of Defense Gates gave a very important speech on April 6th of this year that dramatically changed the direction the Department of Defense is moving to adapt to the wars we're currently fighting. The SECDEF said the struggles he's seen over the past several years have revealed flaws in our priorities, our cultural preferences, and reward structures because we've got a Department of Defense and national security establishment that's designed to defeat mirror image threats. It's designed to win DESERT STORM kind of fights and that's good and it's necessary, but it's not sufficient.

And since our institutions are set up that way, the support that we've given to the men and women on point in Iraq and Afghanistan has been far too ad hoc over the past eight years. Therefore, the Secretary of Defense is trying to move the organization in a different direction. I'm going to share with you some of the ways I think you can help move us in that direction.

The Third Revolution of Human History

There are three revolutions of human history drawn in the work of Heidi and Alvin Toffler, *Future Shock*. The drivers of change are shaping the international system that we live in and what that means is, as we develop into what I think is likely to be an era of persistent conflicts, the wars we're currently fighting are not going to go away and we have to continue to adapt to make ourselves effective in those. The way you do that is by building adaptive, flexible learning organizations and in particular, the lessons we

learn from Iraq for Afghanistan will continue to shape the future of the wars we fight.

Let's start with Heidi and Alvin Toffler. The Tofflers believe that there have been only three revolutions in all of human history. The first revolution was actually pre-historic and that was the domestication of plants and animals -- the agricultural revolution, which allowed us to create a surplus for the first time in human history. Being the peaceable, loving, kind, gentle creatures that human beings are of course, we devoted a large part of that agricultural surplus to killing each other more efficiently and effectively. And we developed the agricultural way of war and this reached its pinnacle, its climax really under Napoleon's vast army's raid on the fields of conventional battle bloodily fighting it out in day-long conflicts and we actually got very good at it.

But just about the time we had that figured out, the world changed. The industrial revolution developed with mass production, with the telegraph and the railroad.

In the information age, you don't have to win war on the battlefield.

We developed a new series of constraints and factors that influenced how we fought wars and our agricultural age military organizations struggled to understand how to conduct war in the industrial age. Think about those wars -- the American Civil War, the Franco-Prussian War, and the First World War. In World War I, the German soldiers said of the Brits, "They are lions led by donkeys" because their generalship was so bad. The Brits went to the slaughter in some cases, going over the top of their trench lines, knowing they were being led to the slaughter.

Our agricultural age institutions had a hard time adapting to war in the industrial age and we didn't figure it out really until World War II -- and unfortunately, it took a couple of years to catch up to the Germans, who, with Blitzkrieg, understood how to harness the tools of the industrial revolution for war in the industrial age.

Today, I would argue we're facing the third revolution of human history, the information revolution and we're doing it with a military that was designed for the industrial age. The first war of the information revolution was the war in Vietnam. Colonel Harry Summers, an Army colonel, was talking to a Vietnamese colonel, at the Paris Peace Accords in 1975, and said, "You know, you never defeated us on the battlefield." The Vietnamese colonel thought for a moment and he said, "That may be true. It's also completely irrelevant."

In the information age, you don't have to win wars on the battlefield. For the first time in history, you can win the war by going over the head of the military forces in the field to attack the strategic center of gravity at home and that's what happened in Vietnam. We were defeated there at enormous cost and the legacy of Vietnam continues



to shape the discussions we're having about Afghanistan today. To understand the future of war fighting, we have to understand what happened in Vietnam.

The center of gravity is no longer a piece of key terrain, it's no longer a hill, it's no longer the enemy capital. It's the support and the trust of the population. You have to understand how people think and what they value, just as you used to have to understand road networks and canals and railroad lines. We have to understand the population as well as the terrain; we have to understand the human terrain in information age war.

The information revolution is the single most important factor driving the international system today, but it's not the only one. General Chandler mentioned nuclear weapons, the sacred trust that the nation places in the Air Force and in the Navy to safeguard those weapons—weapons which have, in a lot of ways, made the world safe for irregular warfare. But to a large extent, there have not been hot wars between great powers since the evolution

of nuclear weapons and that is likely to remain. Because of nuclear weapons, and some degree of deterrence at the high end of the spectrum of conflict, wars are likely to be pushed down to lower levels. Our conventional superiority over any conceivable enemy is so great that it also tends to push warfare down.

Globalization is another driving factor, with increasingly rapid, increasingly cost-free transfer of ideas and services around the globe. There is increasing urbanization of the world's population. Climate change is putting increasing pressure on the least developed, least stable parts of the world. It will hurt the underdeveloped world first and hurt them the most. Population growth will continue and all of these things adding up to frankly another bloody century, to use Colin Gray's term.

The world has changed dramatically. In the 20th Century, the primary problem of international relations was states that were too strong. Now in the 21st Century, our primary problem is states that are too weak. The Chairman of the Joint Chiefs of Staff, Admiral Mullen, has said Pakistan is the most dangerous place in the world for the United States, not because it is too strong, but because it is too weak. That's how fundamental the shift has been in my career.

All of us have to be able to adapt to this new world we're facing. There's increasing pressure on states to acquire weapons of mass destruction as North Korea has, as Iran is, as we thought Iraq was. Further, the rising importance and power of non-state groups is increasingly pushing the future of conflict toward insurgency in the globalized world we live in today. Population growth, resource depletion, and climate change, are putting increasing pressure on states in the developing world, on the low end of stability. These driving factors are going to push stable states to becoming unstable and unstable states into insurgency. So as I see it, there's pressure on both ends increasing the likelihood that we're going to be facing a future of irregular warfare and insurgency.

What does that mean for national security professionals? General Chandler talked to a number of these things that we need to think about and as we move toward the capability to fight in the wars we're going to be facing. I prefer RSI to ISR -- I think you do reconnaissance first, then you do focused surveillance of a particular area, and that evolves to intelligence. This is vitally important in the kind of wars we're fighting. In DESERT STORM, I shot the tanks that didn't look like mine. It was so simple, a tank driver could do it. In the war I fought in Iraq in '03 and '04, the hard part wasn't killing your enemy, it was finding him, and figuring out who he was. He was a fish swimming in the sea of the people. We must understand the human terrain far more intimately than we ever had to understand the enemies that we were fighting against in DESERT STORM.

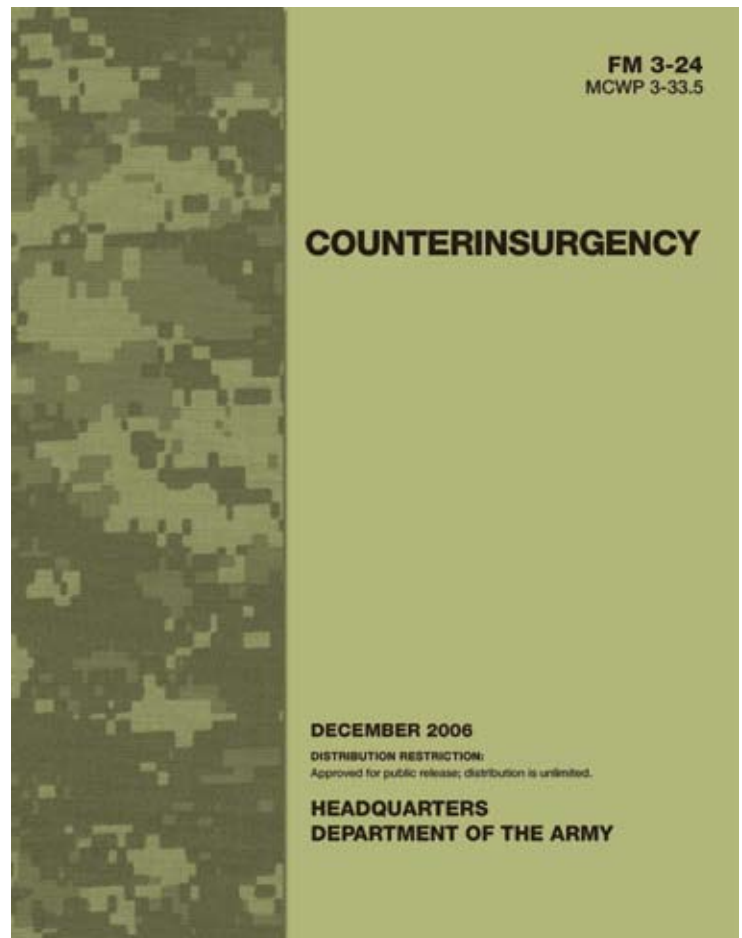
Training Host Nation Security Forces

Our exit strategy in Iraq and Afghanistan -- and more importantly, to prevent future fights -- is developing capable host nation security forces in a dozen countries around the globe. There's a whole lot more work we need to do there. A whole lot of this work is going to be done not by people in uniform, but by civilians and we've got to get better at managing the contractors on the battlefield. I like the ideas of organizational learning pioneered by Richard Downey. The title of his book, *The U.S. Army as a Learning Institution*, is not an oxymoron. Downey says that organizational learning is a process by which we use new knowledge or understanding gained from experience or study to adjust norms, doctrine, or procedures, in order to essentially benchmark best practices to increase our likelihood for success.

There are some indications of successful learning institutions you are all familiar with. Take input from the bottom up. The boss should make himself or herself available; take questions, engage in intellectual dialogue. Engage in theoretical thinking about the environment and you find yourself in the roles and missions of your organization inside that environment and that's particularly important today when we live in an era of rapid strategic change. My own service liked to say, "The Army is designed to kill people and break things." But in the strategic environment we face today, we need an Army that can also protect people and build things. And so we're trying to find that balance. I would argue that the Air Force similarly is facing a dramatically different strategic environment and needs to think hard about what its core missions are, which remain and which have to be adapted in the wars we're fighting today.

Remember the organizational learning cycle derived from John Boyd's OODA loop. An organization has to come to a sustained consensus that the old ways of doing business are no longer sufficient, and that the organization needs to change. If that happens, it is comparatively easy to transmit the new interpretation by polishing doctrine that should change the way the organization acts on the ground. In the healthy organization, this cycle repeats endlessly. And in a successful organization, that cycle repeats faster than the enemy.

I would argue that until late 2006, early 2007 in Iraq, and until 2009 in Afghanistan, the enemy was spinning circles inside our OODA loop. Our enemy was adapting faster than we were and that was one of the factors that drove the publication of Field Manual 3-24, *Counterinsurgency*, written under the leadership of General David Petraeus of the Army and General Mattis of the Marine Corps. It was published on December 15th, 2006, downloaded a million and a half times in the month after it was published, translated and critiqued on Jihadi websites, with copies found in Taliban training camps in Pakistan. So we know the enemy is reading it; now we just have to get our guys to do it.



Draining the Swamp

We're fighting a fairly small number of insurgents. The fight I know best in Khalidiya, Iraq, in Al Anbar, a lovely little town in between the also lovely, slightly larger towns of Ramadi and Fallujah. My sector had about 60,000 people in it. Of those 60,000, about one-half of one percent -- about 300 as near as we could tell -- were actively trying to kill me and my guys. I had a tank battalion task force of 800, with airpower on call, and in a fair fight it would have taken two minutes. But it wasn't a fair fight. They were fish swimming in the sea of the people -- I could have killed them if I could have figured out who they were, but I couldn't do that and I didn't have any help from the population.

The objective is not to kill or capture your enemy, if I could have killed or captured all 300, their brothers would have fought me. The objective is to drain the swamp, to diminish the number of people who are neutral or passive or who actively support the insurgency. You do that by increasing the number who support the government and to do that, we came up with six logical lines of operation. Combat operations, train and employ host nations security forces, provide life support to the population, give them a government that meets their needs, economic opportunity, all that wrapped up in a comprehensive information operations campaign.



The current debate in Afghanistan has sometimes focused solely on counterterrorism or just on training host national security forces. But this strategy is not divisible -- they are mutually reinforcing elements. In Al Anbar in 2004, I was training and employing host nations security forces, but I didn't have a government to work with, or an established structure to work inside. You have to develop a security situation on the ground in which those host nation's security forces can build support for the government, and all of this has to be tied in together.

It is important to understand these lessons as we think about the war we're currently fighting in Afghanistan. We desperately need whole government effort. The best book ever written on counterinsurgency remains David Galula's 1963 classic, *Counterinsurgency Warfare and Practice*. It's so short, infantrymen can read it. Galula magnificently says that counterinsurgency is not mainly a

military problem. Eighty percent of the effort should be political, governance, economic development, information operations. Unfortunately, we haven't

built those kinds of capabilities in our government.

So for a long time still to come, it's going to be men and women in uniform doing those tasks and doing things like a tribal engagement strategy. One of the keys to success in Iraq came when we flipped the Sunni Arab tribes. That came only when they were convinced that we were going to stick it out for the long haul. I believe that we can follow a similar strategy in Afghanistan but we have to do so from a position of strength, not from the position of relative weakness we're in right now.

Persistent surveillance is a critical asset that the Air Force brings

to the fight. We need to develop a persistent cultural surveillance and think through how we can use technology and some of the extraordinary assets the United States has, including people from all of the cultures of the world. We have not done a good job of using all of that, all of those skills in bringing them to bear to the fight.

We have not put the right troop ratios into Afghanistan. We have not built the host nations security forces that will be required to succeed there. The advisory effort has not been properly resourced and we have not provided the civilian capacity we need to succeed there. All that said, in Afghanistan, we only have to be better than the Taliban. The Afghan people have lived under the Taliban. They don't want them back. It is important to recognize that the task we face is not impossible and that the Afghan people when you talk to them, don't wish that there were fewer of us over there. They want more of us and they want us to stay and succeed in that fight which I believe is of vital national importance to the United States.

I wish, having fought in both kind of wars, that I could say that we're likely to fight more DESERT

We know the enemy is reading it; now we just have to get our guys to do it.

STORM kind of fights than more Iraq and Afghanistan kind of fights, but sadly, I believe the opposite is true. Not least because of the capability that our Air Force brings to the fight. It is suicide for anybody to try to fight us conventionally; instead, I believe they're going to continue to try to go high end and try to acquire weapons of mass destruction to act as insurance against an invasion and simultaneously, they're going to prepare to fight as insurgents and as guerrillas. We can expect, as the Secretary of Defense says, these are the kinds of wars we're going to be likely to have to fight for some years yet to come. We've come a long way over the past eight years

in learning how to fight those kind of wars more effectively, but we still have a lot of work to do and all of you can help in that effort.

QUESTION FROM THE AUDIENCE: How do you view the Air Force's responsibility in counterinsurgency doctrine and was it right to relinquish the air roles to the appendix of FM 3-24, the Counterinsurgency Field Manual?

ANSWER: I was one of the people who fought for the inclusion of an air power appendix in FM 3-24, so one of the possibilities was that there was not going to be frankly anything specific stated about air power at all in the counterinsurgency manual. Quite frankly, we had a hard time in 2005. We couldn't get there. I would ask you to remember back to 2005 when the Secretary of Defense forbade the use of the word "insurgents" to describe the people we were fighting in Iraq. So counterinsurgency was not a subject that at the highest levels of the Defense Department, we could find much traction with. And so this became, in a lot of ways, an underground effort that General Petraeus and General Mattis collaborated with. That's the bad news.

The good news is, we recently published a joint counterinsurgency manual, Joint Pub 3-324, which pulled all of the services together for the first time and which did, I think, a much better job of incorporating the air service into the counterinsurgency campaign. It's a huge step in the right direction. There is still progress that needs to be made and as we devote more and more resources, as more and more of us think through how we can bring the specific systems we know, the specific capabilities we have to bear on this problem of irregular warfare and counterinsurgency, the better we can work together as a joint team.

QUESTION FROM THE AUDIENCE: To what extent, if at all, does the use of social networking sites, such as Facebook, compromise the security of our nations?



ANSWER: A great question. People ask why the counterinsurgency field manual wasn't classified and I always say, "Because most of the people we need to read it don't have security classifications." And so there's some advantage to the enemy in understanding what we're trying to do, but there's more advantage for us understanding what we're trying to do. And so we're willing to take the risk. The strategic center of gravity in the fights we're fighting is the support of the public at home. In anything we can do to build the support among the American people - anything we can do to tell the American people what's at stake, that we have a strategy, that we understand the cost, and we lost 14 in Afghanistan today in several helicopter crashes. We are learning organizations. We can adapt, and understand how to fight these wars, and have a strategy for success. I think it's worth using social media, it's worth talking to elementary schools and high schools.

It's worth doing that sort of public engagement to help the American people understand what wonderful people they have serving in the military, the sacrifices the military and their family make, and the strategy that we have for success in the wars we're fighting to keep the American people, and the people of the world safe.

The previous remarks, which have been edited for this publication, were made by Dr. John A. Nagl at the KEYSTONE Leadership Summit on 26 October 2009.

*Dr. John Nagl is President of the Center for a New American Security. A retired U.S. Army officer, his last assignment was as Commanding Officer of 1st Battalion, 34th Armor at Fort Riley, Kansas. A West Point graduate and Rhodes Scholar, he served as a Military Assistant to the Deputy Secretary of Defense. Dr. Nagl is the author of *Learning to Eat Soup with a Knife: Counterinsurgency Lessons from Malaya and Vietnam*, and was on the writing team that produced the Army's new Counterinsurgency Field Manual.*

Sexual Assault Prevention and Response: Leadership in Action



Ms. Anne Munch
Anne Munch Consulting, Inc

I have to tell you that being invited to this event to address the smartest lawyers working for the greatest institution in the world on a tough topic is an honor that I cherish and do not take lightly. General Rives, thank you. Not just for the invitation to present at the KEYSTONE conference, but for bringing your heart and your dedication to making sure the Air Force is a leader for all the world to see when it comes to the prevention and response to sexual assault. I also want to thank Jim Russell who mirrors this same commitment, and I want to thank all of you for being the dedicated leaders that you are.

Before I get into the light and lively topic of sexual assault, I want to let you know what brings me to caring about this topic, and what brings me to you specifically, as an Air Force Audience. Sometimes people who speak on this topic are motivated to do so because they are survivors of a sexual assault. I am one of the fortunate people who has not had to experience that. In fact, the thing that brings me to you is the privilege that I had growing up on a home where I witnessed no violence, no molestation, but instead had the great example of two loving parents and an Air Force officer as a Dad who exemplified what it really means to be a leader and cultivate goodness in his surroundings.

In the summer of 2003 I got a call from the newly appointed vice commandant at the USAFA, Colonel Debby Gray. At the time, I had spent the majority of my then 16 year legal career as a prosecutor who specialized in sexual assault and domestic violence crimes. Colonel Gray called me because while she possessed a wealth of knowledge about the AF and AF culture, she knew very little about sexual assault and its related dynamics.

As I drove down to the USAFA to meet with her and to embark on what has since become one of the main focuses of my time and profession, it felt in many ways as if I was coming back home. Home to that same place where my father dedicated himself to establishing one of the greatest educational institutions of all time, where he

and my mom instilled in me a love for fairness and justice, where they raised three boys and three girls to know that we were capable, smart, and equally equipped to make a mark in the world. It was with their blessing and encouragement that I offered my assistance to the Academy. I will say that the mood there was a bit somber during this time, but there was also a deep sense of commitment to step forward and make sure that the climate issues were addressed, and that a long term plan was put in place to keep the Academy healthy.

While it was a difficult and somewhat embarrassing time for the Academy to be examined under a microscope, in hindsight I believe it was a great gift to the USAF, the

You are setting the standard for the rest of the world that sexual harassment and sexual violence have no place in an organization.

other branches of the military, and to the country. The congressional inquiries generated the necessary motivation to examine a corrosive thread woven deeply into the culture of the military academies and all branches of the armed services. This thread represents a practice by some of demeaning and degrading women in the Armed Forces. And a little of the thread goes a long way in setting a climate that is not only unhealthy, but one that can inadvertently hide and underwrite people who commit sexual assault against their fellow service men and women.

A look at our country's recent history illustrates that racial segregation represented a similar corrosive thread. It was here, in the military, that our country armed itself with courage, marked by action, and challenged the underlying racism that was a part of our culture at that time. Indeed, it was the military, not the outside civilian world that was the first to desegregate its work force, setting a high ethical and moral standard for the rest of the country and indeed, the rest of the world. It is in this same vein that I believe the years of scrutiny and discomfort that the Air Force and the other branches of the military have undergone thus far are well worth it. YOU are setting the standard for the rest of

the world that sexual harassment and sexual violence have no place in an organization dedicated to the core values held by the Air Force.

Within the first few months of working with the Air Force on these issues, I was privileged to receive an invitation from General John Handy, a four star who was positioned at Scott AFB, to address the general officers at the Phoenix Rally. I accepted the invitation. Using the framework of the Unnamed Conspirator, I took them through my basic presentation on sex offenders and how they operate, the effects of the crime on victims, and how each of us owns a part the problem by not challenging attitudes, practices and beliefs that support the successful commission of sexual assault. Afterwards, I attended a reception where I spoke with many wonderful people. But the thing that I recall the most, the conversation that sticks out in my mind, was the one I had with a general officer who described his experience of being the father of a daughter who was raped. I listened as he told me of the powerlessness he felt as a dad who watched his child struggle. First by listening to his daughter blame herself for "allowing herself" to trust someone who then betrayed her by raping her, and then by watching the doubt, judgment and scrutiny his daughter received after she made the courageous decision to report. His eyes welled with tears as he talked and I listened. He understands, as few do, the importance of making sure that the Air Force that he loves is equipped with the training and tools to first and foremost, prevent the crime from occurring. And when someone is raped, we need to make sure we have the accurate tools to respond to victims with compassion and professionalism, while responding to offenders with a dose of accountability that is meaningful. Interestingly, just last week I addressed an audience from one of the other branches, and the identical thing happened. A general officer approached me, told me the story of his daughter and how after being raped, she was judged, labeled a whore, harassed and shunned. The offender, apparently well known for this kind of behavior, is suffering no such consequences.

I have been educating and consulting on this topic for many years, and my experience with these general officers was by no means unique. In addition to my work in the civilian world, I have been to over 25 Air Force bases

in different parts of the world, numerous Army, Navy and Marine Corps bases, and addressed thousands of people over these recent years. I have literally lost track of the numbers of victims; mostly women but also men, who approached me with their stories. You should know that these brave men and woman represent every walk of life and span all ranks in the services. You should also know that very few of them reported what happened to them. In some cases, I was the first person they confided in and told. I am talking about hundreds of people that I have met over the years, all of whose lives were left scarred by this insidious crime.

Sometimes I joke about how when in the course of daily life people ask me what I do for a living, I am tempted to lie and tell them that I mow lawns or own a flower shop, both of which sound like nice, peaceful existences to me. The temptation comes from the number of times, including just last week in a dentist chair, that I tell people what I actually do for a living only to have these total strangers tell me about their traumatic experiences as victims. I listen. I tell them that I am sorry that it happened to them (although it is a little tough when my mouth is full of dental instruments). I brag about the Air Force and other communities, and how seriously they are taking the problem. They thank me for my work. These people motivate me, as I know they motivate you, to make the Air Force a better place where this crime has no foothold, and in cases where someone does rape another person, victims are safe to report and are treated with dignity and respect when they do.

Of course, these problems are not unique to the military. In many ways, the military is just a reflection of our greater society. Any of you in this room who have ever heard me present before have very likely heard me talk about the influence of the unnamed conspirator. My theory is that in every situation involving sexual assault, in addition to the victim and the offender, there is a third party that plays a key role. I call this party the unnamed conspirator. While you never see their name listed on the witness list or in the investigative reports, and they never come into court to provide testimony, they are absolutely involved in the case, often having the lions share of influence over the outcome of the case. You and I, our

families and commanders, our ministers and mentors, are all subject to the sometimes overwhelming influence of the unnamed conspirator.

The unnamed conspirator pedals myths and double standards to us. Often a little introspection shows us that we buy those myths and double standards. I want to walk you through just a few of these concepts so you understand how this plays into the layers of education aimed at prevention that the Air Force is engaged in.

You practically have to live under a rock to not see how the media pedals images that promote violence and are degrading to women in this country.

These ads normalize and mainstream violence against women. They are aimed at women to sell them things like hand bags and shoes, and it is pretty easy to find the ads themselves offensive. But they work, and they go unchallenged for the most part. A look at the music industry, the video game industry, all show how this kind of violence becomes normalized and, quite frankly, we fail to respond to it as a culture. In fact, we tend to be passive bystanders to the images and the corresponding messages.

The problem that we face is that the men and women who come into the AF bring with them some of these same challenges. They are students of the unnamed conspirator. A misconception here, an unfair standard there; added together, they can create a virtual Petri dish (also known as climate) where we unwittingly underwrite tolerance for a host of disrespectful behaviors which sometimes include rape. We know that the more the climate tolerates certain kinds of behaviors, the more it sends the message to people who cross the line that there is nothing wrong with their behavior. A look at the risk factors associated with women in the military who experience rape shows us what common sense already tells us. If we ignore the little weeds in the garden, they grow. They can take over. And the whole garden suffers. It is as simple as that.

This is why the Air Force has dedicated much time, energy and commitment to educating the ranks. Most of this effort is directed at prevention. Part of prevention is getting accurate information and educating people who may not know or understand the subject so that they can identify problems, intervene, and use resources when necessary.

Here are just a few of the incredible culture changing



steps that your Air Force has taken. THIS should make you proud.

One of the first things the AF did was to set up the Sexual Assault Prevention and Response, or SAPR program. The SAPR office identified, trained and began utilizing SARCs to assist victims and to provide training and resources at their bases. They also identified numerous subject matter experts from around the country to assist in developing materials that were accurate and effective.

The first big training effort, headed by General John Jumper, former Chief of Staff of the Air Force, was the creation of the "Targeting Sexual Assault" video. Beginning in June of 2005, a facilitated training session using this great product was rolled out, and in just 20 months, 540,000 AF members received excellent, facilitated training that focused on offenders, victims, bystanders and facilitators. Soon thereafter, the decision was made to institutionalize high quality training that would begin to shift the culture and climate issues starting at the BMT level. The accessions



one and two courses were rolled out in 2006. This parable based, computer learning course provides the basic framework for all officer and enlisted accessions members to learn about sexual assault, the role of alcohol, who the players are and the like. They take with them a solid knowledge base to their assignment where they are provided with the next level of interactive training based on what may be relevant to them in technical school. After they receive their first assignments, at FTAC, the SARC provides training consistent with a module that was developed specifically for this audience. Excellent FTAC and Deployed Environment courses have been developed and are in the LONG process of being implemented.

Courses have been developed for the Leaders course and the

Instructors course to assisting people in leadership positions understand how to handle disclosures of sexual assault, work climate issues, and identify the problems before they turn into potential sexual assaults.

Still in development is a course for women called, "Risk Reduction for Women." Because women are primarily the targets of sexual assault, teaching skills directed at reducing the risk of being assaulted is an important mission. The course provides them with a forum to discuss the issues they face in this context, and includes important skills on boundary setting, communication, reducing risks and the like.

This brings us to the most recent course that the AF developed, the Bystander Intervention Course. The very best sexual assault case that you

have is the sexual assault that never happens. Bystander intervention is a strategy that can and does prevent this crime. The Air Force is the FIRST large institution to implement bystander intervention training on a large scale as a strategy for preventing sexual assault. There are three courses that have been developed; one for women, one for men and one for leaders. Tomorrow morning you will have a unique and valuable opportunity to experience the Bystander Intervention Course for leaders. I am one of the developers of the course, and take great pride in being one of the facilitators of the course along with 14 highly trained-up and very experienced SARCs.

So what is bystander intervention? Two nights ago I was in my hotel room and received an email from a colleague that included

a new story about the recent prom at Richmond High School in Contra Costa, CA. Here is the opening line from the Contra Costa times.

Onlookers laughed, took pictures and even joined in Saturday night during the two-hour gang rape of a semiconscious 15-year-old outside her homecoming dance at Richmond High, police said Monday.

This young 15 year old girl left the Homecoming dance at 9:30 to get a ride from her dad, was persuaded by a young man she knew to join in a party that was going on at a remote part of the high school outdoors, was provided with a lot of alcohol which she drank quickly, fell over and was repeatedly raped, beaten and robbed by at least six men. There were others there who did nothing. Those people would be called bystanders. The phenomenon of standing by and not getting involved has been studied and offers us a wealth of information that we can use to get people involved in preventing sexual inappropriateness and sex crimes.

Here is basically the way it works. We know that only a very small percentage of men, around 10-12 percent by most studies, cross the line and commit the crime. That leaves roughly 90 percent of men who would NOT do this. And, for the small number of women offenders who engage in inappropriate sexual conduct against others, the same applies to the vast majority of women who would not do such a thing. So, we have this huge population of people who are not offenders and are not victims. Let's call them bystanders.

Within the context of leadership, bystander intervention means understanding that this problem does not rest solely with the 18-24 year olds. It is the Leader's responsibility to set and maintain climate. That means that there are lots of opportunities to set and maintain a healthy climate, once one understands what marks an Unhealthy climate.

Simply talking about these excellent resources does them little or no justice. Suffice it to say that they are designed to help every person in the Air Force to see what part of this problem they own. It sends a message to the 18 to 21 year olds who are coming into the AF that things are different here. What may have been acceptable out in the world when it comes to inappropriate or disrespectful conduct is not acceptable here. It teaches the vast majority of people in the Air Force who would never degrade, demean or commit an act of sexual assault on a fellow airman, what responsibility they have to intervene when one of the fellow airman does cross the line, or appears like they are planning to cross the line.

I hope you will go into tomorrow morning and experience it just as a person. Not as a JAG, not as a legal expert, not as a skeptic. Think of yourself as the brother, sister, son, daughter, niece, nephew, husband wife or partner that you may be in addition to being a member of the AF.

I have never worn your uniform, but I can say that I am on your team. I feel connected to you in a way that only someone who has seen the very best of what the Air Force can

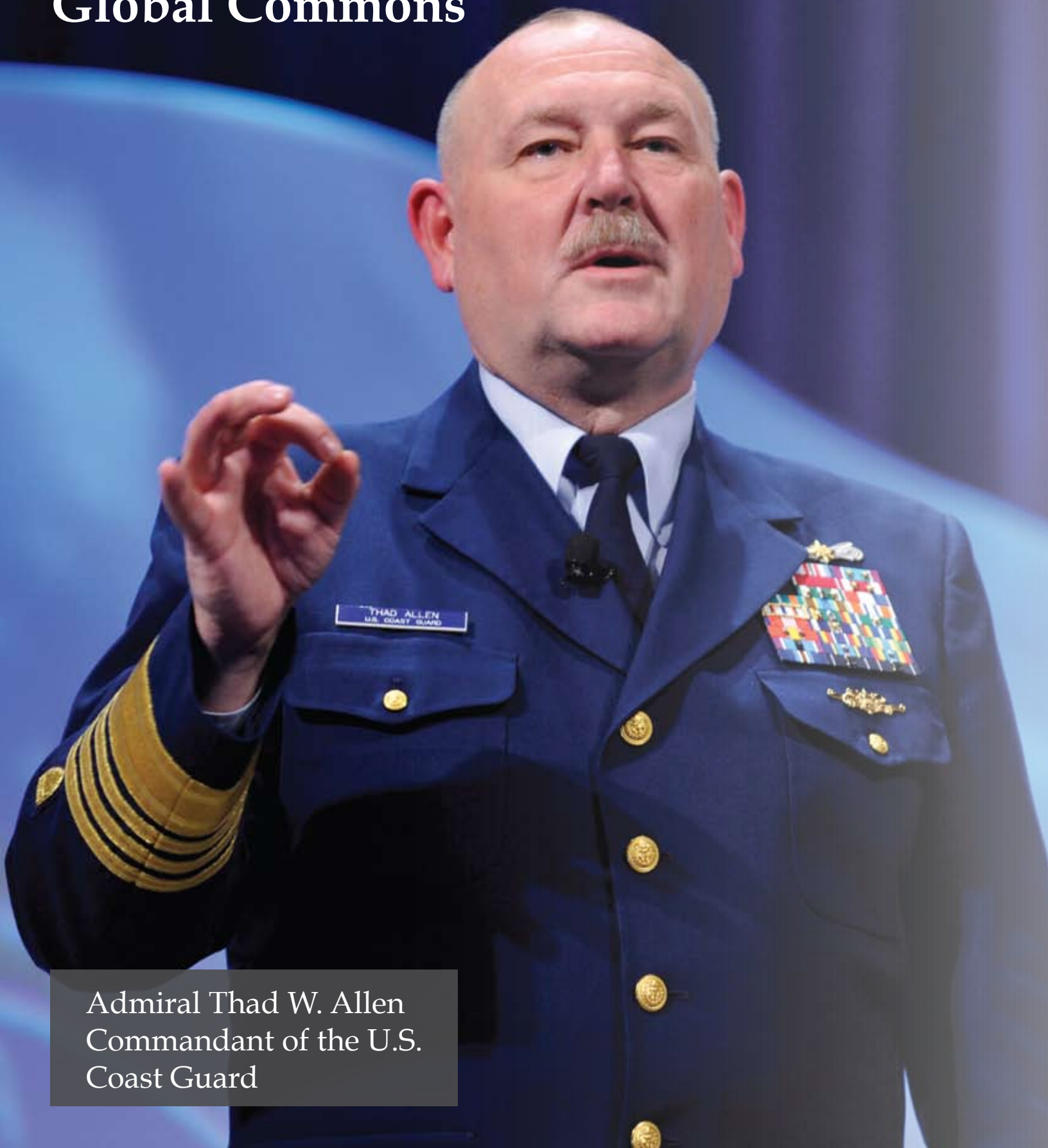
be. I have pride for the Air Force that is lodged permanently in my DNA.

The last thing I want to say is that as an Air Force, you have done more in four years to address the insidious problem of sexual inappropriateness and sexual assault than most civilian communities have done in 40. And I could not be more proud to work with you. I thank you for the incredible people that you are, the amazing sacrifices that you make, and for changing the culture so that people are safe and healthy in your beloved Air Force.

The previous remarks, which have been edited for this publication, were made by Ms. Anne Munch at the KEYSTONE Leadership Summit on 28 October 2009.

Ms. Anne Munch has 20 years of experience as a career prosecutor and advocate for victims of domestic violence, sexual assault and stalking. As a subject matter expert for the United States Air Force, Ms. Munch has worked extensively on the development of the Sexual Assault Prevention and Response program. She is on the teaching faculty for the American Prosecutors Research Institute, the National Judicial Education Program and the International Association of Chiefs of Police. Previously, Ms. Munch spent seven years as a prosecutor for the Denver D.A.'s office including a rotation in the felony domestic violence and sexual assault unit; two years as the Chief Deputy District Attorney for the 7th Judicial District in Telluride, Colorado, and two years as the supervisor of the fast track domestic violence unit in the Jefferson County DA's office in Golden, Colorado.

THE U.S. COAST GUARD: The Challenges of the Last Global Commons



Admiral Thad W. Allen
Commandant of the U.S.
Coast Guard

Arthur C. Clark, who wrote *2001: A Space Odyssey*, once said that if you looked at this planet from space, you wouldn't call it Earth, you would call it Ocean. Seventy-five percent of the surface is the most defining feature of our planet. There are unique challenges we face in, with the exception of cyberspace, what is arguably the last global commons.

History of the Coast Guard

First, I want to tell you about the United States Coast Guard. Our birth date is August 4th, 1790, when Congress passed a law authorizing the construction of ten small, fast sailing vessels with swivel guns to stop the British from smuggling goods into the country. Those sailing vessels were called cutters, from which we derived the name for ships in the Coast Guard to this day. This legislation was sought by Alexander Hamilton, the first Secretary of the Treasury, who needed the duties imposed on goods being imported to the country to pay off the war debt and fund the new administration.

The United States Coast Guard is a unique product of the American Revolution. Prior to its creation, there were Navies, customs-like organizations, and even border guards. But, until the Coast Guard was created and evolved, we never had the power of a law enforcement agency also vested in the military service. We now have a 200-year history of carrying out both types of operations.

Established in 1790, we were called the "Revenue Marine" and were the first customs officers in the country; that customs authority stays with us until today. Over the past 200 years, the Coast Guard has executed a wide portfolio of missions. As many of you may know, we disestablished the Continental Navy after the American Revolution. If you saw the John Adams mini-series on HBO, you know we almost went to war with France in the 1790s. The small, fast cutters were the only warships we had until the Navy was reconstituted in the late 1790s. For that reason, with due deference to our comrades in khaki, we call ourselves the oldest continuous seagoing service. While at the Coast Guard Academy, members learn, and are required to remember, that we are that hard nucleus about which the Navy centers in times of war.

Through the 18th and 19th Century, we became known as the Revenue Cutter Service. When the United States acquired Alaska from Russia, revenue cutters were dispatched as the de facto territorial governors. They also began our mission of protecting marine mammals from being slaughtered. This is a mission which endures to this day. In 1915, the Revenue Cutter Service was combined with the U.S. Lifesaving Service to create the modern Coast Guard. In 1939, we added the U.S. Lighthouse Service in the Department of Commerce and, under the

emergency reorganization powers that President Roosevelt was granted in World War II, we acquired the Bureau of Marine Inspection and Navigation. We have held that responsibility since it was made permanent after the war. This makes us the de facto equivalent of the Federal Aviation Administration for U.S. flag shipping. As such, I lead the United States Delegation of International Maritime Organization.

If it's happening on the water and it's not purely Title 10, it probably belongs to us. Ranging from illegal migration to fisheries enforcement, ice breaking, navigation, counter-drug operations, protection of marine sanctuaries, and enforcement of customs laws with our partners in the Department of Homeland Security,

it is your Coast Guard in action. We have a very broad mission set and there's probably no coast guard-like organization in the world that does as much as we do. When we go into another country, we rarely deal military-to-military. We usually deal with an interior ministry, a public safety ministry, a border guard, a transport ministry, and many times, a justice ministry, which is where the coast guard-like agencies work. This really expands the reach of our maritime engagement around the world and it's been extremely important in the last couple of years.

Combating Piracy

Generally, under international law, piracy is regarded as a crime against civilization. So, anybody can enforce piracy in any nation in the world as long as the pirates are not operating within the territorial sea of a country. We have been engaged in extensive work behind the scenes with piracy off the Horn of Africa and the Straits of Malacca off the Niger Delta. While you observed operations taking place under 5th Fleet in the U.S. Central Command with the Liberty Sun and the Maersk Alabama, the Coast Guard was operating behind the scenes in several ways.

First of all, to take care of privacy, we must have a legal framework where there are consequences attached to their actions. That's been very, very difficult to do. Many countries in the world neither have implemented legislation, nor have the elements of a civil society and judicial system to handle it. So, while we've been carrying out operations through the 5th Fleet and dealing with the piracy off the Horn of Africa, we have been negotiating behind the scenes agreements with countries that have legal frameworks that can potentially prosecute pirates. Last January, the Coast Guard, working with the State Department and other legal officers from around the government, negotiated a Memorandum of Agreement with the country of Kenya. Kenya has agreed to prosecute pirates. There have been prosecutions in Kenya and one is underway right now.

Under international law, piracy is regarded as a crime against civilization.



We are also trying to expand the number of countries who will prosecute these cases. One might not normally think of the legal issues associated with operations on the water. Many people think the Maersk Alabama was a clear-cut case. Pirates were holding the master. They made a threat against the master. The SEALs took appropriate action. The pirates were killed, with the exception of one survivor who was on the Navy ship. However, when the Maersk Alabama got to the port of Mombasa, it became a crime scene because we were seeking to prosecute that pirate in the southern district of New York. The ship was met by Naval Criminal Investigative Service and the Coast Guard Investigative Service to preserve evidence on the ship.

We routinely carry out joint investigations related to these types of operations with the Naval Criminal Investigative Service. At the same time, we work behind the scenes with the International Maritime Organization (IMO). The IMO works with the Security Council and the United Nations to get the declarations that allow us to enter the territorial sea of Somalia for the purpose of protecting world food shipments. Further, we are trying to get all countries of the world that are signatories to the convention

for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, to pass implementing legislation in their countries to allow us to take legal action under that Convention against pirates.

The Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation resulted from the hijacking of the Achille Lauro in 1988. On the Achille Lauro, Americans were held hostage and an elderly gentleman named Leon Klinghoffer was killed when they threw him over the side. The Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation requires that contracting nations pass implementing legislation for prosecution, extraditions, and to facilitate dealing with people who commit these kind of crimes. We were successful earlier this year at having a resolution passed by the Security Council at the United Nations that urges the contracting nations to pass implementing legislation.

I also recently met with the Secretary General of IMO, Efthimios Mitropoulos. We are working to develop model codes for the countries in and around the Horn of Africa and elsewhere so we can bring these criminals to justice.

Ratification of the Law of the Sea Convention

Piracy is an unlawful act under the Convention on the Law of the Sea. I am a strong supporter that we need to ratify that treaty. All my peers, service chiefs, Joint Chiefs of Staff, Admiral Mullen have all publicly stated the time has come to put a government structure over the last global commons. Otherwise, we operate without the cover of international law.

The Arctic is another area that would benefit from additional governance. This pristine yet resource laden region is seeing increased shipping, eco-tourism, and energy exploration. There is much at stake for the United States as significant decisions are being weighed by several countries. We're having extensive hydrographic work being done up there by the Coast Guard in association with the National Science Foundation. We are working with the Canadians to lay the groundwork for claims on an extended continental shelf. Under the Convention on the Law of the Sea, you can claim resources on the continental shelf more than 200 miles off shore if you can prove that the actual construct of the continental shelf extends beyond 200 miles. We are collecting data to prove that but, as



we have not yet acceded to the treaty, we would make it a unilateral claim. In the meantime, for the last ten years, the Russians have been gathering data and have asserted a claim that will be acted on by a commission established under the United Nations Convention on the Law of the Sea Treaty. We will not have a seat on that commission, because we've not acceded to the Treaty. You can start to see some of

There's water where there didn't used to be and I'm responsible for it." I've got a territorial sea, a contiguous zone and exclusive economic zone, that is not covered with ice anymore for part of the year. All the authorities, jurisdictions and responsibilities that I have in the lower 48 or Hawaii or any place else, apply up there as well.

We're finding out there are a significant number of challenges linked

midst of indigenous people that are doing subsistence whaling or sealing. The tribal trustees along the Northern Slope of Alaska have significant concerns about whatever goes on, so we're learning a lot about conducting our operations with proper respect for indigenous peoples.

We're also operating on a day-to-day basis with both Canada and Russia, which we share boundaries with. It's very interesting. Under the United Nations Convention on the Law of the Sea Treaty, the Bering Strait is what's called a transit strait. It is a body of water that connects two international bodies of water. Under the treaty, you have to be provided uninhibited transit through those areas. The problem is that it's not a very wide body. It's about 25 miles out to an island from the Alaska side and 25 miles out to an island from the Russian side, only 50 or 60 miles total, and very shallow. We are moving to establish traffic separation schemes, very much like air traffic routes, where shipping would have to stay to one side or the other. This will reduce the risk of collision and mitigate any impact on the environment. Again, we are doing this through IMO under the framework of the United Nations Convention on the Law of the Sea Treaty.

There's water where there didn't used to be and I'm responsible for it.

the problems that are being generated by our failure to get in line with the rest of the nations of the world on this Treaty.

Global Challenges

One of the current challenges the Coast Guard is dealing with is an ice-diminished Arctic. When this first started happening, there was a lot of discussion about whether or not climate change was the cause. I told everybody, "I'm agnostic to the science.

to operating in the Arctic. Underwater areas up there are not well charted. There are few aids to navigation. Communications are difficult and there are few places for logistics bases. So, for the last three years, we have been bringing our equipment and people up to the North Slope. We sometimes use Air Force facilities that are up in Point Barrow, Alaska. The Air Force operates sensor stations up there. We operate there in the summer. We're learning a lot of things, including how to conduct operations right in the



Managing International Relationships

There were significant issues following the Russian invasion of Georgia. There were some discussions that we should stop all high level contact with that country. The fact is that it would be almost impossible for us to stop having contact with Russia. We manage a border with them seven days a week, 24 hours a day, 365 days a year. It may be of some note to you that we also manage another border with Cuba. We actually have a Coast Guard officer posted at the U.S. Intersection in Havana. The officer provides us interaction and coordination with the Cuban border guard; mostly regarding illegal migration and drug interdiction. There is a constant requirement to manage those relationships at our international boundaries.

Last April, Chairman of the Joint Chiefs of Staff Admiral Mike Mullen asked me to travel to Delhi and meet with the Director General of the Indian Coast Guard. I did and we talked about how India had small vessel threats in and around their coastline, particularly following the Mumbai attacks. The fact is, small vessels and unregulated

vessels are a significant problem in this world. The way we manage and regulate shipping is cut off at 300 gross tons under IMO. So, small vessels are regulated on a state-by-state basis under some general federal guidelines. They are not required to carry transponders, identify where they are, or where they're going. There's a growing discussion going on around the world regarding what to do with these small vessels. Every country is developing a set of issues related to that problem. It's a significant issue in India.

It is also a significant issue in Somalia where most of the pirate attacks are from unregulated small boats. Recently, we have also seen the introduction of so-called self-propelled semi-submersibles. These are not submarines, but are very low-profile vessels that carry anywhere between 7 and 10 tons of cargo from South America north. Most of the time, they transport cocaine. However, U.S. Southern Command is concerned about what else you can carry in a self-propelled semi-submersible. With that amount of cargo space, they could carry a weapon of mass effect. It was such an issue that we went to the Congress last year and made the operation of a self-propelled semi-submersible on the high seas a violation of U.S. law. We did that because there's no legitimate reason to operate one of these vessels. They're not certified. They're not inspected, and they can't be safely used for anything. The mere operation of one of these vessels is now illegal. The penalty for violating this law, under the sentencing guidelines, is about the same as it is for carrying actual drugs. This is a significant deterrent in helping us manage the drug flow problem from the south.

Illegal Fishing

For the past several years, we have been conducting patrols in the central Pacific with the North Pacific Coast Guard Forum. This Forum consists of the Coast Guards from the United States, Canada, Russia, Japan, South Korea, and China. Last year, using Japanese maritime patrol aircraft and Canadian maritime patrol aircraft, we spotted a Chinese fishing vessel fishing with illegal nets. A Coast

They refused, until they heard the voice of the Chinese ship rider we had on our ship.

Guard Cutter came alongside and said, "Heave to, we're going to board you." They refused, until they heard the voice of the Chinese ship rider we had on our ship. Acting under his authority, we stopped the vessel. We boarded it. It was seized and taken to China. The nets were seized, the master was indicted, and sentenced to prison. The Chinese actually held a news conference to announce it all. Cooperation like this gives us a great reason to make frequent port calls in China. We have an O-6 posted in Beijing to help us manage our operations. We are carrying on extensive multi-lateral operations to enforce international conventions through

this North Pacific Coast Guard framework. Again, this is another example of how we support the maritime strategy of this country and a non-mil-to-mil relationship.

I spent a week in China in July. During that visit, I did not talk to anyone from the Chinese military. I did speak with the border protection directorate, the customs folks, the transportation ministry, and I was actually invited to visit the Border Security Academy. The Academy is their equivalent of the Coast Guard Academy and is located in the port of Ningbo, China. I was given free access to the classroom, the simulators, and all the boats. It's an extraordinary amount of access for us.

Similarly, a couple of years ago, I was in St Petersburg, Russia, for a meeting of the Coast Guard Forum. I was allowed to go offshore and watch the Russian Border Guard intercept a vessel that was simulating carrying a weapon of mass effect into the port of Saint Petersburg. An air assault vertical insertion of a swat team from the Federal Security Service was part of the exercise. I was there with a Marine Colonel, part of the attaché office in Moscow, and he was rather amazed at the access we had. But, that's the type of things that we can do when we have items of similar interest. We cooperate with these countries and we look at ways to deal with trans-national threats that can only really be dealt with through a cooperative basis.

A Close Relationship

My days are filled with challenges that directly impact and are impacted by our JAG Corps and the Coast Guard. Last year, we launched the Coast Guard Cutter *Waesche*, which is named after our wartime Commandant, Admiral Russell Randolph *Waesche*, who served longer than any Commandant who has ever held the job. At the end of the war, Admiral *Waesche* was assigned to a panel with other service chiefs. As such, he was instrumental in recommending that we separate the Army Air Corps and create the Air Force. At the commissioning ceremony for the vessel, we were proud to have one of my good friends, General Victor Renuart, Jr., Commander, USNORTHCOM, there; showing the nexus between our proud historical and organizational heritage. Our relationship with the Air Force is terrific. We work together closely every day.

QUESTION FROM AUDIENCE: Among senior military leaders, you've really leaned forward in the social media and DOD and the other services are really wrestling with that. Could you outline some of the things you've done, your experience with it, and where you think you want to go or pull back?

ANSWER: You heard me talking earlier about climate change. What's going on right now is a fundamental change in our environment and our ecology. I consider social media a fundamental change in our social atmosphere, just like there was a change in the makeup of the gasses we breathe and everything else in our environment. Our failure to adapt to that, I think is going to have consequences. Dr. John Holdren, who's the Science Advisor to the President,



gave a presentation a couple of weeks ago before us on climate change and said we have three options: we can suffer, we can adapt, or we can manage it. I would tell you in social media it's the same thing. We can suffer because there's no barrier to what anybody can put out there. It's an uncontested battle space if we don't inhabit it. We can adapt to the changes that it's bringing about or we can manage it. So Allen's theory is that you can't stop them. There's no barrier to entry. My theory is the "Where's Waldo" Theory. You know, where you look at the picture and you've got to find Waldo. You can't change what they say, but you can fill the space up. If you don't, they're going to be dictating terms to you. So, about a year ago, I got on Facebook, got a blog, and opened an account on Twitter. We're getting these digital natives coming in our service and, unless we figure out how to adapt to them, we're going to find we're disenfranchised from them.

I was visiting oil platforms off of Um Kassir in the Northern Arabian Gulf where we've been conducting security operations since the start of hostilities over there. There's a con-ex box on both of those oil platforms and it's basically an internet kiosk. Our folks think that access to that type of social medium, being able to e-mail and get

on-line, is as fundamental part of their morale and recreational welfare.

QUESTION FROM AUDIENCE: In this era of transnational threats, rapid change, coalition, interagency and joint environment, what do you expect from a forward thinking leader in a JAG Corps?

ANSWER: I'll give you an example of what my JAG Corps produced for me. We helped develop what's called a National Strategy for Maritime Security under the Bush Administration. It was issued in 2004. Under that, we created a concept called Maritime Operational Threat Response. There's been a lot of talk around the country in the last five or ten years about needing a Goldwater-Nichols interagency. I think we've figured out how to do it. Through Maritime Operational Threat Response (MOTR) protocols, we have created the gold standard for interagency coordination, role assignment, and lead-follow relationships. We're never going to get the support and unity of command you would see in Title 10. However, we've got to get better unity of effort. It's the largest challenge I think facing our country outside the defense establishment. The challenge is the lack of integration across the interagency and coalition.

The MOTR concept requires that a conference call be convened. This call could go clear up to deputies and principals if needed. It is how we handle all the background work behind the Maersk Alabama seizure. After the operations were done and the bodies had to be

repatriated, we had to arrange for the vessel to be met and dealt with as a crime scene. While the event was going on, the hostage rescue team from the FBI was talking with the people on the ship. There was an entire background of issues that falls way outside the normal realm of DOD command and control. It was all managed through the MOTR protocols with Coast Guard JAGs facilitating it. As a result, the Secretary of Homeland Security has established a permanent MOTR cell in the Coast Guard led by an SES. I believe we need a similar type of a function across the entire government and I'm very pleased to say that our JAGs are the ones that put that together.

QUESTION FROM AUDIENCE: Regarding, counterinsurgency and low intensity conflict, it seems in order for the missions to be successful, they have to adopt a philosophy that's more akin to traditional law enforcement. I'm just wondering in terms of recruiting, training, and doctrine, is the great success of the Coast Guard in that area being exported to the military services in some way and, if not, is that going to happen in the future?

ANSWER: That's an excellent question. We talk about the dual character of the Coast Guard. We are military service and a law enforcement organization at the same time. The dual role gives us tremendous utility, flexibility, adaptability, and makes us a very valuable player in an irregular warfare counterinsurgency. It will be like calling up the National Guard and having both Title 10 and Title





32 authority simultaneously. There are often arguments about whose paying and who is giving the orders. However, it is different for us. On the water, if it's related to maritime law enforcement or defense operations, we can do that. Here's the construct generally: we believe that most events that happen near our shore, where there's an ambiguity -- is there a weapon, what are their intentions -- start out in a law enforcement setting. If you just want to stop the act, anybody can do it. If you want to hold somebody accountable and put a case together that meets the evidentiary requirements for whatever venue you're going for prosecution, the people going on board have to know that in advance. This is the best use of both forces. It's not well known, but we have boarding teams on naval assets that are doing piracy boardings off the Horn of Africa. The teams are actually hybrid teams. You have Navy members and Coast Guard

law enforcement team members working together and they know how to preserve evidence.

Now, this presents huge issues in Afghanistan and other places where you're trying to deal with a combination of criminal activity. Is there hostile intent? Where's the line being crossed? We have to negotiate MOUs through U.S. Northern Command and their joint maritime component commander, where we can flow second and third fleet forces to support Coast Guard law enforcement operations. We can flow Coast Guard forces to the second and third fleet for security and defense operations. I think that's the way to move forward. That's the best way to use our authority's jurisdictions and capabilities and allow maximum flexibility.

The previous remarks, which have been edited for this publication, were made by Admiral Thad W. Allen at the KEYSTONE Leadership Summit on 29 October 2009.

Admiral Thad W. Allen assumed the duties of the 23rd Commandant of the U.S. Coast Guard on May 25th, 2006. Admiral Allen leads the largest component of the Department of Homeland Security (DHS), comprised of about 40,150 men and women on Active Duty, 7,000 civilians, 8,000 Reservists and 34,000 volunteer Auxiliarists. In his thirty eight years of service, Admiral Allen has held operational command both at sea and ashore, conducting missions to support the maritime safety, security and environmental stewardship interests of the Nation. Today, Admiral Allen is leading the Coast Guard through significant modernization to better organize, train, equip, and deploy to meet the challenges of the 21st Century.

Spouse Connection



Interaction, ideas, inspiration, and the “inside story” — that’s what JAG Corps spouses discovered at the fifth annual Spouse Connection at KEYSTONE. This year, more than 55 spouses were in attendance, taking home more than memories, and returning with a wealth of information on lots military family programs and initiatives.

Deep in the heart of Texas, members of the JAGC family gathered for Spouse Connection exchanges, excursions, lunches, culminating in the TJAG Chat. They got to know each other through advance mini-bios and had the opportunity to share tips on military marriages, event planning, and dealing with deployments, along welcoming new JAG Corps spouses into the fold.

Presentations on GI Bill transferability, children’s educational programs, and new housing, education, employment, and compensation laws brought spouses up to speed on initiatives to improve the quality of life for military families. An

overview of the Air Force Aid Society informed them of services available to families in blue. Additionally, JAX leaders fielded numerous questions and briefed spouses on assignments, deployments and schools.

Attendees also learned about Department of Defense initiatives among states to improve school transitions for military children, provide unemployment compensation for military spouses, and improve portability of licensing and certification.

At Monday’s Connection’s kickoff luncheon, Major General Charles J. Dunlap, Jr., Deputy Judge Advocate General, thanked spouses for their service and support. Attendees at this event were among the first Air Force spouses in the country to obtain Air Force Year of the Family pins and brochures. Later, they learned about Year of the Family activities to help Air Force military families in the areas of childcare, special needs, and school liaisons.

Information on a variety of

front-burner issues and programs was provided by groups including the Military Officers Association of America, National Military Family Association, Military Child Education Coalition, Military Impacted Schools Association, SOAR, Armed Services YMCA, Fisher House, and AF Services. Every day spouses also received a variety of helpful materials, including deployment kits from USAA, compact discs from the Air Force Band, and coupon booklets from DECA and AAFES. Donation bags brimming with Military One Source products gave spouses new insight into the many free booklets, CDs, information, career and counseling services, and other resources available to them.

In the downtown Dallas, spouses also paid a visit to the Sixth Street Museum on Wednesday where they were moved by reminders of President John F. Kennedy’s life, and the tragic events of 22 November 1963. A Tuesday tour of the Dallas Museum of Art and Nasher Sculpture Garden revealed a delightful collection of

world-class art and priceless artifacts. Ms. Linda Harding and Ms. Kathy Lepper did a fantastic job in organizing the excursions; Deb Watson and Angie Jarreau also served as key team members. Furthermore, Major Jennifer Kramme provided much appreciated coordination with the JAGC conference.

As with previous exchanges, a highlight came when Lieutenant General Jack L. Rives, The Judge Advocate General, candidly answered spouse questions and personally presented them with his KEYSTONE coin—a tradition that began with the very first Spouse Connection KEYSTONE event.

The JA Spouse Connection continues to draw spouses who voluntarily want to get involved and informed and to interact with others. It's a chance to connect with old friends while making new ones— and is now an established institution that brings back many year after year!

AN INTERVIEW WITH MS. JOY DUNLAP

Editor's Note: In addition to creating and coordinating all-volunteer Spouse Connection events and e-letters, Ms. Dunlap has been deeply involved with Officer Spouses Clubs, organizing spouse lunches, serving as publicity chair, writer and advisor for spouse club newsletters, writing base neighborhood e-letters, hosting visiting JASOC classes, thrown office parties, assisting with Heartlink, giving welcome briefings, and writing welcome notes to new JAG spouses. In her professional life, she is a military family advocate and deputy director of government relations at the Military Officers Association of America (MOAA).

Q: How did your involvement with our military begin?

A: My first-grade class created valentines to send to servicemembers. I remember that mine had a plane on it, and it won an award. My dad had been in the Army Air Corps in World War II, but other than a few photos, we didn't hear much about that as kids. In college, I belonged to Angel Flight, an AF ROTC Arnold Air Society auxiliary. They were the official university hostesses, so that's what caused me to get involved, but the character and commitment of those I met impressed me, and I became very active. After college, I didn't expect to be involved with the military, but a year and a half later, Charlie and I met in Montgomery when he was teaching at the JAG School, and I knew that he and I were meant to live this life of adventure together. How blessed I've been to share this incredible experience side-by-side with the man I love and admire!

Q: For years, you have been making significant contributions to the well-being of our corps. What are you most proud of?

A: I'm most proud of my husband who has always had the courage to stand up, to speak out, and to live with integrity and valor. I'm proud of the JAG Corps spouses who chose to participate in KEYSTONE Spouse Connection events at the expense of their own time and money. They wanted to get more connected, to learn, and to support their own husbands or wives.

I'm proud of each JAGC spouse who takes the initiative and hosts people in their home, sends a card to someone who's sick, helps someone move in or out,



serves in Thrift Shops or Spouse Clubs, mows someone's lawn, bakes cookies for an office, babysits a military family's child, or organizes events. I'm proud of every spouse who supports their own JAG Corps servicemember with resilience and resourcefulness when they relocate, as they find a new neighborhood, new job, and new schools, build new relationships, and above all create a place called "home."

Personally, it's been rewarding when people share about how information they got from the Spouse Connection e-letter helped them get a scholarship for their child, obtain funding for their own educational or employment pursuits, or got them involved in an activity. Seeing spouses share ideas and discover new information at every KEYSTONE event has also been great. I've especially enjoyed welcoming new JAG Corps spouses via e-mail and answering their questions. My hope in creating and coordinating the Spouse Connection has been that JAGC spouses will become more connected with the military, the AF, the JAG Corps, and each other, so to the extent that spouses feel more informed and involved, I'm excited about that.

Q: Describe your reaction during the Annual Awards Banquet when you heard TJAG announce the creation of the Joy Dunlap Family Service Award, in your honor--and how you felt about its inaugural presentation to Mr. Tom Hagmaier.

A: Wow. It was so unbelievable. I was totally surprised, very humbled, and somewhat flummoxed about the entire thing. Anything I've done stems from love for my husband, God, and others. In the JAG Corps, we're a family bound together with common purpose, values and commitment, but also a lot of care. My life is better and blessed because of servicemembers and spouses I've encountered in the JAG Corps family,



like Tom Hagmaier, for example. He's the perfect award recipient. He's all about service before self – a humble helper who touches lives one by one and makes a difference everywhere

The receptions we've given for numerous classes of JASOC students and senior JAG Corps leaders also stand out as special. It was Charlie's idea to host each class as our personal

Dive into the military culture, into the JAG Corps family, into the local community, and you will discover great treasure.
Do something for someone else.

he goes. When I started the Spouse Connection KEYSTONE event, Tom was the first person to contact me to offer help --- and I didn't even know him!

Q: As you reflect on your time with the JAGC over the course of your husband's career, what memory is most dear to you?

A: Picking one memory is just not possible. When I reflect back, I see the faces of the people I've made the journey with—my fellow spouses, and JAGs. Obviously, the Spouse Connection events, those who've attended them and the experiences we've shared, have a special place in my heart! But, so do the many e-mails and notes I've received from countless spouses around the globe.

welcome to them and those have been a lot of fun and such a blessing to us over the past few years. To meet the servicemembers who are the future of our JAG Corps family, and to hear of their values and talents, gives me great confidence in our JAG Corps and our country!

Q: What "parting advice" can you offer our JAGC spouses?

A: In everything we do, we have a choice: we can dive in or we can float. My advice is to dive deep. Dive into the military culture, into the JAG Corps family, into the local community, and you will discover great treasure. Do something for someone else. Laugh a lot. And, always live the adventure abundantly!

KEYSTONE 2009 – Final Thoughts



These remarks, which have been edited for this publication, were made by Lieutenant General Rives at the KEYSTONE Leadership Summit on 30 October 2009.

The future of our Corps is with us now. Near term, it's those of you in this room and your colleagues back home. In the long term, our future includes the students currently attending our basic courses at the JAG School. In the Judge Advocate Staff Officer Course, a lieutenant who will become a base staff judge advocate in 2021 is taking notes. Not far down the hall, an Airman who will be a law office superintendent in 2024 is taking a test in the Paralegal Apprenticeship Course. The Airmen who will be the senior leaders of our JAG Corps in 2039 are just now entering the Air Force.

Our task is to meet the challenges of today as we prepare for the future. We must master emerging areas of the law. And we must prepare the newest generation of judge advocate and paralegal leaders for our Air Force.

On Monday, the Secretary of the Air Force made the time to come speak with us. He told us that our Air Force is at an inflection point. We're at one of those historical times when the future is going to look substantially different than the past; for the Nation and for the Air Force. The Secretary told us that it's critical for you to maintain the high level of service you provide. The things you do, and the people you lead, will make a critical difference in our

future. The Air Force is changing. We need you to help lead those changes.

General Chandler, the Vice Chief of Staff of the Air Force, explained some of the changes. This year we will train more unmanned aerial system pilots than fighter and bomber pilots combined. The future of the Air Force will depend on our ability to change, to be flexible, and to adapt to new technologies.

We've all heard that the key to airpower is flexibility. In the JAG Corps, we've shown a positive approach to change. We've displayed the capacity to make midcourse corrections, even to reverse when appropriate. New information can lead us to new courses of action. That's what VANGUARD leaders do.

We need you to be the VANGUARD leaders of the JAG Corps. Don't just sit on the sidelines; get involved and "make it happen."

Put the Mission and the People First

Leadership is not simply being in a position where people say, "She's in charge." Leaders actually take charge. You need to blaze your trail and help bring out the best in others. Put your ego aside and be a team player. Make sure you've got the best person at the right time for the right job.

On Monday, General John Altenburg spoke about John Hunt. John Hunt led the successful expedition that first climbed Mount Everest. He was an experienced climber and he could have been the first to reach the pinnacle of Mount Everest. He was within 400 feet of the top, but he didn't go all the way up. He chose another, someone better qualified for the task. And so it was Edmund Hillary who made that historic final climb to the top. John Hunt put the objective and his mission first. That's what a leader does. It's service before self.

That's what we expect of you. You lead. "Lead" is a verb. To lead, you need to be active. We need you to assume the responsibilities that go with leadership. We need you to maximize the strengths of the people under your leadership. We need you to attack the weaknesses of your subordinates and turn them into strengths.

Speak the Truth

Several of our KEYSTONE speakers noted that members of the JAG Corps seek truth and speak truth. Donovan Campbell said it eloquently. He talked about the need to choose a "hard right" over an "easy wrong." When asked, "What do you need from your JAG, especially in the deployed environment, in combat situations?" Donovan Campbell responded, "We need you to support the warfighter. Do everything you can to support the warfighter, unless they cross the line. And if they cross the line, go after

them with everything you have. To do less would disgrace the uniform."

Is it easy to do? Is it easy to tell someone when they've crossed the line, or even when they're getting close to the line? Not always, but a VANGUARD leader does the right thing and gives the right advice, even when it's hard to do. Doing the right thing is really the only way, because you must live with yourself. No regrets -- do the

You need to **blaze your trail** and help bring out the best in others. Put your ego aside and be a team player.

right thing, the right way.

Remember that your client is the United States Air Force. Everyone in this room took an oath, not to an individual, but to support and defend the Constitution of the United States. That is your solemn pledge. That's what you must live by. When necessary, you will tell truth to power.

Find Balance in Your Life

You need to have balance in your life. Roger Barta is a high school football coach in Kansas and he believes in balance. Last year, his football team had a perfect record, and that wasn't the first time. His team holds the record for the longest winning streak in the nation, 67 consecutive victories. His teams have won the state championship nine times.

You would expect a man like Coach Barta to be driven to win. We've all known football coaches and others who want to win at all costs. Some say that there's no substitute for victory. But Coach Barta disagrees. He knows there's more to life than winning football games.

He's proud of his football team -- because they're balanced. He brags about his players who achieve academically and who are in school plays. Once, Coach Barta canceled a football practice before the biggest

game of the year because 11 of his starting players were singing in a local choir concert. He told them that was more important, that they needed to sing in the choir. Coach Barta says, "When I tell the kids there's more to life than football, I have to show them that I mean it."

We can all learn from Coach Barta. When you tell the people you lead there's more to life than being in

the office, be careful about giving them an assignment that will cause them to have to work until 10 o'clock that night. Sometimes long hours are necessary, but ensure your subordinates take the time to do the things that are important in their lives. Sometimes, you should tell a hardworking member of your staff to go home at noon and relax with family.

We've been to retirement ceremonies where the person who's retiring talks about what they've done for the Air Force. And then, they bemoan the things they missed in their personal life. I have no respect for such a person. Every time I hear a comment like that, I'm thinking that it reflects choices. The person chose not to go to his or her child's recital, athletic game, parent-teacher conference, or to do something to support his or her spouse or parents or brother or sister. Choices were made.

When someone working for me says they need to do something for their family, I never respond, "You can't do it." Sometimes I tell them, "This is an important project; you need to have it done by (whatever time)" and I give them the real deadline. We rarely have something so important at work that you have to miss the important things in your personal life.

When I told my commander I wanted to coach my son's little league baseball team, it was okay. As



it happened, I never missed a single practice. I was able to do my work and also spend the time with my son. Get balance in your life and make sure the people who work for you can do the same. Don't make them believe that you are so driven you won't respect them if they take care of the things that really are important.

When you look back over your life, do you think you're going to be sorry for not staying late at work? I doubt it. But you will regret not being there for the people who are dear to you. Strive for balance in your life.

The JAG Corps Family

Earlier, I told you about Captain Wendy Kosek and the IED attack on 21 August 2009. When she received her Purple Heart, Captain Kosek said the aftermath of the attack taught her the true meaning of the phrase "JAG family." After the attack, the three judge advocates and the two paralegals in that convoy immediately came to her aid. They helped her and the other injured member in the convoy, an Army major.

I've read an e-mail where Captain Kosek described how much she appreciated what people did for her. For example, an Army colonel held her hand in the field hospital,

and that meant a great deal to her. As she endured five surgeries, many members of the military, and especially members of the JAG Corps, were there to support her. As she was transferred from Iraq through Balad Air Base, Afghanistan, through Kuwait, and Germany, then Andrews Air Force Base, and Scott Air Force Base, and down to San Antonio, who was there wherever she went? Members of the JAG family. Many of the people in this audience were there to be with her as she transited through.

Conclusion

VANGUARD leaders take care of their people, their coworkers, and their fellow Airmen. You are VANGUARD leaders. I expect you to lead. I expect you to make the most of the strengths of your people and develop their weaknesses into strengths. Do your best always.

At KEYSTONE a couple of years ago, I told the story about a young man in California who signed up in World War II. He was the son of immigrants. His name was Sam Maloof. He was discharged from the Army after the war. He went home to California, got married, and moved into a house that his military benefits helped finance. He had more rooms in the house than

he had furniture. So, he bought some plywood and simple tools and he learned how to make furniture. Now, his furniture is in museums all over the world, including the Smithsonian.

I heard a presentation by Mr. Maloof a couple of years ago. Up until his death last May, he went to work every day. One thing he said was, "Nothing leaves my store that I'm not personally proud of." What a great standard for all of us. Don't let anything leave your office that you're not personally proud of.

As I mentioned Monday in my opening comments, the challenge to you is to "earn it." Your past accomplishments led to your current position as an Air Force leader. Prove yourself worthy. Tell truth to power. Tell people what they need to hear. Don't take the easy way out. Take care of your people and take care of yourself. Have balance in your life, including being physically fit. Never let anything leave your office that you're not personally proud of.

The JAG Corps needs your leadership. Chief Stocks, Major General Dunlap and I expect you to keep working hard on being effective leaders. Our Air Force and our Nation depends on your leadership. Be a VANGUARD leader -- **make it happen.**





Making A Difference

Justice

Valor

Family

Spouse Connection

Make It Happen

Initiative

Service Above Self

VANGUARD Leadership



KEYSTONE 2009

Excellence In All

Speak The Truth

AFJAGS PRESS

THE JUDGE ADVOCATE GENERAL'S SCHOOL

150 CHENNAULT CIRCLE

MAXWELL AFB, AL 36112-6418

Earn It

Wisdom