

Navy

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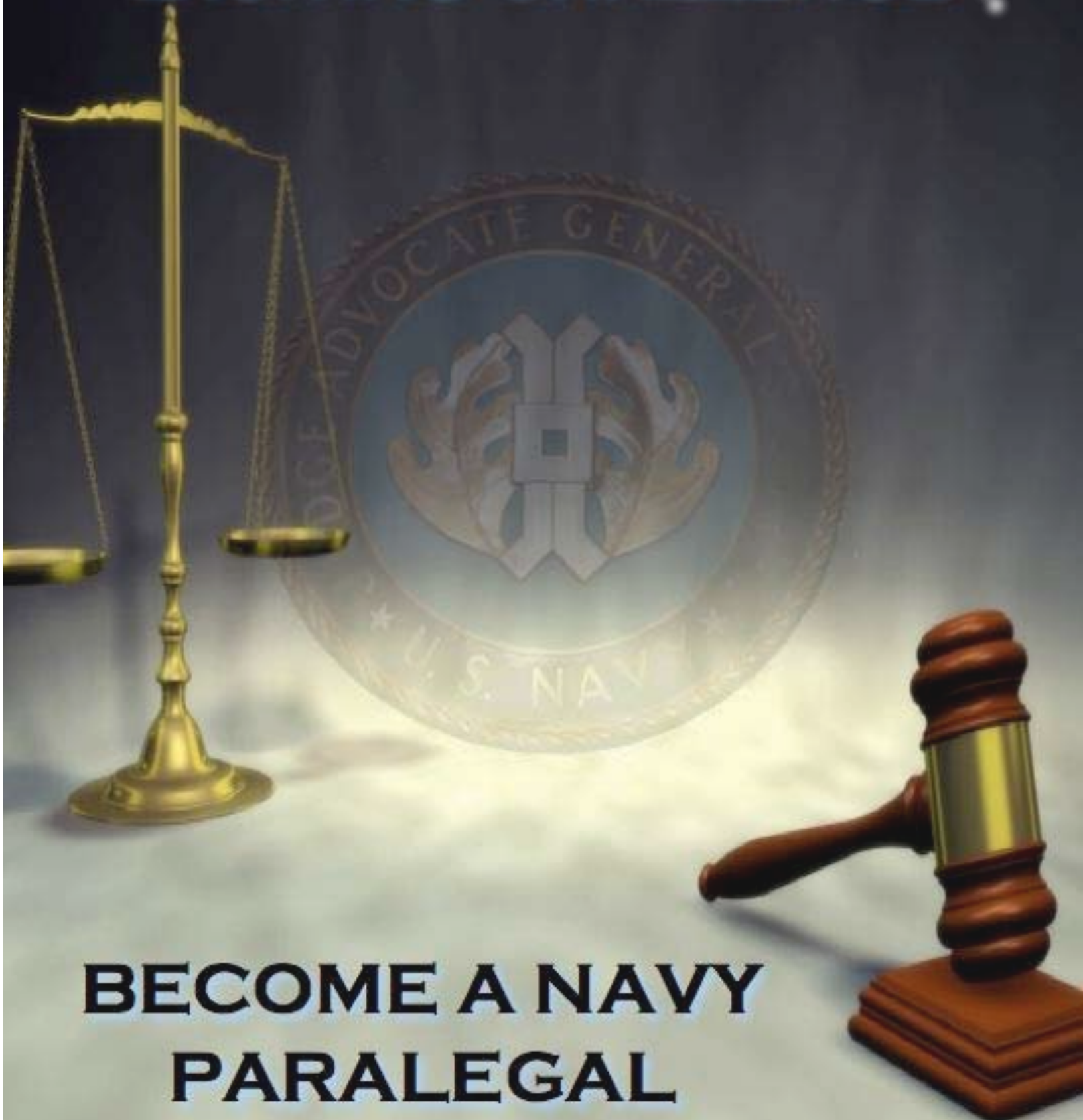
Judge Advocate General's Corps  
**JAG**



*Behind the Scenes at the*

***Naval Justice School***

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## On the Front Cover



LT Dustin Wallace teaches a course at the Naval Justice School. Read more on page 7.

### Correction:

In the Jul/Aug edition of the JAG magazine, we reported LNCM Marco Ramirez received the first Bronze Star awarded to a Navy Legalman. This was incorrect. The first Navy Legalman to receive the Bronze Star was LNC Stewart Damron. LNC Damron received the award for meritorious service in combat operations in Iraq 2003.

# JAG

JUDGE ADVOCATE GENERAL

*Rear Admiral Bruce MacDonald*

DEPUTY JUDGE ADVOCATE GENERAL,  
COMMANDER NAVAL LEGAL SERVICE COMMAND

*Rear Admiral James W. Houck*

DEPUTY JUDGE ADVOCATE GENERAL,  
RESERVE AFFAIRS & OPERATIONS,  
DEPUTY COMMANDER, NAVY LEGAL SERVICE COMMAND

*Rear Admiral Norton C. Joerg*

COMMAND MASTER CHIEF,  
OFFICE OF THE JUDGE ADVOCATE GENERAL,  
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Contributors may send news and images by e-mail to Ms. Natalie Morehouse at [natalie.morehouse@navy.mil](mailto:natalie.morehouse@navy.mil) or by mail to: Office of the Judge Advocate General of the Navy; 1322 Patterson Avenue, SE, Building 33, Suite 3000; Washington Navy Yard, DC 20374-5066. Telephone inquiries should be made to (202) 685-5394.

# The Judge Advocate General

Education and training remain a critical focus for the Navy JAG Corps. Our vision of a formal paralegal education program at the Naval Justice School is now a reality. We currently have our third class in session under this new program. In the next couple of months, we will begin to announce changes to other education and training programs, including our post-graduate education program. We are constantly reevaluating all the courses at the Naval Justice School and all other educational opportunities to ensure they are meeting the needs of our legal community. In this edition of the JAG Magazine, we focus on the JAG Corps' current training and education endeavors.

In our lead story, CAPT Charlotte Wise explores the educational strategy for the Naval Justice School, and LT Dustin Wallace shares his perspective as a NJS instructor. The Naval Justice School is an incredible asset for our Corps and has been heavily involved with the transformation of our professional development.

Also in this issue, CDR Pete Schmid, from OJAG Code 17 (National Security Litigation and Intelligence Law), gives a primer on their new "Guide to Litigating Classified Information Cases." This is a great example of how the legal specialists in the OJAG headquarters are available to help with difficult issues or cases that come up in the Fleet. This guide provides a baseline for classified information cases as well as contact information for the Code 17 experts.

LT Jason Jones' article on the Court of Military Commission Review explains the court's make-up and its current issues. The Navy JAG Corps is playing a huge role in this historic court and its cases are important for every member of the JAG Corps.

We continue our coverage on Individual Augmentees (IAs). In this edition, CDR Dan Jones, a JAG reservist, shares his IA experience in - "Life at Guantanamo Bay." This is the fourth in the IA series, which highlights the diversity of missions involving members of the JAG Corps. MC1 Mary Popjoy of CJTF-HOA also provides a touching and vivid article about the mentorship and educational training in the Horn of Africa. She writes about the women of Camp Lemonier, including our own LN1 Nita Fay Holliday, commitment to helping the local community.

Article 6 Inspections also have taken on a new element of training as Mr. Joe Scranton explains in his article about the new Article 6 Inspections. Through the hard work of Joe and the SAT team, these new inspections provide tools and feedback to our commanding officers so we constantly improve as a community.

This forum is a great opportunity to share and



communicate across our Corps. In the last few months, we have created new sections to meet our community's diverse needs. In this issue, we are adding a section dedicated to the alumni of the JAG community. I greatly value our alumni for their wealth of knowledge and experience and look forward to reading about the great things they are doing in their post-JAG Corps careers.

As always, I truly am interested in your feedback and greatly value your thoughts and suggestions regarding the JAG Magazine. RADM Houck, RADM Joerg and I could not be more proud of you and your many accomplishments. Thank you for all that you do each day.

BRUCE MacDONALD  
Rear Admiral, JAGC, U.S. Navy  
Judge Advocate General





# Deputy Judge Advocate General for Reserve Affairs and Operations

Training is a word long associated with the Reserve Component. In the Cold War years during which the component was a strategic reserve, virtually everything we did was classified as training – training for the potential that the Cold War would turn hot, and our country would need its reservists on a massive scale to counter the threat.

This point of view was evident in the names of the various ways in which reservists served: annual training (AT), active duty for training (ADT), inactive duty training (IDT, or drills), and inactive duty training travel (IDTT). The key word was training, to be used “for real” later, if and when the proverbial “balloon went up.” We are no longer solely a strategic reserve. We are an operational reserve, providing support real time as an integrated part of the Total Force. I emphasize that this shift has occurred “in fact” because it has not fully occurred “in law.” The statutes and regulations that authorize and guide how we do business have not yet changed to reflect fully the new reality. This makes life interesting for us all in terms of making old systems and mind-sets work for what is largely a new paradigm of service. We are still a strategic reserve, to be sure, but the immediate call upon our time and skills is in the realm of meeting today’s mission.

This shift provides much for us to consider and discuss. One thing has not changed though, training has a continued presence in our reserve lexicon. One important reason for this is the fact that the Reserve Component provides support via our knowledge and intellectual capital. We have always trained in very large measure by doing. As a result, even before the paradigm shift from a Reserve that was primarily strategic to a Reserve that is predominantly operational, we were integrated with our active component counterparts in all mission areas.

A second key reason that training remains paramount is that, to be operational, we must be efficient and effective now. We must be more agile than ever, and training makes us so. We must be prepared to do the job across a variety of missions on short notice.

A third key reason that training is central to our mission is that we possess many valuable, and sometimes rare, skills, knowledge, and experience in both the officer and enlisted



ranks, with which we can train and mentor our active component counterparts.

Our challenge now is to build upon our past successes while focusing on our emergent needs for better agility, stronger integration as trainers and mentors, and our capacity to deliver specialized skills to augment the capabilities of the larger JAG Corps community.

NORTON C. JOERG  
Rear Admiral, JAGC, U.S. Navy  
Deputy Judge Advocate General for  
Reserve Affairs and Operations



# Premiere Training at NJS

**By CAPT Charlotte Wise**  
*Commanding Officer, Naval Justice School*

**N**aval Justice School (NJS), the oldest of the three JAG schools, began in Port Hueneme, Calif., in 1942 and relocated to Newport, R.I., in 1950.

The NJS mission is to train the sea service (Navy, Marine Corps, and Coast Guard) judge advocates, limited duty officers, enlisted and civilian legal professionals to deliver quality legal services, promote justice, and enhance sea service readiness. A secondary mission is to train sea service leaders to perform their duties under U.S. military and international law.

The formal paralegal education program has had extraor-

dinary success with the implementation of the revised Legalman (LN) Accession Course held by NJS in conjunction with Roger Williams Law School. The course provides graduates 10 ABA-approved college credits towards a paralegal degree. NJS graduated the first class of 10 LNs in June under this program. The latest class of 15 LNs graduated Dec. 14.

To increase legal proficiency through low-cost training, NJS, with assistance from Naval Education and Training Command and the Center for Service Support, is developing a Distance Learning program that will bring critical training to personnel throughout the world.

Expect more training to become available as NJS Distance Learning modules become a staple of JAG Corps training in the near future.

**Find the complete NJS training schedule on page 8.**

## *The Benefits of Becoming a Naval Justice School Instructor*

**By LT Dustin Wallace**  
*Naval Justice School*

**I**f you are seeking a billet that offers unparalleled professional growth and development, there is simply no better place to be than the Naval Justice School (NJS). As a NJS instructor since July 2005, I have had the privilege of both teaching and learning from the best and the brightest from all communities. Walking through the halls of NJS on any given day, I see judge advocates and paralegals of all ranks learning and discussing a wide variety of topics to include military justice, civil law, operational law, and legal research and writing. The knowledge, wisdom, and intellectual curiosity of our students and instructors challenges me on a daily basis to expand my professional horizons and to enhance my skills as a judge advocate and naval officer.

During my tenure at NJS, I have had the distinct privilege of serving as an Individual Augmentee (IA) to Task Force 134 in Iraq. I've also assisted in the development and implementation

of NJS's Iraq Predeployment Legal Training Course, designed to provide timely and relevant training to our IAs deploying to Iraq. Being an NJS instructor has provided me the unique opportunity to participate in the creation of a new and dynamic training program tailored to meet the needs of judge advocates and paralegals who have volunteered to deploy in harm's way. As the center of legal training for the sea services, NJS has afforded me the opportunity to meet, train, and learn from these exceptional men and women who are making great sacrifices to serve as IAs.

Although training judge advocates and paralegals is a core mission of NJS, we also give excellent instruction and support to the Navy's line, staff, and enlisted communities. Specifically, as a NJS instructor, I have been honored to speak to students at the Naval War College, Surface Warfare Officer's School, Officer Development School (formerly OIS), and the Senior Enlisted Academy.

Importantly, NJS not only reaches out to the many Navy communities but

also to our sister services. I have had the chance to give and receive training at both the Army JAG School and the Air Force JAG School. Although in many respects I often believe that I learned more from these groups than they learned from me, the most important aspect of this training is the positive interaction among judge advocates of all services and ranks. This cooperative effort – which is a hallmark of NJS – has enhanced my personal and professional development and has made me a more well-rounded and effective judge advocate.

The NJS environment, characterized by a constant flow of the military's finest leaders, fosters a pervasive spirit of education, patriotism, and camaraderie. The wealth of learning experiences at NJS, from listening to a U.S. Attorney train students on how to prosecute complex cases to running "Pain Before Breakfast" with both judge advocate and paralegal accessions, is simply second to none. Therefore, if you are interested in a job that is professionally rewarding, intellectually stimulating, and physically demanding, then NJS is the place for you.

# FISCAL YEAR 2008

## Naval Justice School Course Schedule

**Basic Lawyer Course:** 2 JUN-1 AUG, 4 AUG-3 OCT  
**Basic Operational Law Training:** 24-28 MAR, 4-8 AUG  
**Basic Operational Law Training (USMC):** 4-8 AUG  
**Computer Crimes:** 19-23 MAY  
**Defending Complex Cases:** 18-22 AUG  
**Defense Trial Training:** 12-16 MAY  
**Estate Planning:** 8-12 SEPT  
**European Command Continuing Legal Education:** 28-29 APR  
**Family Law/Consumer Law:** 31 MAR-4 APR  
**Iraq Predeployment Legal Training:** 7-11 JAN, 7-10 APR, 7-10 JUL  
**Joint Operational Legal Training:** 21-24 JUL  
**Law of Military Operations:** 9-20 JUN  
**Law of Naval Operations:** 3-7 MAR, 15-19 SEPT  
**Legal Tech USCG:** 8-19 SEPT  
**Legalman Accession Course:** 22 JAN-4 APR, 9 JUN-22 AUG  
**Legal Assistance for Paralegals:** 31 MAR-5 APR  
**Legal Scopist Course:** 27 AUG-6 NOV, 17 MAR-23 MAY, 25 AUG-7 NOV  
**Legal Specialist Course:** 14 JAN-14 MAR, 7 APR-6 JUN, 23 JUN-22 AUG, 12 SEPT-14 NOV  
**Litigating National Security Cases (Andrews AFB):** 29 APR-1 MAY  
**LN/Legal Specialist Mid-Career:** 5-16 MAY  
**Paralegal Research & Writing:** 21 APR-2 MAY  
**Prosecuting Complex Cases:** 11-15 AUG  
**Reserve Lawyer:** 10-14 MAR, 22-26 SEPT  
**Reserve LN Phase I:** 21 APR-2 MAY  
**Reserve LN Phase II:** 5-16 MAY  
**Reserve LN Phase III:** 19-30 MAY  
**Senior Officers Leadership Training:** 14-25 JUL  
**Senior Enlisted Leadership Course (Naples):** 28-30 APR  
**Senior Officer Course:** 10-14 MAR, 5-9 MAY, 9-13 JUN, 21-25 JUL, 22-26 SEPT, 18-22 AUG  
**Senior Officer Course (Pensacola):** 3-7 MAR, 14-18 APR, 9-13 JUN, 14-18 JUL, 11-15 AUG  
**Senior Officer Course (Naples):** 28 APR-2 MAY  
**Senior Officer Course (Quantico):** 16-20 JUN  
**Senior Officer Course (Lejeune):** 23-27 JUN  
**Senior Legalman:** 18-22 AUG  
**Staff Judge Advocate:** 12-16 MAY, 28 JUL-6 AUG

*Check out the NJS Training Newsletter!  
The newsletter is a great way to learn about upcoming training events offered at NJS. You can also see a list of all the Regional Training Authorities, and read articles of professional interest. Go to the NJS page on NKO, and look for the NJS Library. You will find the newsletter under publications.*



*FISCAL YEAR 2008*  
*Naval Justice School Course Schedule*  
**Norfolk Detachment**

**Advanced Staff Judge Advocate / Ethics:** 21-25 APR  
**Effective Courtroom Communication:** 29 OCT-2 NOV  
**Legal Clerk:** 10-21 MAR, 21 APR-2 MAY, 7-18 JULY, 8-19 SEPT.  
**Legal Officer:** 28 JAN-15 FEB, 10-28 MAR, 28 APR-16 MAY, 2-20 JUN, 7- 25 JUL, 8 SEP-26 SEPT  
**Paralegal Research & Writing:** 16-27 JUN  
**Senior Enlisted Leadership Course:** 20-22 FEB, 31 MAR-2 APR., 19-21 MAY, 2-4 SEPT  
**Senior Enlisted Leadership Course (Jacksonville, FL):** 7-9 JAN  
**Senior Enlisted Leadership Course (Millington):** 4-6 AUG  
**Staff Judge Advocate LN:** 12-23 MAY  
**Senior Officer Course:** 25-29 FEB, 7-11 APR, 23-27 JUN, 25-29 AUG  
**Senior Officer Course (Jacksonville, FL):** 7-11 JAN  
**Senior Officer Course (Millington):** 4-8 AUG

**San Diego Detachment**

**Advanced Staff Judge Advocate / Ethics:** 24-28 MAR  
**Continuing Legal Education (PACOM Yokosuka):** 14-15 FEB  
**Continuing Legal Education (Naples):** 28 - 29 APR  
**Effective Courtroom Communication:** 28 JAN-1 FEB  
**Legal Clerk:** 31 MAR-11 APR, 5-16 MAY, 9-20 JUN, 28 JUL-8 AUG, 8-19 SEPT  
**Legal Officer:** 7-25 JAN, 25 FEB-14 MAR, 5-23 MAY, 9-27 JUN, 28 JUL-15 AUG, 8-26 SEPT  
**Paralegal Research & Writing:** 14-25 JUL  
**Senior Enlisted Leadership Course:** 18-20 MAR, 22-24 APR, 8-10 JUL  
**Senior Enlisted Leadership Course (Yokosuka):** 11-13 FEB  
**Senior Enlisted Leadership Course (Okinawa):** 4-6 FEB  
**Senior Enlisted Leadership Course (Bremerton):** 14-16 APR  
**Senior Enlisted Leadership Course (Pendleton):** 25-27 AUG  
**SJA LN:** 25 FEB-7 MAR  
**Senior Officer Course:** 31 MAR-4 APR, 28 APR-2 MAY, 2-6 JUN  
**Senior Officer Course (Yokosuka):** 11-15 FEB  
**Senior Officer Course (Okinawa):** 4-8 FEB  
**Senior Officer Course (Bremerton):** 14-18 APR  
**Senior Officer Course (Pendleton):** 25-29 AUG

*Dates and courses may change. Go to NKO or the NJS page on [www.jag.navy.mil](http://www.jag.navy.mil) for current offerings.*

# IA: Life at Guantanamo Bay

By CDR Daniel Jones

Deputy SJA Joint Task Force Guantanamo

For those of you unfamiliar with Guantanamo Bay (GTMO), it is the oldest overseas U.S. military installation (since 1903) and the only one located within a country with which the United States does not maintain diplomatic relations.

Joint Task Force Guantanamo (JTF-GTMO) is a subordinate command of SOUTHCOM. Our mission is to conduct safe and humane care and custody of detained enemy combatants, as well as conduct intelligence operations to collect strategic intelligence in support of the Global War on Terrorism. Our operations are conducted ethically, legally, and transparently. The JTF-GTMO Staff Judge Advocate (SJA) Office plays an integral role in ensuring that this mission statement is followed in every respect, every day.

At the present time, JTF-GTMO is commanded by RDML Mark Busby, with BGEN Cameron Crawford as Deputy. It is truly a “purple” command

with active duty and reservists from the Army, Navy, Air Force, Marines, Coast Guard, and the National Guard, all playing integral roles in mission accomplishment.

Our joint environment is full of acronyms and adjectives from the other services that most folks have never heard. Don’t know what an AR 15-6 is? How about a 5x8? Any idea what OMC, CSRT, ARB, CITF, ELC, DMO, ISN, JDG, JMG, JIG, HHC, ICRC, JOC, DOC, and JVB mean? Don’t worry, because by the end of your tour here, you will know these acronyms and many more.

We are one of the largest Navy-led SJA offices in the world. We have seven full-time attorneys and ten enlisted personnel. Reservists and active duty personnel routinely travel here to supplement our staff and mission. We have a morning meeting each day to adjust fire, cool down the hottest fires, and allocate resources in the direction most needed. Our office

consists of six officers (three Navy, one Air Force, and two Army) and one Puerto Rico National Guardsman. We also have two Legalmen, one Air Force Law Office Superintendent, four Army paralegals and three Navy enlisted members who serve as full-time Habeas Counsel Escorts.

CAPT Patrick McCarthy has been leading our team since May 2006 and will continue to do so until next summer. I am the Deputy SJA and a reservist as an Individual Augmentee (IA) for a one-year tour. CDR Thomas Fichter, a New Jersey prosecutor, is also a reservist and here on a six month tour as an Assistant SJA. Our Legalmen are LN1 Christopher Holt, liaison to the International Committee of the Red Cross, and LN1 James Richardson, who acts as the military justice officer.

Every few weeks, a new lieutenant or lieutenant junior grade arrives from Region Legal Service Office Southeast (RLSO SE) to supplement our staff. They’re here for a week or two, where they provide invaluable and greatly appreciated assistance on short-fused taskers and assignments, while getting a taste of life behind-the-wire on GTMO. We could not do our job nearly as well without the support of RLSO SE.

When personnel have been identified and are in the pipeline to come here, they often ask, “How can I prepare for GTMO?” There is no simple answer. The SJA office is a high-speed, low-drag operation. The only advice I can give is to be ready to hit the ground running and stay flexible – you never know what the next legal issue *du jour* will be. While Soldiers and Sailors are trained in warfare, members of the GTMO SJA office get a crash course in “lawfare.”

We operate in a transparent envi-



A typical hearing room in Guantanamo Bay.

ronment under the watchful eyes of the counsel for detainees, the media, Congress, and a myriad other non-governmental entities. What happens here in the morning is in the newspapers the next day or on the evening news that night.

Friends, family, and other attorneys routinely ask, “What do you do in GTMO?” The better question is, “What don’t we do here?” Each day we deal with international law, operational law, military justice, FOIA, intelligence law, detainee medical treatment, the law relating to hunger strikers, enteral feeding, detainee abuse allegation investigations, *habeas* litigation and support, the Military Commissions Act, and the Detainee Treatment Act.

We also liaise with the International Committee of the Red Cross, Migrant Operations, and Detainee Movement Operations. Some SJA offices dabble in these areas of the law, but we are engaged in these issues on a daily basis. Our office supports litigation pending in the U.S. District, U.S. Circuit, and U.S. Supreme Courts.

Our office interacts with detainees on a daily basis. From notifications of Combatant Status Review to encouraging detainees to meet with their attorneys, everyone from the SJA office goes onto the pods and tiers each day. Our office conducts investigations, answers taskers, monitors interrogations, screens detainee material, delivers mail and legal correspondence, escorts civilian and military counsel into meetings, and ensures that detention operations are conducted safely, humanely, and consistent with international law. Before your tour is over, you will have been face to face with hundreds of detainees.

Is it dangerous? You bet. While we are certainly below the line of fire, we do house some of the most dangerous terrorists in the world. Detainees regularly commit assaults

on the guard force.

While GTMO is a fully functioning Naval Station with all the normal amenities, life in GTMO is an adjustment. For example, the car rental agency is also the island’s dry cleaner. Intentionally run over an iguana and you’ll get fined \$10,000. The speed limit is 25 mph and strictly enforced, although

traffic jams are non-existent. Other than the occasional pesky hurricane, the weather is hot, hot, and hot. Keep an eye out for iguanas, banana rats, land crabs, and turkey vultures!

Housing is also an interesting topic here. Get used to a loss of privacy and the idea of having a roommate, several in fact. Just hearken back to your childhood and/or college days when you shared everything, labeled your food with your initials, and waited in line to use the bathroom.

Like most deployed environments, the daily routine revolves around the galley. The chow here is probably the best I’ve had and a mainstay of each day’s activities. A surf and turf and special birthday meal are served



A Guantanamo Bay guard tower at sunset.

at least once a month. By the end of your tour in GTMO you’ll either weigh 300 pounds or be able to bench press 300 pounds. Nevertheless, you can look forward to a farewell BBQ and presentation of the highly coveted GTMO Bar Association Certificate.

At the end of the day, many people wonder whether they are making a difference in the world. In GTMO, nobody in the SJA office (or at JTF for that matter) has to wonder whether they’re making a difference. We can see the result of our efforts and routinely hear from the hundreds of visitors that tour our facilities that they are grateful and thankful that we are here doing this extremely difficult job.



The USS John L. Hall (FFG 32) pierside at Guantanamo Bay.



# *Not Your “Grandfather’s” Article 6 Inspection*

**By Joe Scranton**  
*Inspector General*

**A**s you may have heard or perhaps experienced over the past several months, the Judge Advocate General’s Corps is changing the Article 6, UCMJ inspection process of our legal offices, and is looking to expand such assessments beyond Naval Legal Service Command, to other JAG legal community units, including SJA offices.

In the past, a group of six to eight inspectors, comprised of subject matter experts (SMEs) and headed by the JAG Inspector General, descended upon one of the 18 commands within Naval Legal Service Command. They completed 80 pages worth of questions from COMNAVLEGSVCCOM 5040.1C “Command Inspection” directive. At the end of such triennial concentration of effort, flurry of activity, and wet ink on new command directives, the inspectors provided the NLSC Commander and the command an on-site, broad scope, written assessment of the state of the command. In the debrief session, the inspection team would address their findings of satisfactory, unsatisfactory, or “meritorious” findings pertaining to various items including command climate, leadership, military justice, command services, claims, legal assistance, budget, information technology, office administration, personnel, physical fitness, training, and facility issues, including physical plant, safety and security.

Later at headquarters, any findings from the on-site inspection that required action at the field or headquarters level were entered into a matrix spreadsheet and tracked. Action was taken on many of the findings and some of the processes and procedures were shared with other units. Some of the “action items” languished, were not fully completed, or were overcome by events (such as re-organizations), only to be “discovered” three years later during the next inspection cycle.

Times have changed. New technology, established reporting programs, and the use of new interactive systems allow the Judge Advocate General, the Commander, Naval Legal Service Command, and the field legal offices to be better informed, resulting in ever better and more timely decisions and courses of action. We are able to “see” and identify needs, issues, and best practices, quicker, easier, and with more granularity than ever before. Such capability is going to get even better. Not only do we have the strategic view to guide us, we will have (and in some cases, already have) the “dashboard” view allowing us

to stay on course, and make quick adjustments based on objective real time data.

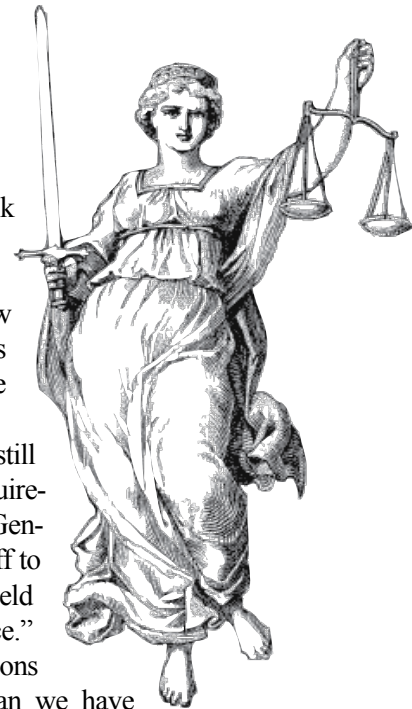
This improved information flow means big changes for the ways in which Article 6 inspections are conducted.

It should be noted that there still exists an Article 6, UCMJ requirement for “the Judge Advocate General, or senior members of his staff to make frequent inspection in the field in supervision of military justice.”

However, even though inspections are still required, it doesn’t mean we have to keep doing them in the same way. From February through October 2007, with the help and input of NLSC field units and SJAs, the JAG Inspector General traveled to five different legal units for the purpose of assessing potential inspection focuses. We made use of a set of inspection guidelines for Naval Legal Service Offices and Region Legal Service Offices consisting of six to eight pages vice the previous 80 page checklist used over the previous decade. Suggestions and recommendations from each unit inspected were used to further refine and improve the assessment process of the next unit inspected.

From the five inspections conducted thus far, it seems clear that the Article 6 inspection process of the past, with focus on multiple checklists and SME inspectors, is evolving into an overall legal office assessment, making use of much more objective data than in the past, with focus on the unit’s performance and accomplishments in the four JAG Corps Core Capabilities, which are Operations, Accountability, Sailor Legal Readiness, and Navy Legal Readiness. The inspections also include an assessment of the over-arching quality of leadership within each legal unit. Information is derived from the Courts-Martial Tracking Information System (CMTIS), iBETS, leadership surveys, client satisfaction surveys, command self assessments, plus data provided to headquarters in regular, existing reports, and from the on-site inspection of the unit, including interviews of staff, commands served, and individual clients.

Assessments of NLSC commands will normally be done on an annual basis with SJA offices being assessed regularly, but less frequently.



# A New Game in Town for Some Lenders Dealing with the Military

By CAPT Michael Roys  
*CIVLAWSUPACT 108*

Effective Oct. 1, there is a new set of notice requirements and interest limitations for certain lenders providing credit to military members and their family members. These new requirements are based on regulations promulgated by DoD (in 32 CFR §232) under authority granted by Congress in the 2007 Defense Authorization Act (10 USC 987; Public Law 109-364, Section 670). The regulations' intent is to restrict and discourage the use of certain types of short-term, high-interest loans, also known as "predatory loans," to ensure servicemembers are advised of alternative sources of lending that are often less expensive, and to limit the maximum annual percentage rate charged to military members.

There are three types of loans covered by the new regulations.

1. Payday loans are closed-end loans (rather than installment or revolving credit accounts) with a term that lasts 91 days or less and with an amount loaned that does not exceed \$2,000. Typically, the covered borrower has to either be charged interest or a fee, and: (a) his/her check is provided to the loaning party and they agree to hold it for at least one day prior to seeking to negotiate the check for payment, or (b) the payment arrangement is an authorized debit or debits from the borrower's account after one or more days.

2. Vehicle title loans are closed-end loans with a term of 181 days or less secured by the title to a motor vehicle registered for use on public roads and owned by the borrower. Loans made to purchase or lease a motor vehicle where the credit provided is secured by the vehicle are not covered.

3. Tax refund anticipation loans are closed-end loans where the borrower grants the creditor the right to receive all or part of his/her income tax refund, or agrees to repay the loan with the proceeds of a tax refund.

The new regulations apply only to those who are "covered borrowers" at the time of the loan. "Covered borrowers" includes all active duty servicemembers, including reservists on active duty for 30 or more days, and their spouses, children and any other person for whom the member provided over fifty percent of their support in the 180 days prior to the loan or the granting of consumer credit. For covered borrowers and lenders

providing credit meeting the credit criteria noted above, there are several key requirements mandated by the new regulations.

The maximum interest rate for covered borrowers is limited to 36% per year based on the Military Annual Percentage Rate (MAPR). The MAPR, unlike the well known Annual Percentage Rate quoted as part of the loan process under the Truth in Lending Act, covers not only the annual interest rate being charged, but also credit service charges, credit renewal charges, credit insurance premiums and other fees associated with the granting of the loan. It does not include fees for subsequent late payments, taxes, or fees mandated by law. For example, assume a Sailor obtains a payday loan of \$200 for five days, which comes with a ten percent interest charge and a ten dollar handling fee. The Sailor would owe the lender a total of \$230. The interest and fee work out to 15% for five days, or MAPR of approximately 1,095%. This percentage rate greatly exceeds the 36% cap, and would be void at its inception under the regulations. However, a 36% MAPR would be permissible, which works out to about 98 cents for a five day loan of \$200.



Covered lenders, in addition to providing the MAPR information, must also provide servicemembers the total amount of all charges, a payment schedule, and the following statement both in writing and orally:

Federal law provides important protections to regular or reserve members of the Army, Navy, Marine Corps, Air Force, or Coast Guard, serving on active duty under a call or order that does not specify a period of 30 days or fewer, and their dependents. Members of the Armed Forces and their dependents may be able to obtain financial assistance from Army Emergency Relief, Navy and Marine Corps Relief Society, the Air Force Aid Society, or Coast Guard Mutual Aid. Members of the Armed Forces and their dependents may request free legal advice regarding an application for credit from a service legal assistance office or financial counseling from a consumer credit counselor.

The lender must also identify whether a borrower is a "covered borrower" whose loan is subject to the previously noted requirements. This identification is done by use of a borrower's identification declaration, where the borrower signs

*Lenders continued page 14*

## Lenders continued from page 13

under the status that applies to him/her (servicemember, dependent, not a servicemember). For those noting they are an active duty servicemember or dependent, the lender can ask to see a military identification card. In the case of members who are reservists or with the national guard on extended (30 or more days) active duty, the lender can ask for a copy of their orders.

Other restrictions on covered borrower loans include prohibitions on provisions waiving the Servicemembers Civil Relief Act coverage, requiring arbitration for disputes, or requiring an allotment as a condition of granting credit. Moreover, the regulations make it clear that the provisions preempt any conflicting Federal or State laws or regulations, including any state usury laws, so as to avoid any claim of State pre-emptive coverage. However to the extent that any such laws or regulations provide greater protection to a "covered borrower" than the new regulations, those provisions are unaffected.

There are several remedies for lender non-compliance. As previously discussed, loans that exceed the MAPR of 36 percent per year are void, which means the lender cannot collect on them. Non-compliance with the regulations is also a misdemeanor. Since much regulation of this part of the credit industry is a state function, reports of non-compliance should be reported to applicable state regulating entities and state consumer affairs offices.

In addition to trying to restrict predatory lending practices, there is a push within DoD to educate servicemembers about the need for having an "emergency" savings account and to advise members of more reasonably priced borrowing options. DoD is working with the service relief organizations, banks, and other lending institutions to encourage them to make available small dollar, short-term loans to servicemembers at reasonable interest rates.

The impact of the new regulations is already showing up in reports of covered lenders indicating they will no longer provide covered loans to military members given the interest rate restrictions. The availability of such loans may dry up as covered lenders realize they can no longer charge servicemembers the "going" interest rates for such loans. While this may solve a portion of the predatory lending problem, it will not reduce the need for some servicemembers to learn responsible financial management so the next unexpected car repair or broken appliance does not result in the need for a short-term, high-interest loan. If you or a servicemember seeking assistance is in need of financial planning or credit management assistance, Family Service Centers have counselors who are trained in this area.

## Legalman, National Paralegal of the Year

By Natalie Morehouse  
Public Affairs Office

**L**N1 Marcelo A. Carrillo was chosen as the Paralegal of the Year by the National Federation of Paralegal Association (NFPA) for his work while stationed at Naval Legal Service Office Southwest (NLSO SW), San Diego, Calif. He was honored by NFPA for his dedication to duty and his paralegal training program at the NFPA annual conference in Tampa, Fla., Oct. 20.



"It's a great feeling to know that our peers and superiors recognize and appreciate the work we do in the Fleet; it's an even greater feeling knowing that they believe we are capable of holding our own and being recognized amongst our civilian counterparts," said LN1 Carrillo.

LN1 Carrillo, an honor graduate of the Naval Justice School with 14 years of formal civilian education and an Associate's Degree in Computer-Aided Drafting, is currently assigned to USS BOXER.

"Being nominated for the NFPAs Paralegal of the Year is an honor in itself, but to be selected as the Paralegal of the Year in the presence of my fellow Legalman, I mean, what a blessing! I recall my name being announced as the recipient of the award but as I walked towards the stage, I was at a loss for words. I thought to myself, how did I end up here? I'm honored to have been given the opportunity not only to represent our outstanding Judge Advocate General Corps/Legalman team but the United States Navy! I owe a lot to those who have taken the time out of their personal and professional lives, to guide, lead, mentor, and support me during my past eight years in the Navy. If it wasn't for them, I wouldn't be where I am today. Life in the Navy as Legalman has been good, I couldn't imagine doing anything else," said LN1 Carrillo.

Among his many accomplishments, LN1 Carrillo recently returned from voluntary service in Iraq. While there, his courage and leadership skills were recognized by senior leadership. Upon his return from Iraq, he was personally invited by the Judge Advocate General of the

*Paralegal of the year continued page 21*



# Reaching out to Djiboutian Orphans

By MC1 Mary Popejoy  
CJTF-HOA Public Affairs

U.S. military women attached to Combined Joint Task Force-Horn of Africa (CJTF-HOA) visited the girls' orphanage in Djibouti City, Djibouti, Aug. 15.

During the visit, the servicemembers taught the female students the Alphabet Song, how to count to 10, how to say and spell certain words, and how to introduce themselves in English.

"For young people especially, pronouncing the words and having someone correct you immediately one on one helps them better understand how to say the words, vice thinking they are saying it correctly when learning new words on their own," said Chaplain (Lt.Col.) Oledia Bell, CJTF-HOA deputy command chaplain. "This type of teaching technique helps them to speak more clearly and become more comfortable speaking English to not only us, but also to those they interact with throughout the day."

Being able to help Djiboutian women expand their vocabulary and improve their conversational English helps both the students and teachers learn more about each other.

"The group is an opportunity for the young Djiboutian women to see American women as caring, compassionate and kind individuals who enjoy sharing their culture and language," said Chief Master Sgt. Jessica Palmer, chief enlisted manager of 449th Air Expeditionary Group. "Each night, as I leave the orphanage, I have a smile on my face and warmth in my heart because I've just spent a little time with the girls and sang a few songs about 'My ABCs.'"



LN1 Nita Fay Holliday of JTF-HOA tutoring children at a Djiboutian orphanage.

Mass Communication Specialist 2nd Class (AW) Angela McLane, CJTF-HOA Combat Camera, enjoyed the energy from the women because they have a strong desire to become fluent in English.

"These women are very smart. They caught on really quickly and were eager to learn more words," said McLane. "I really like seeing their eyes light up when they get the correct answer."

Legalman 1st Class (SW/AW) Nita Fay Holliday, noncommissioned officer in charge of CJTF-HOA Staff Judge Advocate's office, enjoyed the experience as well because of how happy the girls were to see the U.S. military women sharing valuable life skills with them.

"The smiles on their faces make it completely worth it," said Holliday. "It is great to see these young women smile when they know they got a letter, number, or word right. One smile can make a difference."

At the end of the night, smiles were on everyone's faces, friendships were made, and the Djiboutian women got to see first-hand the quality of the individuals who take part in programs such as this.

"On our sign-in sheet for the students, we have the CJTF-HOA mission statement because we want all of the [Djiboutian] ladies to be reminded that every time they see us we represent America at its best, volunteering, and caring about our neighbors," said Bell.

# *How To Guide for Litigating Classified Information Cases*

By CDR Pete Schmid  
*National Security Litigation (Code 17)*

The Office of the Judge Advocate General National Security Litigation and Intelligence Law Division (Code 17) recently published the second edition of the “Handbook for Litigating Classified Information Cases.” The second edition builds on the first edition published in August 2002 and replaces the “Prosecuting National Security Cases: A Handbook for Trial Counsel” published by the former Special Programs Division (Code 11) in 1994.

The handbook is a pillar of Code 17’s effort to ensure that all judge advocates understand the unique procedures and processes applicable to a court-martial involving classified information. This need for educational support was one of the factors that led to the establishment of Code 17. Former Judge Advocate General, RADM Donald Guter, established Code 17 in 2001, shortly after the King Commission Report cited the disestablishment of Code 11 as one of the factors contributing to the unsuccessful prosecution of Cryptologic Technician Collection 1st Class Daniel M. King.<sup>1</sup> The *King* National Security Case Commission Report is accessible at Code 17’s Navy Knowledge Online (NKO) site.

Several broad themes make the second edition significantly different from previous handbooks. First, and perhaps most importantly, the new handbook is much more than a “handbook for trial counsel.” The handbook is written for staff judge advocates, trial and defense counsel, Article 32 investigating officers, military judges, investigation security officers, and court security officers.

Second, since the release of the first edition, the Navy has successfully litigated two designated National Security Cases, the first cases since *King*. One of those cases involved espionage on behalf of a foreign power and ended in a guilty plea. The other involved a willful compromise of classified information to an unauthorized representative of a non-governmental organization and ended in a conviction following trial before members. The current edition of the handbook contains lessons learned from these two cases.

Finally, the handbook is much more than a primer for handling national security designated cases. Given the

current operational environment, Code 17 is not only supporting several mishandling of classified information cases, but also numerous cases arising from actions in Operation Iraqi Freedom. None of these cases is a national security designated case, but all involve classified information. In these cases, classified information, such as rules of engagement or SIPRNET email, is subject to discovery and often introduced into evidence. The classified information need not be an element of a charge or specification to be discoverable and potentially relevant and material to a case. Therefore, it is important for all judge advocates to be aware that the involvement of any classified material in a case changes the rules.

All cases involving classified information are inherently complex because they impose strict security, reporting, coordination, and approval requirements on top of the necessities of investigating, trying, defending, or adjudicating charges. The newly-revised handbook is an essential tool to ensure all parties to a classified information case approach their responsibilities deliberately, understand the issues, and respect the unique demands associated with classified information.

An article in the June 1986 *Army Lawyer* provides an interesting perspective on litigating a case involving classified information:

The hope of trying a big case is the fuel that fires the furnace of ambition inside every trial lawyer... For the military criminal lawyer [a big case] is defined in terms of the offense... Among the murders, rapes, and other mayhem that we traditionally associate with big cases is a category which is unsurpassed in importance, complexity, and potential for hazard to the advocate—those cases involving classified information.

This is so for a fairly obvious reason.... In any event, the lawyer who girds himself or herself with shield and sword to champion the cause of his or her client, faces difficulties and challenges in classified trials that are not encountered in his normal practice.<sup>2</sup>

Appended to the handbook are checklists, sample documents, and background information to help illustrate points and issues. Annexes include checklists for staff judge advocates, trial counsel, defense counsel,

investigation security officers, and court security officers. In addition, annexes contain a comparison of the classified information protections offered by the Classified Information Procedures Act (used in federal court) and Military Rule of Evidence 505, a recommended reading list that includes law review articles and cases, and the Department of Defense Instruction that implements the Memorandum of Understanding (MOU) between the Departments of Justice and Defense regarding the investigation and prosecution of certain types of crimes.

As stated by the second edition's editor, LCDR Paul Walker, "Our goal is to provide the best possible support to anyone dealing with a classified information case and ensure that all the good lessons we have learned since *King*, are used by the next generation of litigator. Ultimately, this revised handbook will allow all judge advocates to both zealously represent their respective clients and protect the interests of national security."

### Endnotes:

<sup>1</sup> The King Commission Report cited the following reasons for the unsuccessful prosecution of CTR1 Daniel M. King: (1) inadequate personnel resources assigned to the prosecution team, (2) lack of national security law experience among those assigned, (3) inadequate analysis of evidence and legal issues inherent in the case, (4) lack of proper preparation for the proceedings, and (5) lack of foresight with respect to possible logistical problems that might arise during the proceedings.

<sup>2</sup> Army Major Joseph A. Woodruff, "Trial Defense Service Notes: Practical Aspects of Trying Cases Involving Classified Information," 1986 Army Lawyer 50.

*The "Handbook for Litigating Classified Information Cases"  
is now available on NKO at the Code 17 site.*

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"I established Task Force Life/Work to develop, create, and implement ways to better infuse life/work balance into military service. We can create a Navy that is viewed as truly the ideal place to serve; a Navy right for the 21st century challenges we face. I need the help of each of you in this effort and I expect every one of us as leaders to help lead this change."  
-- VADM John C. Harvey, Jr., Chief of Naval Personnel



# Navy Judges Lend Expertise to the Court of Military Commission Review

By LT Jason Jones

Navy-Marine Corps Court of Criminal Appeals (Code 07)

In June 2006, in the case of *Hamdan v. Rumsfeld*, the U.S. Supreme Court ruled that the military commissions in Guantanamo Bay, Cuba, could no longer continue to operate, in part, due to the President's lack of independent constitutional authority to create such commissions without congressional authorization. In response, Congress passed the Military Commissions Act (MCA) (Public Law 109-366, Oct. 17, 2006), which expressly authorized and substantially restructured the military commissions process. MCA formally established the U.S. Court of Military Commission Review (CMCR) as the first-level appellate court of review to hear interlocutory and post-trial appeals from military commission judicial determinations and convictions. The CMCR currently sits in Washington, D.C., and may convene elsewhere, including Guantanamo Bay, should the need arise.

The CMCR recently considered its first case an interlocutory appeal, filed by the U.S. Government following a military commission judge's decision that terminated proceedings and dismissed the charges without prejudice against an Afghan detainee, Omar Ahmed Khadr. The U.S. Government appealed to the CMCR to overturn the judge's decision. The primary issue was how

the term "enemy combatants," as used by the Combatant Status Review Board, related to the express jurisdictional prerequisite language "unlawful enemy combatants" contained in the MCA.

On Sept. 24, the CMCR issued its first decision in *United States v. Khadr*, holding that military commissions have jurisdiction solely over "unlawful enemy combatants" and that commission presiding officers have the authority to rule on whether a detainee is in fact an "unlawful enemy combatant."

Many perceived this Government appeal as an important test case for commission jurisdiction over other detainees who have previously been designated simply as "enemy combatants." Further appeals within the federal courts are expected. Under the MCA, CMCR decisions may be appealed to the U.S. Court of Appeals for the District of Columbia Circuit,

U.S. District Courts, and by writ of *certiorari* to the U.S. Supreme Court.

The CMCR is unique in that its 16-judge membership combines military and civilian appellate judges appointed directly by the Secretary of Defense and is the first truly "joint" military appellate court. Military appellate judges from the three service courts of criminal appeals were nominated by their respective Judge Advocate General to serve on the CMCR. The Secretary of Defense then selected 12 military judges, including four sitting judges from the Navy-Marine Corps Court of Criminal Appeals (NMCCA), to serve on the CMCR.

CAPT John Rolph, CAPT Dan O'Toole, CAPT Eric Geiser, and Col John Feltham were selected from NMCCA. These military justice experts took their oaths of office in July 2007. The CMCR's appellate panel structure currently has military judges from each of the service courts serving in three-member panels. The CMCR's four civilian judges also occupy a spot on each of the CMCR panels.

CAPT Rolph serves as the Deputy Chief Judge of the CMCR. CAPT Rolph possesses a wealth of military justice experience, having previously served as Chief Judge of the NMCCA, Navy-Marine Corps Trial Judiciary, as the designated East Coast National Security Judge, as the Circuit Military Judge of the Tidewater Judicial Circuit in Norfolk,



RADM Bruce MacDonald swears in CAPT John Rolph as Deputy Chief Judge of CMCR.

Va., and as a military judge in the Transatlantic Judicial Circuit in Rota, Spain.

CAPT Dan O'Toole recently joined the NMCCA directly from a tour as the Circuit Military Judge of the Central (formerly Tidewater) Judicial Circuit. CAPT O'Toole has previously served as a designated National Security Judge, as Deputy Assistant

Judge Advocate General (General Litigation), and as Commanding Officer, Trial Service Office East. He was also a former presiding officer on three military commissions prior to the Supreme Court's decision in *Hamdan*.

CAPT Eric Geiser has served as a senior judge on the NMCCA for the past two years and has international law expertise from tours as legal advi-

*The CMCR is unique in that its 16-judge membership combines military and civilian appellate judges appointed directly by the Secretary of Defense and is the first truly joint military appellate court.*

tor to Commander, SIXTH Fleet, and as Deputy Legal Advisor to the Chairman of the Joint Chiefs of Staff. CAPT Geiser most recently served as Deputy Assistant Judge Advocate General (Administrative Law).

Col John Feltham is a sitting judge on the NMCCA and has served as a staff judge advocate at both of the Marine Corps major shore installations,

Camp Pendleton and Camp Lejeune. He also served as a trial counsel and military justice officer at major Marine Corps bases.

The civilian judges appointed to the CMCR by the Secretary of Defense come from the private sector and have a tremendous wealth of top-level government expertise. Chief Judge Frank J. Williams of the Rhode Island Supreme Court has recently been appointed Chief Judge of the CMCR, replacing

former Attorney General Griffin Bell, who resigned for health reasons. The other civilian judges are former Secretary of Transportation William T. Coleman Jr. and the Honorable Edward G. Beister Jr., former Congressman and current judge on the Court of Common Pleas for Bucks County, Pa. One additional civilian judge will be appointed to replace Judge Bell.



CAPT John Rolph swears in COL Paul Holden (USA), COL Dawn Scholz (USAF), COL Steven Walburn (USA), COL Amy Bechtold (USAF), COL Steven Thompson (USAF), COL Lisa Schenck (USA), and CAPT Eric Geiser (USN).

Appeals, rules of practice, and various other documents are on the CMCR's Web site at [defenselink.mil/news/commissions.html](http://defenselink.mil/news/commissions.html).



# Fleet News

## Judge Advocate General Reports JAG Corps Accomplishments to ABA

By Jen Zeldis  
Public Affairs Officer

RADM Bruce MacDonald briefed the American Bar Association (ABA) about the JAG Corps during the ABA annual meeting Aug. 9-14.

RADM MacDonald presented the current state and accomplishments of the JAG Corps to the ABA's Military Law Committee (MLC) and was a panel member for the ABA International Division's discussion on the rule of law and the U.S. military.

There were a variety of questions during the discussion on human rights issues in Guantanamo Bay and Afghanistan.

"Judge advocates from every branch of the U.S. military assisted the Afghanistan National Army in melding Afghan culture with human rights law, the law of armed conflict, and the creation of a contemporary military justice system uniquely modeled on Sharia law and the Uniform Code of Military Justice," said RADM MacDonald during the discussion.

Each of the services presented the state of their corps at the MLC meeting, and each discussed current issues and events affecting their Corps at the Standing Committee on Armed Forces



Law meeting. Members of the JAG Corps and other ABA members interested in military law issues attended both meetings.

The ABA is the largest voluntary professional association in the world. It provides a variety of services for its members as well as work on initiatives to improve the legal system. The ABA holds an annual and mid-year meeting that members of the Navy JAG Corps attend.

"There are more than 10,000 JAGs and civilian lawyers working in the military, both in active duty and reserves. They are a significant legal community in their own right, and they are an important and growing part of the American Bar Association's mission," said Karen Mathis, the president of the ABA during the ABA annual meeting.

The full Navy JAG report is located in the reading room on the Navy JAG Web site at [www.jag.navy.mil](http://www.jag.navy.mil).

Left picture: RADM Bruce MacDonald and LCDR Susan McGarvey, recipient of the ABA Outstanding Young Lawyer Award, at the ABA Meeting. Top picture: from left to right: Maj Gen Jack Rives, RADM Bruce MacDonald, ABA President Karen Mathis, MG Scott Black, and Mr. Calvin Lederer.



## NLSO Central Marine Achieves Citizenship

By Larry Kachelhofer  
Gosport Associate Editor

LCpl Luis Camacho, USMC, a legal specialist at Naval Legal Service Office Central (NLSO), at Naval Air Station (NAS) Pensacola, Fla., became a U.S. citizen in a naturalization ceremony held in the United States District Court in Pensacola. The 23-year-old Marine joined 72 other people from 27 countries in taking the oath of citizenship.

LCpl Camacho, a native of Chosica, Peru,



immigrated to the United States as a 13-year-old boy. As a Peruvian, LCpl Camacho said learning the English language was the hardest part. However, he added that people here have more freedom. "Here you can go out and dress like you want." His biggest surprise was the people from so many different countries.

LCpl Luis Camacho, USMC, a legal specialist at NLSO Central, joined 72 other people from 27 countries to take the oath of citizenship.



## *Full Replacement Value*

*By Virginia Eilmus  
Head Personnel Claims Unit*

Starting in the fall of 2007, Full Replacement Value (FRV) Protection is provided to military members and Department of Defense (DoD) civilians who have to move or store their personal property as part of a DoD sponsored move.

FRV Protection entitles the member or employee to the full value of lost or destroyed items. For items that are damaged, the carrier has the option of repairing them or making a monetary settlement for repair costs. There is no additional cost to the member or employee for FRV coverage.

In the past, if a carrier lost or destroyed something during a move, claimants would only be paid the depreciated value (fair market value) of an item that was lost or destroyed, regardless of whether they filed their claim with a military claims office or directly with a commercial carrier. FRV coverage will apply to all international shipments picked up on or after Oct. 1, 2007 and most domestic shipments picked up on or after Nov. 1, 2007. FRV will apply to all shipments picked up on or after March 1, 2008, including those placed into non-temporary storage.

An important difference between depreciated value coverage and FRV is that with FRV the claimant must file his or her claim with the Transportation Service Provider (TSP) (commercial carrier) rather than with the Military Claims Office (MCO).

Under the FRV program, the maximum liability for the TSP is 4 times the net weight of the shipment, with a minimum of \$5,000 and a maximum of \$50,000 per shipment. Just like under the current system, the claimant

must record loss or damage discovered at delivery on the DD Form 1840 (Joint Statement of Loss or Damage at Delivery) and must record all additional loss or damage discovered after delivery on the DD Form 1840R (Notice of Loss or Damage). The claimant must submit these forms to the TSP within 75 days after delivery or to the nearest Personal Property Office within 70 days of delivery. The claimant must then file a claim with the TSP within nine months of delivery. The TSP will settle the claim by repairing or paying to repair damaged items, and by replacing or by paying the FRV cost for items that have been lost or destroyed. When the claim is filed directly with the TSP, the TSP will be responsible for obtaining all repair and replacement costs.

If the TSP denies the claim completely, makes an offer on the claim that is not acceptable, or does not respond within 30 days, the claimant may transfer the claim to the MCO. If the claimant transfers the claim, the MCO can only pay depreciated value (fair market value) on the claims. The MCO will then attempt to recover FRV from the TSP. If the MCO recovers FRV, the MCO will then pay the claimant the difference between the depreciated value already paid and the FRV. If a claimant files a claim with the TSP after nine months, but before the two year time limit for filing, the TSP is only liable for the depreciated value of items lost or destroyed.

For more detailed information about the program, the Military Surface Deployment and Distribution Command (SDDC) published a detailed set of guidelines that governs FRV coverage on its Web site at <http://www.sddc.army.mil/>. Click Full Replacement Value Protection for detailed information.

### **Paralegal of the year**

continued from page 14

Navy to attend the 2006 world-wide JAG symposium. At the symposium, LN1 Carrillo participated in a discussion group where he shared his deployment experience with over 300 Navy attorneys in attendance.

While deployed, LN1 Carrillo was in direct support of the Multi-National Forces, Iraq legal team. "He worked without complaint and under the constant threat of indiscriminate

hostile fire, in a non-traditional legal, combat environment," said LNCS David C. Ostrander, who nominated LN1 Carrillo for the award.

During his time at NLSO SW, LN1 Carrillo provided career advice and support to enlisted Sailors at all levels. LN1 Carrillo facilitated the training and assisted in the coordination and implementation of the new metrics reporting system used throughout the U.S. Navy JAG community.

Most significantly, LN1 Carrillo

was chosen to spearhead the paralegal support team necessary for the litigation demands of one of the Navy's busiest military justice offices. He took on the mission by developing the Legalmen in his office as litigation paralegals.

LN1 Carrillo also participated in the San Diego Bar Association's "Operation Stand Down," where he provided pro bono paralegal assistance to more than 600 homeless veterans.

## Credentialing Opportunities Online

By LNCM Donna Sayers  
Center for Service Support

Credentialing is the process of meeting professional and technical standards, and earning official recognition, in the form of licenses, certifications, and apprenticeships.

The Credentialing Opportunities On-Line (COOL) Web site was launched in June 2006. Navy COOL is designed expressly for you to help find and understand the civilian credentials related to your Navy training. It provides information on how Sailors can fulfill the requirements for civilian credentials, including certifications, licenses, and apprenticeships related to their rating and jobs.

On Navy COOL, you can find background information about civilian credentials relevant to the Legalman rating and the three jobs identified through the job-task-analysis process. Additionally, Navy COOL describes how

to fill any gaps between Navy training and experience and civilian credentialing requirements as well as provides information on resources available to Sailors to facilitate credentialing.

The United Services Military Apprenticeship Program (USMAP) in conjunction with the U.S. Department of Labor (DOL) awards apprenticeships so the servicemembers can achieve recognition for on-the-job training and work experience equal to his or her civilian counterpart. Apprenticeships are voluntary; however, they may be required by some employers in certain industries. The DOL provides the nationally recognized "Certificate of Completion" upon program completion. USMAP enhances your job skills and shows your motivation for more challenging military assignments. Having a DOL Certificate of Completion is an advantage in getting better civilian jobs since employers know the value of apprenticeships.

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### A COOPERATIVE STRATEGY FOR 21<sup>ST</sup> CENTURY SEAPOWER





## *Battlefield Lessons Come to Life for Rising O-4 LTS Participants*

By **LT Chris Colby**  
*Operations Officer, OJAG*

The 2007 Leadership Training Symposium (LTS) went “joint” for the first time this past October, integrating Army leadership lessons into the JAG Corps’ cornerstone leadership course for the “new partners” of the Navy’s uniformed law firm. For the first time, the class of 35 rising O-4s took a “Staff Ride” to Antietam National Battlefield, where they walked the same hills and peered down the same embankments that their blue and grey predecessors did almost 150 years ago.

Knowing your troops’ capabilities and weaknesses, inspiring them to do just a little bit more, leading from the front, and knowing when you’ve asked enough – these were some of the lessons learned at Antietam. Aside from enjoying a day of fresh air and flawless weather, the students learned leadership lessons firsthand thanks to Dr. Robert Rush of the Army’s Center for Military History. As LCDR(Sel) John Clady noted, “The Staff Ride was an investment in the future of JAG leadership. It provided examples of leadership and examined the various factors of battle such as tactics, terrain, communications, leadership and the psychological factors of combat.”

LCDR(Sel) Clady, a former Army officer, also discussed the Staff Ride in a larger context. “By studying the Battle

of Antietam, we gained an informed perspective on historical lessons that will help us understand the present and plan for the future as leaders.” Dr. Rush, a former U.S. First Army Command Sergeant Major, also briefed the class on some of the legal issues facing the North and South at the time of Antietam.

Another innovation at LTS was the use of the Myers-Brigg Type Indicator (MBTI), which demonstrated the importance of recognizing differences in personality. Through a dynamic, eye-opening presentation by CAPT Rhetta Bailey of the Command Leadership School, students saw how personality differences can strengthen teams. Other useful presentations, such as an evaluation of personal ethical decision-making in wartime, challenged the mind – and conscience – of every participant.

Students took the time to evaluate their role in the JAG Corps and the proper role of the JAG Corps in today’s Navy. As LCDR(Sel) Dustin Wallace pointed out, “LTS was a tremendous opportunity to meet with your peers and discuss myriad issues that will impact judge advocates and paralegals for many years to come.” CAPT Hank Molinengo’s frank discussions with the students throughout the



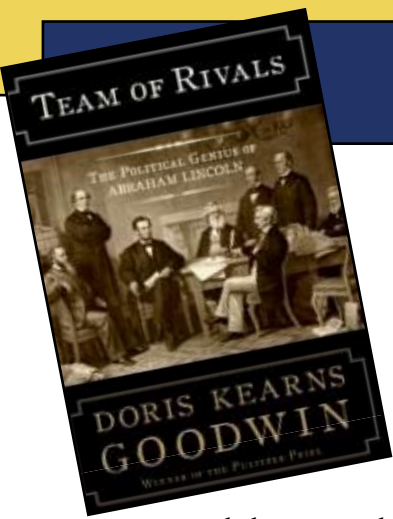
The class of O-4s discussing the lessons learned at Antietam during the Leadership Training Symposium.

course highlighted their new role, not as new associates learning the ropes, but as new partners taking their seat at the table.

According to LCDR(Sel) Jeanine Womble, another LTS participant, “While I relished the opportunity to meet and reconnect with the other O-4 selects, I wasn’t sure what to expect from the actual training sessions. I was pleasantly surprised by the diversity of the curriculum in both format and topic. I expected a Kool-Aid drinking evolution, but instead got a week of sessions that I honestly found both interesting and useful.”







## *Team of Rivals: The Political Genius of Abraham Lincoln* By Doris Kearns Goodwin

Book review provided by LT Mark Nevitt

In *Team of Rivals*, Pulitzer Prize-winning historian Doris Kearns Goodwin closely examines Abraham Lincoln and the unusual relationship he shared with his presidential cabinet. The title refers to the men whom Lincoln appointed to the top four positions in his administration: William Seward (Secretary of State), Samuel Chase (Secretary of Treasury), Edward Bates (Attorney General), and Edwin Stanton (Secretary of War). At one point, each man was a fierce rival and political competitor of Lincoln. Indeed, three of them - Seward, Chase, and Bates - challenged Lincoln for the Republican nomination in 1860 in a hotly-contested race when this country debated the future of both slavery and secession.

While more has been written about Lincoln than any other president, Goodwin still manages to craft a uniquely original work. *Team of Rivals* is not merely a political biography of Lincoln and his cabinet members. At its heart, it is a book on leadership that details how Lincoln led his cabinet and his country through the most challenging time in our country's history.

Goodwin focuses on the leadership style of Abraham Lincoln and the relationships that he shared with his cabinet members. Despite being a prairie lawyer and a one-term congressman, Lincoln bested these four gifted men of national reputation and stature. After falling short of the Republican nomination, Seward, Chase, and Bates felt disgraced and angry at

losing to such an obscure figure. In the time between Lincoln's election to the Presidency and his inauguration, the country unraveled when several states seceded. In a decision characterized by both forgiveness and political genius, Lincoln appointed his one-time political rivals to his cabinet, enabling him to harness their enormous talents to assist in maintaining the Union.

Under the great strain of being President during the Civil War, Lincoln encountered numerous leadership challenges in his cabinet, but ultimately was able to gracefully and deftly lead these four men. His ability to soothe egos and manage differences enabled him to lead both his cabinet and the nation for the greater good. What was at stake was no less important than the future of the United States.

One story Goodwin describes in detail is the first time Lincoln and Stanton met. A famed lawyer of his day, Stanton treated Lincoln with utter contempt when they met in 1855 while serving as co-counsel on a case that was decided by the U.S. Supreme Court. Lincoln had worked independently and diligently for months on the case, but Stanton was not impressed. He dismissed Lincoln, calling the young prairie lawyer a "long-armed baboon." Most men would have never forgiven this insult-but Lincoln was not just any man. He forgave Stanton, and five years later he appointed him to the powerful position of Secretary of War. Stanton served Lincoln admirably, gradually growing to respect and to love the President. Stories such as this, where Goodwin focuses on

Lincoln's empathy and his uncanny ability to transcend petty matters, are the strength of *Team of Rivals*.

This is a wonderful read for naval officers and judge advocates. We share the common heritage with Lincoln of being both lawyers and leaders. Goodwin clearly illuminates the extraordinary leadership of Abraham Lincoln, concentrating on Lincoln's ability to use

his natural empathy and grace to forge an effective team composed of strong individuals.

One caveat: the book is long, weighing in at 900 pages with footnotes. It took me more than one cross-country flight to Naval Justice School to put a dent in it. Despite the size, I found Goodwin's style to be interesting, and the subject matter kept me captivated throughout.

**Read any good books lately?  
Tell us about it!  
Submit a book review to  
[natalie.morehouse@navy.mil](mailto:natalie.morehouse@navy.mil).**

## San Diego Hosts Navy Marine Corps Retired Judge Advocates Association

By Jen Zeldis  
Public Affairs Officer

The Navy Marine Corps Retired Judge Advocates Association held their annual meeting in San Diego, Oct. 5-7.

The keynote speaker, RADM Bruce MacDonald, presented the current state of the Navy JAG Corps.

“It was very informative,” said RDML Dennis McCoy, president of the Navy Marine Corps Retired Judge Advocates Association. “He told us about what a great job the judge advocates are doing. He talked about

the IA [individual augmentee] and overseas assignments that the young judge advocates and legalmen are volunteering for.”

There were 92 members present for the meeting. The association has more than 430 members. Members are kept abreast of current association events by e-mail and reports from the president.

The next annual meeting will be held in Philadelphia, Pa., Oct. 10-12, 2008.

“During this annual meeting, we will plan for the ‘09 event,” said RDML McCoy. The 2009 meeting

will be held in San Antonio, Texas.



RADM MacDonald and wife Karen talk with CAPT Bill Eoff, JAGC, Ret, at the annual retiree association brunch.

## Spotlight On

*Find out what they are doing now!  
Alumni of the JAG Corps describe their current positions and what they did in the JAG Corps.*

### RDML Dennis McCoy

RDML Dennis F. McCoy is the current President of Navy Marine Corps Retired Judge Advocates Association, President, Vice President and Treasurer of the Newport Historical Society, and a trustee of the Newport Public Education Foundation.

RDML McCoy started his Navy career as a line officer in the Navy. RDML McCoy served around the world and in a variety of different billets.

“My favorite billet was CO of the Naval Justice School,” said RDML McCoy. “I had the opportunity to shape the young judge advocates coming in. We also were able to expand the course offerings to meet the 21st century’s educational needs.”

On Aug. 1, 1990, RDML McCoy was appointed Assistant Judge Advocate General (Civil Law). RDML McCoy retired from active duty on July 1, 1992.

### CDR Kenneth Ripple

CDR Kenneth Ripple was nominated by President Ronald Reagan in April 1985 to a seat on the Seventh Circuit. Currently, Judge Ripple sits on the Seventh Circuit and is a professor of law at the University of Notre Dame.

Judge Ripple joined the JAG Corps in 1968. In 1992, he completed his service after both an active and reserve JAG Corps career.

Years later, Judge Ripple looks back fondly at his JAG Career, “I am very grateful to the JAG Corps for all that I learned in those years and for the opportunity to render meaningful service to the Country. I still keep up with my fellow JAG officers.”



# Reserve Component

## *JAGC Reserve Training and Education*

By CAPT Ben Abalos  
*JAGC Reserve Component*

Despite the large investment made in ships, systems and facilities, people remain the Navy's most valuable asset. Navy leadership believes more must be done to develop our people.

For example, the Department of the Navy's recently updated Human Capital Strategy strives to build on our human resources by creating an environment that supports career-long learning and individual growth opportunities. In his "Focus on Execution" guidance for 2007, the Chief of Naval Operations lists "developing 21<sup>st</sup> Century leaders" among his three main priorities. This focus is echoed in the Chief of Naval Personnel's "Year of Execution" guidance for 2007, which envisions "a Navy manpower, personnel, training and education system that targets and attracts the right talent, then trains, develops, equips and motivates these men and women throughout a career of service." This same drive to enhance and improve learning is in our legal community as well.

RADM Bruce MacDonald revealed in *JAG Corps 2020* a vision that includes the development of "career learning," a vision materializing in the specific education and training initiatives of the Strategic Transformation Execution Plan (STEP). Our Reserve legal community participates doubly in these initiatives, benefiting from robust training opportunities already available and sharing its own rich expertise with active duty judge advocates and Legalmen.

The reserve legal community's continuing integration into the larger Navy enterprise is evident in our access to Navy-wide training. For example, through Navy Knowledge Online (NKO) we share in General Military Training (GMT), reserves take courses that prepare them for the military aspects of our profession (Code of Conduct, operational risk management, operations security, anti-terrorism/force protection); reserves enhance,

maintain, and preserve our personal readiness (physical readiness, personal financial management, and suicide awareness); and build on our leadership and managerial capabilities (fleet business course and diversity). Reserves participate in these courses anywhere in the world, anytime, and in ways that take advantage of the Reserve community's inherent flexibility.

Many reservists come to their commands already trained as experts by virtue of their civilian or prior active duty experiences. Reserve LCDR Barb Hanna, Navy Reserve Region Legal Service Office Northwest, will soon begin teaching the Legal Officer Course while drawing on her active duty experience as the Officer-in-Charge, Naval Justice School (NJS) Detachment, Norfolk. Likewise, CAPT Rymn Parsons, SJA to Navy Region Mid-Atlantic, Reserve Component Command, is also a civilian attorney at Naval Facilities Engineering Mid-Atlantic Command. He notes that

"substantive legal training in government ethics, environmental law, military personnel law, administrative law and many others, as well as in-depth experience in inter-service and interagency coordination, are tremendous assets for combatant commanders and supported commanders alike."

Similarly, work through NJS is an excellent example of Reserve integration into Navy legal community training as both students and teachers. Of reservists who support NJS Commanding Officer, CAPT Charlotte Wise, said, "We love them...they are absolutely mission essential. For us, the integration is the teaching and the practical application. The experience, variety, and depth of their expertise are

hard to match, and they're always willing to share." NJS Executive Officer, CDR Denise Stich, echoed this sentiment, "We could not provide the same quality of instruction in legal assistance and military justice if we only relied on active component instructors."

This high praise is well-deserved. Reserve CDR Matt Lee teaches immigration law during the legal assistance portion

*Reservists who interact with and influence education and training of the JAG Corps Reserves must evaluate whether the training they provide aligns with the Fleet's need to enhance readiness. In other words, is the training relevant and significant, does it provide knowledge, skills, and abilities that are currently in demand or are likely to be in the future?*

*-RADM Norton Joerg,  
Deputy Judge Advocate General for Reserve  
Affairs and Operations*



# Reserve Component

of the Basic Lawyer Course. CDR Matthew Doran played a key role in developing a new mock trial scenario on computer crimes for the Basic Lawyer Course. CDR Cully Stimson spearheaded numerous improvements to the curriculum for our advanced military justice courses. Like these three commanders, many of our reservists have substantial criminal law and litigation expertise both as civilian attorneys and judge advocates. They provide mission critical support during the trial advocacy portion of the NJS Basic Lawyer Course and give our newest judge advocates a positive first impression of the JAG Corps Reserve Component.

There are many more opportunities at NJS for reservists. LCDR Tracy Clark, NJS Academic Director, has asked that former NJS instructors contact her or the School's detachment OICs if they are interested in coming back to teach. Reserve members who taught while on active duty or who have specialties are encouraged to explore the need for their expertise at NJS.

In addition to NJS, JAG Corps reserves participate in training at other teaching commands. At the Yankee Operational Law Training Symposium, conducted annually in August at the Navy War College, reservists provide instruction and attend valuable continuing education courses on developing operational law issues. According to CAPT Kathleen McTighe, CO of NR NWC (LAW) 401, "the continuing tradition of the Symposium is a truly unique opportunity for judge advocates to receive focused continuing legal education in current operational law issues, and to share this opportunity with their colleagues from multiple services and distinguished military and civilian OPLAW experts." Experts have included the legal counsel to the Joint Chiefs of Staff, an attorney-advisor for the Department of State, NWC professors, and many of our own reserve and active duty experts.

However, expanded opportunities for training are not limited to reserve attorneys. Reserve Legalmen are getting in on new educational prospects as well. NJS, in partnership with Roger Williams University, recently earned approval from the American Bar Association (ABA) to teach four required paralegal courses at the new NJS Legal Accession course. The approved courses include: Ethics, Introduction to Law, Emerging Legal Technologies, and Legal Research and Writing. After successfully completing the Reserve Legal Accession course, our new reserve Legalmen will have earned ten semester hours of college credit towards an ABA-approved paralegal degree through Roger Williams University. Furthermore, Roger Williams is currently converting its paralegal studies courses into a distance-learning format. In the near future, our reserve Legalmen will be able to earn both an Associate's and a Bachelor's Degree in Paralegal Studies (ABA approval is pending for

the Associate's degree). All interested Legalmen should contact the Reserve Component Command Master Chief, LNCM Tim Ayoub, through their chain-of-command.

Reserve Legalmen were also able to attend the first Legalman Military Law Training Symposium (LN MLTS). Over 100 active duty and reserve Legalman attended this event, held on Sept. 8 and 9, in Newport, R.I. A similar MLTS for Reserve judge advocates was held on both the east and west coasts last May and June, respectively. The MLTS will continue to be a valuable opportunity to discuss the Reserve community vision directly with community leaders, to learn of important developments in the Reserve practice, to marshal our intellectual talent in breakout sessions, and to reunite with colleagues and friends.

All reservists should watch for future opportunities in training and education. While serving with the VTU, CDR Brian Hug, Assistant State Attorney in McClean County, Ill., frequently checked the NRJAG Web site and read SJA updates that relayed announcements of ADSW/ADT opportunities. He volunteered for a 30-day ADT that led to a fill as a SELRES with the NWC (LAW) unit. In his current unit, NR NWC Law 401, CDR Hug is an international law attorney, with a current portfolio that includes two rules of engagement projects. The first project entailed developing, coordinating, and maintaining a classified rules of engagement database. The second project required him to develop a rules of engagement manual that can be used in exercises involving multinational participation. In commenting on the strength of reserve participation, CDR Hug said, "Reservists bring focus to a project or to a task; we're solely focused on doing *that* job."

Despite some outstanding gains over the last few years, there is still much we can do to improve integration of our reserve resources into the training environment. In the previous issue of *JAG Magazine*, RADM Norton Joerg posed a key question for all in the JAGC community to contemplate: "What is the best way to align and integrate for the future?" Reservists who interact with and influence education and training of the JAG Corps Reserves must evaluate whether the training they provide aligns with the Fleet's need to enhance readiness. In other words, is the training relevant and significant - providing knowledge, skills, and abilities that are currently in demand or are likely to be in the future? Reservists who provide direct legal services to commanders and to individual Sailors must ask whether they are meeting all of the Navy's established training requirements. Finally, all reservists must evaluate their own status to ensure they are obtaining the necessary training and experience to be prepared to serve, i.e., are we improving our abilities to be the right person with the right skills for an assignment at the right time? Are we prepared to be a 21<sup>st</sup> Century judge advocate or Legalman?



September 29, 2007 marked the one-year anniversary of the JAG Corps' blueprint for strategic transformation, *JAG Corps 2020*. Over the past year, working groups and boards of advisors across our community have studied the ways we do business, brainstormed improvements, and pursued the requirements as detailed in the Strategic Transformation Execution Plan (STEP) to make those ideas a reality. The result is a number of successes across the Transformation Focus Areas.

### **Core Capabilities - Accountability**

One of the most highly anticipated successes of the year is in the Core Capability of Accountability. The first Military Justice Litigation Qualification Selection Board convened on Oct. 26. JAGINST 1150.2, signed May 3, outlined the criteria for selection as a Military Justice Specialist or Expert. The instruction's sample career track will help grow Specialists and Experts, and 1202 P-coded billets requiring military justice litigation qualifications will optimally deploy their skills. Precept language will recognize those skills in promotion boards. This long-awaited litigation career track is a leap forward in the Transformation Focus Areas of Professional Development and Efficiency as well. A cadre of Military Justice Specialists and Experts will be prepared and poised to try our most complex courts-martial. Junior litigators will benefit from the supervision and mentoring of a Specialist or Expert in the office. The overall result will be more expert and more efficient courts-martial at every experience level.

### **Navy JAG Corps Organization**

With its future community of expert litigators in mind, the JAG Corps stood up Trial Defense Command Southeast on Oct. 1. An extension of a pilot program in Europe, this stateside initiative shifts the legal assistance practice in the Southeast to the RLSO and leaves NLSO Southeast and NLSO Central to focus solely on personnel representation and criminal defense. The Southeast Working Group has shown extraordinary foresight, resourcefulness, and persistence in planning for this transition. Internal and external satisfaction surveys and CMTIS data will measure the effect of this initiative.

### **Active-Reserve Integration**

Two 2007 pilot programs demonstrated the positive impact JAG Corps reservists have had integrating with the active duty force. First, Tiger Teams of Reserve Legalmen pooled their weekend drills to concentrate their time and talents when and where they were most needed. The best example

of this was a Tiger Team who augmented the RLSO at Great Lakes during the busy summer months when the number of recruits and entry-level administrative separations spiked. This concentration of reserve "firepower" allowed the RLSO to survive the surge in its workload.

A second success story was in the Reserve Judge Advocate community. Seven reserve JAGs augmented the newly-created staff of active duty law clerks at the Navy-Marine Corps Court of Criminal Appeals. NMCCA requested to extend the reservist support for at least another year to continue their progress in reducing the appellate case backlog.

To capitalize on the wealth of subject matter expertise in the Reserve community and align it with the needs of the active duty community, the reservists have identified three pillars of practice area specialization. The Three Pillars are litigation (civilian and criminal), legal assistance, and an umbrella category encompassing admiralty, environmental law, national security/intelligence law, "expeditionary law," and operational/international law. Information about reservists' specialties will be available on JAG Enterprise.

### **Personnel Policy**

The strategic scope of *JAG Corps 2020* prompted renewed focus on recruiting, mentoring, and diversity across our entire legal community. RADM MacDonald signed a new Judge Advocate recruiting instruction on April 30. This new instruction designated every JAG Corps Commanding Officer as a Recruiting Officer with the requirement to develop an annual command recruiting plan. We anticipate this action will increase the number and quality of applications to the JAG Corps. An annual JAG Corps recruiting plan, developed by PERS-4416, will consolidate these individual recruiting plans.

Increased diversity in our JAG Corps is an explicit goal of this new recruiting instruction. RADM MacDonald broadcast his commitment to diversity in a recent JAG TV message. CDR Robert Sanders, Special Assistant for Diversity, heads the Diversity Steering Group (DSG). With the recruiting instruction signed, the DSG's current focus is on retaining members of our community by instituting a new mentoring program.

The implementation of NSPS meant this was a year of fundamental transformation for civilians in our community. Joyce Sherwood was appointed to fill the duties of Director, Civilian Personnel. She and her staff from Code 64 at OJAG traveled the globe training our personnel on the JAG Corps'



implementation of this new system. RADM Houck also outlined the JAG Corps community goals for NSPS on a recent JAG TV message.

### **Professional Development**

The first ever Legalman Training Symposium, May 21-23, kicked off a revolution in Legalman professional development. Naval Justice School, in partnership with Roger Williams University, has brought Legalman training to the collegiate level. The results of this collaboration are a totally revamped Legalman Accession Course and an online program of paralegal studies culminating in an associates degree.

In June, Naval Justice School graduated its first class of Legalmen in three years. Ten new accessions completed an eleven-week course, earning ten credits of face-to-face, ABA-approved, collegiate-level paralegal instruction. The first phase of the course, modeled after RWU's curriculum, included ethics, introduction to law, emerging legal technologies, and research and writing. The second phase focused more specifically on the Navy's practice, covering military justice, civil law, and operational law. Twenty-five Legalmen are graduates of the new course and serving in the Fleet.

Beyond the schoolhouse is a growing curriculum of distance learning. RWU's programs in paralegal studies have been tailored to allow Legalmen to work toward their Associate's and Bachelor's degrees as they change duty stations throughout the U.S., at sea, and overseas. Fifty-one Legalmen are enrolled in the program, now in its third semester.

### **Knowledge Management and Information Technology**

Distance Learning is not just for Legalmen. The Navy's legal resources have moved to the Internet, and specifically to Communities of Practice (COPs) on Navy Knowledge Online. These communities have grown exponentially over the last year, particularly the Criminal Law and Legal Assistance COPs. Military judges use their COP to maintain ongoing, worldwide collaboration. Resources in a wide variety of practice areas are up to date and accessible from a

single, authoritative source. Message boards allow attorneys to bounce ideas off colleagues around the world.

### **Performance Measures and Efficiency**

One year after the launch of CMTIS, several new surveys, and a new, annual Article 6 inspection, the JAG Corps' true image is starting to come into view. With one year's worth of CMTIS data, we are able to provide empirical data to support what we have known in our "gut" to be true. A primary example is the length of time needed to try different types of courts-martial. How much longer does it take to try a General Court-Martial than a Special Court-Martial? What if it is contested? What if the accused elects members? Thanks to one year of CMTIS entries, we now have data-supported answers to these questions. Of course, this is only the beginning. As the data entered becomes more accurate, we will learn more about the relation between cost and quality of the services we provide, what our clients value about our services, and how to allocate our resources more efficiently.

The JAG Corps deployed a number of surveys in the past year. These surveys are a crucial measure of the quality of our services and the satisfaction of our command and servicemember clients. Global and military justice surveys of military judges and trial attorneys provided a baseline against which we can measure the progress of our litigators in the courtroom. As mentioned earlier in this article, the JAG Corps will use surveys to evaluate the Trial Defense Command pilot in the Southeast. Surveys measuring satisfaction among members of the commands as well as client satisfaction with personal representation and legal assistance services captured pre-pilot data. Customer satisfaction surveys deployed during the pilot and subsequent internal satisfaction surveys will allow the JAG Corps to compare before and after accurately. Feedback from hundreds of commanding officers, executive officers, and command master chiefs on our legal support is currently being analyzed. As the value of our services is hard to quantify, surveys will continue to provide invaluable information regarding our contribution to the Fleet and its mission.

## **Special Assistant for Transformation (SAT) Staff**

**CAPT Dawn Tompkins**  
(202) 685-7701  
dawn.tompkins@navy.mil

**CDR Mary Horrigan**  
(202) 685-7255  
mary.horrigan@navy.mil

**LCDR Joe Hoelz**  
(202) 685-5185  
joe.hoelz@navy.mil

**LT Anne Marks**  
(202) 685-5462  
anne.marks@navy.mil



## Successful Assessment Writing in the National Security Personnel System

By Amy Stevens

*Fiscal and Resource Management (Code 64)*

The Office of the Judge Advocate General (OJAG) recently closed out its first performance cycle under the National Security Personnel System (NSPS). As part of the closeout process, managers and employees prepared documentation to submit to the Pay Pool Panel (PPP) for consideration during PPP deliberations. NSPS guidance dictates the PPP review each employee's documentation (which includes approved job objectives, a supervisory assessment, a recommended rating/pay out, and a voluntary employee self-assessment) before finalizing the rating and payout.

The PPP used this documentation to determine the final rating and payout for each employee, so it is a critically important opportunity for employees to promote their merits and accomplishments throughout the performance period. Accordingly, below are important points to remember throughout the year so you will be prepared to write your self-assessment.

### **1. Employee self-assessments are voluntary - why should I write a self-assessment?**

While self-assessments from employees are entirely voluntary, it is strongly suggested that all employees write an assessment. The self-assessment is an opportunity for employees to assess their achievements and progress during the rating cycle. By writing that evaluation, the employee is showing personal engagement in his/her own career and position within the organization. Conversely, employees who do not submit an assessment could be viewed as being disinterested in the performance appraisal process. Additionally, employees may want to consider the following advantages inherent to submitting a self-assessment:

*Help Your Rating Official Help You:* Employees can recap their accomplishments to their rating officials (supervisors) to ensure that they are considered for inclusion in the supervisory assessment. The employee can assist the rating official by describing the accomplishments from a management perspective linking them to organizational goals.

*Future Goal Setting:* Employees can use this review to identify goals for the next rating period. By assessing what they have done, employees can aid themselves in goal setting by more clearly delineating future objectives. This can be equally important at the interim review period and the

annual review period.

*Maximize Your Reward:* Be an advocate for yourself. The self-assessment is not a time to be humble. Employees should brag about their accomplishments in an effort to ensure that the PPP considers all appropriate information in their deliberations which will affect their pay. By citing all applicable contributions to objective completion and mission goals, employees are maximizing their chances of receiving increased salary pay outs.

### **2. What information should my self-assessment contain?**

To answer this question, consider the questions the PPP has to ask themselves when reviewing an employee's rating and assessment package. The PPP must know...

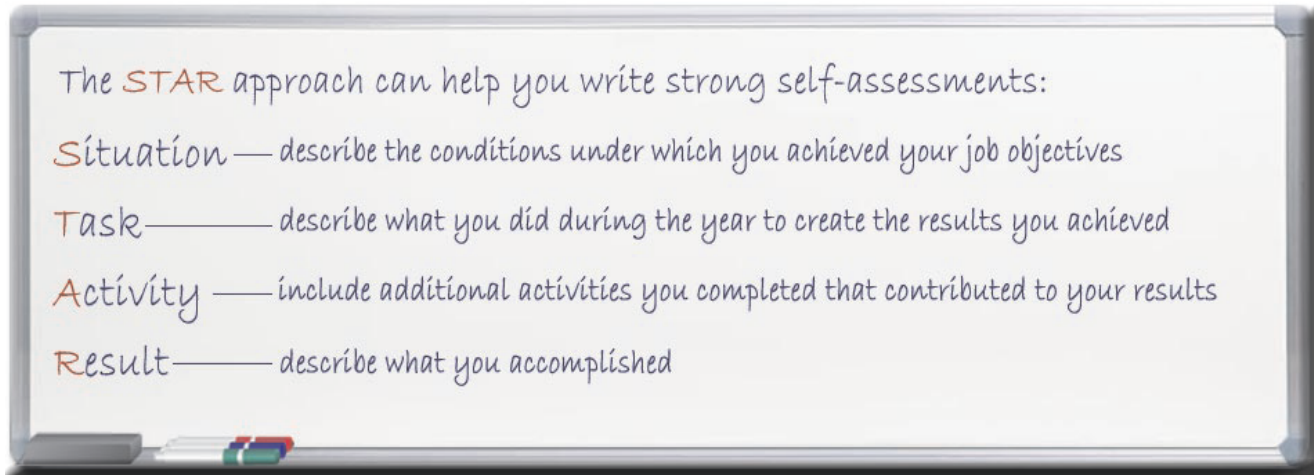
- What tangible results demonstrate conclusively that the job objective was met? Or not met?
- What was the level of accomplishment for each job objective?
- Was it met at the Level 3 standard? Above or below? Describing accomplishments in an effects-based outcomes model, rather than a list of tasks.
- Relating accomplishments to overall organizational missions and goals.
- Providing any necessary context about the results.
- Explaining any special situations (e.g., details, long-term training, participation in task force, extended work absences) that affected an employee's ability to meet a job objective.

For example, an employee could simply list a task in the self-assessment, "Maintained accurate division calendar." In contrast, the employee would be describing the accomplishment (updated calendar) in an effects-based model with the statement, "Maintained accurate division calendar in effort to facilitate office communication and teamwork while also reducing administrative workload for attorneys."

In that second statement, the employee demonstrates that he/she has completed her job objective (updated calendar), describes the effects of doing so (facilitates office communication), and relates that task to a larger impact to the division as a whole (decreased administrative workload for others).

The rating official may add in the rating official's assessment, "Employee successfully completed job objective. As a result, the office that had previously one incident per week

# National Security Personnel System



of double-booking meetings had one quarter of no incidents of double-booking. Additionally, the attorney administrative workload was decreased and attorneys were able to spend an average of 30 minutes more per week counseling clients.”

This rating official assessment successfully addresses the key bullets that will answer the PPP questions.

### 3. How can I best prepare to write my self-assessment?

Employees can prepare the entire performance period to write a self-assessment. Keep these ideas listed below in mind and make them part of your regular routine at your job.

- Know your job objective requirements.
- Track your accomplishments and praises throughout performance period to use specific examples.
- Know the expectations (performance indicators/benchmark standards) of your pay schedule/pay band and contributing factors.
- Know how your objectives relate to your command and the JAG Corps mission and goals.

### 4. What basic format should my self-assessment follow?

As described in the OJAG and CNLSC Business Rules, supervisory and employee assessment must be submitted in the basic format:

Objective 1: Results/accomplishments related to achievement of the objective.

Efforts related to assigned contributing factors.

Objective 2: Results/accomplishments related to achievement of the objective.

Efforts related to assigned contributing factors.

Objective 3: Results/accomplishments related to achievement of the objective.

Efforts related to assigned contributing factors.

This allows the PPP to consider each job independently and eliminates the need for the PPP to deduce which specific accomplishments relate to which job objective. Employees may also follow this more specific model suggested below.

### The ORE Method - Objective, Result, Effort:

Objective 1: Briefly restate the objective

- Result: What was done and how did it benefit or support the command/JAG Corps?
- Effort: Address how the contributing factor(s) were exhibited in accomplishing the job objective?

Objective 2: Briefly restate the objective

- Result: What was done and how did it benefit or support the command/JAG Corps?
- Effort: Address how the contributing factor(s) were exhibited in accomplishing the job objective?

Objective 3: Briefly restate the objective

- Result: What was done and how did it benefit or support the command/JAG Corps?
- Effort: Address how the contributing factor(s) were exhibited in accomplishing the job objective?

NSPS assessments take a concentrated level of effort from the writer to become great assessments. By studying the tips and requirements outlined above, employees can feel confident in their ability to present their best to their rating officials and Pay Pool Panel members. If you are interested in more about NSPS self-assessments, visit <http://www.cpms.osd.mil/nsps/> to review the automated iSuccess Tool that allows you to practice writing assessments or review <http://www.cpms.osd.mil/nsps/docs/selfassessmentfactsheet.pdf> for some additional tips.

For more information or to ask a question about NSPS,  
please contact Amy Stevens at 202-685-5286 or at [amy.stevens@navy.mil](mailto:amy.stevens@navy.mil)

# AWARDS

## *35 years of service*



After 35 years of supervisory paralegal specialist service, Mrs. Perla Simanowitz of RLSOSW retired. Mrs. Simanowitz received an award from RLSO SW Commanding Officer CAPT Carole Gaasch.

## *JAG receives Bronze Star*



LCDR Art Blum received the Bronze Star for his work as the detainee OPS attorney for Multi-National Corps Iraq from BGEN Joseph Anderson, the MNC-I Chief of Staff. LCDR Blum's duties required constant helicopter and convoy travel. The awards ceremony was held on the veranda of al-Faw Palace, which is the headquarters for both MNF-I and MNC-I.

## *Navy and Marine Corps Commendation Medal presented to Legalman*

CAPT Mark Deardurff presented LN1 Tiffany Breaux of RLSO EURSWA Det Bahrain with a Navy and Marine Corps Commendation Medal. LN1 Breaux was recognized for her outstanding job in Bahrain for the last year. She is leaving active duty to complete her bachelor's degree and plans to attend law school.



## *High GPA wins JAG a place in history*

Lisa Hird Chung, Esq. of Paul, Plevin, Sullivan & Connaughton presented CDR Johnny Nilsen with the Paul, Plevin, Sullivan & Connaughton Award for highest GPA (4.13) in the LL.M. program at the University of San Diego. CDR Nilsen will have his name inscribed on a permanent plaque on display at the law school.



# AWARDS

## Naval Legal Service Command's Sailor of the Quarter

By LNCM Stephen S. DiStefano  
Command Master Chief

LN1 Michelle C. Stallings was selected as Naval Legal Service Command's Sailor of the Quarter for the period July 1 through Sept. 30.

The native of Havelock, North Carolina, is currently assigned to Regional Legal Service Office, Mid-Atlantic (RLSO MIDLANT) and serves as the non-judicial punishment and installation hub paralegal for RLSO MIDLANT. She provides legal support to Naval Station Norfolk and tenant commands.

Some of the accomplishments LN1 Stallings was selected for included her work as an advisor for military justice



investigations, disciplinary review boards, NJP procedures, confinement issues, JAGMAN investigations, litigation reports, and claims for damage to government property. She also conducted legal briefs for Naval Stations

(NAVSTA) command indoctrination program and personally prepared all NAVSTA NJP packages and JAGMAN investigations. LN1 led the enormous tasks of preparing several litigation reports, one of which was aimed to recoup nearly \$2.5 million from a civilian merchant ship company believed to have damaged the NAVSTA degaussing range.

Despite an extremely heavy workload, LN1 Stallings was the Secretary of NAVSTA Norfolk's First Class Petty Officer Association as well as the Vice President of the Navy Legalman Association. She completed six Navy E-Learning courses and assisted a shipmate deployed as an IA by providing childcare for her two small children.



LT David Shull received the Navy and Marine Corps Achievement Medal from CAPT Marc Laverdiere.



Mr. Earl Taylor received the 20 years of civil service award from RADM Bruce MacDonald.



BM3 Amanda Pelham received a good conduct award from CAPT Stuart Belt.



LT Justin Henderson received the Navy and Marine Corps Achievement Medal from CAPT Eric Price.



LT Kathleen Elkins received the Navy and Marine Corps Commendation Medal from CAPT Eric Price.



LT Chad Temple received the Navy and Marine Corps Achievement Medal from RADM Bruce MacDonald and CAPT Michael Boock.

# AWARDS

## *NLSC Junior Officer of the Quarter*

LT Ryan Davis was selected as Naval Legal Service Command's (NLSC) Junior Officer of the Quarter for the period of July 1 to Sept. 30. During this period, LT Davis' negotiated with regional engineers and public works officers and oversaw the facilities budget for fiscal year 2007. This was one of the most successful facilities rehabilitation and modernization periods in JAG Corps history. LT Davis is also the first non-JAG Corps member to receive this honor.



## *Promotion in EURSWA*



CAPT Mark Dearth presided over LCDR Davin Rieke's promotion ceremony. LCDR Rieke is the new officer-in-charge for RLSO EURSWA Det Bahrain.

*Congratulations to all who have received awards! These are only a few who have been recognized throughout the JAG Corps during the recent months. If you want to see your name in print, submit your command awards or photos to [natalie.morehouse@navy.mil](mailto:natalie.morehouse@navy.mil)*

# Interns of JAG

By Sarah Hayes  
*Public Affairs Intern*

*"How was your experience at JAG?"*

*Ericka Ensign, Code 11*



*"This was a great experience and better than I could have hoped for."*

*LT Mary Pohanka, SAT*



*"It was really enjoyable and a great place to be to learn where the JAG Corps is headed."*

*Lauren Ogata, Code 16*



*"This was an enjoyable, great networking experience."*

*Erin Mullen, Code 14*



*"This was a phenomenal experience and working with high quality people was enjoyable."*



*Lauren Hahn, Code 07*

*"This was a really good, eye opening experience for me."*



*Richard York, NLSO*

*"This is a great community where everyone wants to be."*

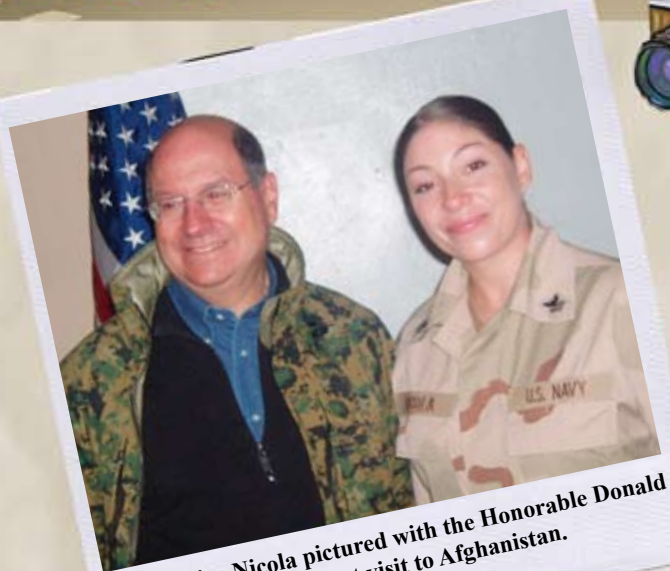




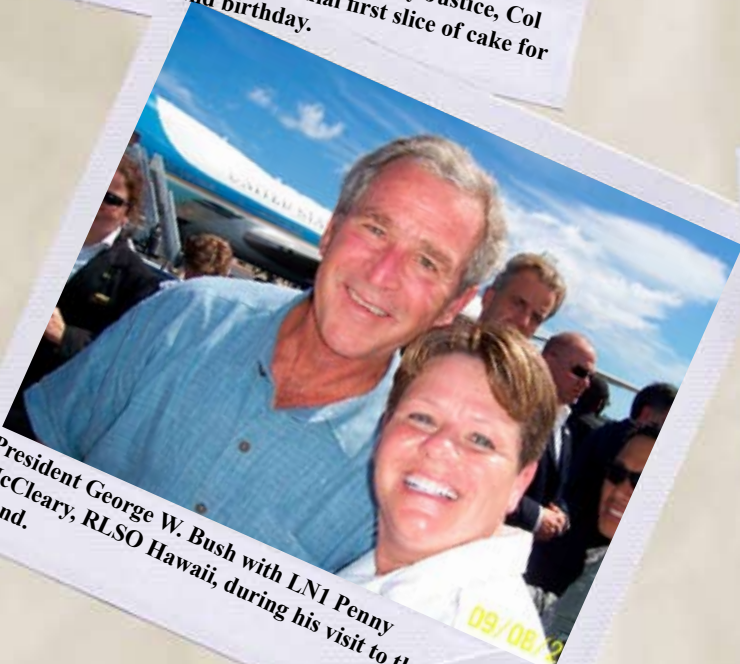
# PHOTOS FROM THE FLEET




Assistant Judge Advocate General, Military Justice, Col Edward McCue, cuts the ceremonial first slice of cake for the Marine Corps 232nd birthday.



LN1 Jessica Nicola pictured with the Honorable Donald Winter during his recent visit to Afghanistan.



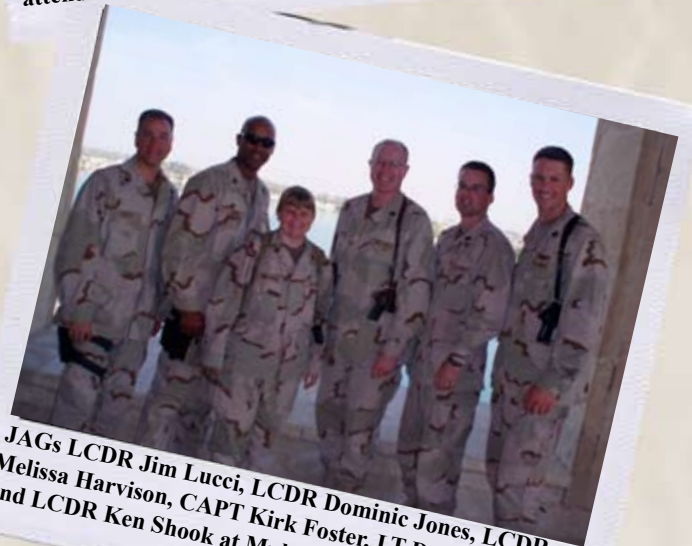
President George W. Bush with LN1 Penny McCleary, RLSO Hawaii, during his visit to the island.



LTJG Ryan Forbes, LTJG Katherine Ray, LTJG Zack Prager, the latest graduates from the Basic Lawyer Course, attend a social event at the Officer's Club in Newport.



CAPT Stu Belt, RLSO Japan, and Mr. Kochi Sekizawa at the 20th annual U.S./Japan friendship softball tournament.



JAGs LCDR Jim Lucci, LCDR Dominic Jones, LCDR Melissa Harvison, CAPT Kirk Foster, LT Dave Melson, and LCDR Ken Shook at Multi National Force - Iraq.



# PHOTOS FROM THE FLEET



CDR Denise Stich teaches a course at the Naval Justice School.



The Region Legal Service Office Europe Southwest Asia Det Bahrain team after LNI Tiffany Breaux's award ceremony.



LCDR Art Blum and LNC Kim Roman both of RLSO EURSWA at the Republican Palace in Baghdad TF-134.



LNC Lisa Vrtiska is promoted to the rank of chief petty officer by CAPT Robert Blazewick, the commanding officer of RLSO Hawaii.



LT Gopi Nadella from RLSO EURSWA Det Sigonella, with a baby camel in Djibouti.



LNCM (SW) Dezwaan, NLSO MIDLANT, with a Djiboutian girl during a community project at an orphanage.





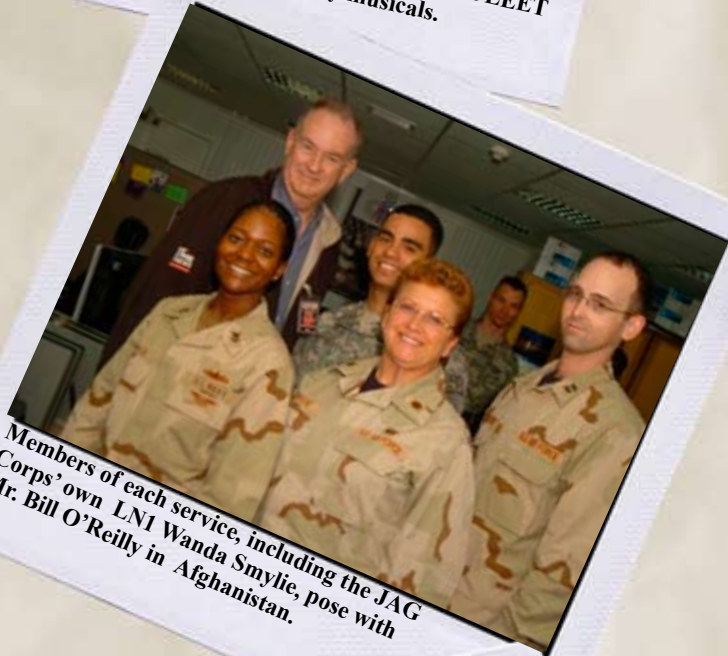
# PHOTOS FROM THE FLEET



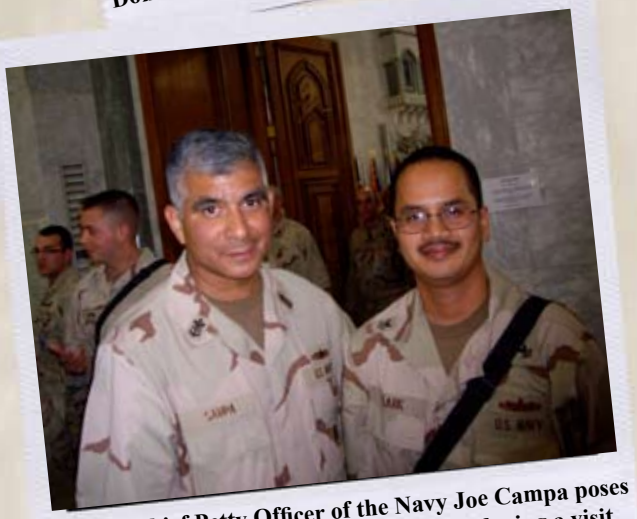

RLSO Japan donned Santa hats for a SEVENTH FLEET Band photo used during their holiday musicals.



LN1 Wanda Smylie, LN1 Richard Cocklin and LN2 Jonathan High from CJTF-82 pictured with the Honorable Donald Winter during his recent visit to Afghanistan.



Members of each service, including the JAG Corps' own LN1 Wanda Smylie, pose with Mr. Bill O'Reilly in Afghanistan.



Master Chief Petty Officer of the Navy Joe Campa poses with LN1 Thanh Clark, from NLSO SW, during a visit to Iraq.



CAPT Hank Molinengo presided over the RLSO MIDWEST change of command, during which CAPT Tammy Tideswell relieved CAPT Dawn Tompkins as Commanding Officer.



LN1 Jessica Nicola displaying her holiday spirit in Afghanistan.





# PHOTOS FROM THE FLEET




NAMARA Marines gather for a celebration ceremony in honor of the Marine Corps 232nd birthday at the Washington Navy Yard.



RLSO EURSWA Leadership Training Symposium in NSA Naples.



LTJG Emily Dewey, NLSO NC, and LT Chris Colby, OJAG Code 63, recently appeared in the McLean Community Players presentation of The Secret Garden.



CJTF-HOA SJA staff: Maj Scott Manning, CDR Barry Harrison, LT Andrew Corbin, Maj Robert Ballenger, LN1 Nita Holliday, Capt Eve Zamora, and AO2 Sherry Kness.



LN1 Rasha Dionne Stewart-Potter and a friendly camel in Iraq.



CAPT Kirk Foster with Australian JAGs in Iraq.



# *Celebrating Black History Month*

## **Brown vs Board of Education**



In the Midwest town of Topeka, Kansas, a little girl named Linda Brown had to ride the bus five miles to school each day although a public school was located only four blocks from her house. The school wasn't full and the little girl met all of the requirements to attend -- all but one that is. Linda Brown was black. And blacks weren't allowed to go to white children's schools.



Special counsel Thurgood Marshall argued that segregation was unconstitutional because it stigmatized African Americans, thereby denying them the equal protection guaranteed by the 14th Amendment. Chief Justice Earl Warren and a unanimous court agreed.



Thurgood Marshall with James Nabrit Jr. and George E.C. Hayes after their victory in the Brown vs Board of Education case before the Supreme Court May 17, 1954.





LNC Kim Roman, LN1 Carole McCoy, GEN David Petraeus and LN2 David Cooper.



Office of the Judge Advocate General  
Public Affairs Office  
1322 Patterson Ave., SE,  
Suite 3000  
Washington Navy Yard, DC 20374-5066