

Report of the
**Judge Advocate General
of the Navy**

to the
**American Bar Association
2015 Annual Report**

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to the American Bar Association
Annual Meeting 2015**

We provide commanders, Sailors and Navy families with targeted legal solutions wherever and whenever required for effective naval and joint operations.

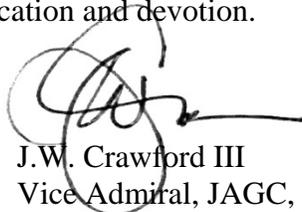
-- JAG Strategic Plan 2025

The Navy Judge Advocate General's Corps provides legal solutions for the full spectrum of Naval operations, from operations at sea and ashore to military justice and legal assistance for Navy and its personnel.

Providing superb legal solutions is our mission today, our ability to execute this mission tomorrow will depend on our commitment to anticipating the future and evolving with it. This year, we updated our strategic plan. **JAG Strategic Plan 2025** reflects the changes and the constants in our practice. The dynamic nature and demands of our practice make the Navy JAG Corps different from more traditional civilian practices. Our updated plan ensures that we are prepared for the challenges of today; and those of tomorrow.

Our three practice areas are our touchstones of excellence: military justice; operational law and command advice; and legal assistance. Senior leadership depends on our legal expertise. Servicemembers and their families trust our expertise for their well-being. As you will read in the pages that follow, these three areas are the essence of our practice and everything we do furthers these specialties.

As with any law practice, the core of our success is found in our people. The JAG Corps legal community is comprised of more than 2,200 active duty, Reserve component and civilian members, with diverse backgrounds and talents, dedicated to our mission of providing solutions, from a military perspective, to the Navy's legal issues, wherever and whenever such solutions are required. These men and women are committed to the mission and our nation. Our legal profession can take great pride in their dedication and devotion.



J.W. Crawford III
Vice Admiral, JAGC, U.S. Navy
Judge Advocate General

Table of Contents

I. INTRODUCTION	4
A. JUDGE ADVOCATE GENERAL	4
B. DEPUTY JUDGE ADVOCATE GENERAL FOR RESERVE AFFAIRS AND OPERATIONS	4
C. NAVAL LEGAL SERVICE COMMAND	4
1. <i>Chief of Staff, Region Legal Service Office and Trial Counsel Assistance Program</i>	4
2. <i>Chief of Staff, Defense Service Office and Defense Counsel Assistance Program</i>	5
3. <i>Chief of Staff, Navy Victims' Legal Counsel Program</i>	7
II. PROGRESS AND ACHIEVEMENTS: JULY 2014 – JUNE 2015	8
A. CIVIL LAW (OJAG CODE 01)	8
1. <i>International and Operational Law (Code 10)</i>	9
2. <i>Admiralty and Maritime Law (Code 11)</i>	10
3. <i>Environmental Law (Code 12)</i>	11
4. <i>Administrative Law (Code 13)</i>	12
5. <i>General Litigation (Code 14)</i>	14
6. <i>Claims and Tort Litigation (Code 15)</i>	15
7. <i>Legal Assistance Division (Code 16)</i>	17
8. <i>Cyber, Information Operations and Intelligence Law Division (Code 18)</i>	18
B. MILITARY JUSTICE (OJAG CODE 02)	19
1. <i>Criminal Law Division (Code 20)</i>	19
2. <i>National Security Litigation Division (Code 30)</i>	25
3. <i>Appellate Defense Division (Code 45)</i>	26
4. <i>Appellate Government Division (Code 46)</i>	27
C. JUDICIARY (OJAG CODE 05)	27
1. <i>Navy-Marine Corps Court of Criminal Appeals (Code 51)</i>	27
2. <i>Navy and Marine Corps Trial Judiciary (Code 52)</i>	30
3. <i>Military Justice Litigation Career Track (MJLCT)</i>	30
D. OPERATIONS AND MANAGEMENT (OJAG CODE 06)	32
1. <i>Personnel Support and Program Administration Division (Code 60)</i>	32
2. <i>Military Personnel Division (Code 61)</i>	32
3. <i>Reserve and Retired Affairs (Code 62/001R)</i>	35
4. <i>Fiscal and Resource Services Support (Code 64)</i>	36
5. <i>Civilian Personnel Management Services (Code 66)</i>	37
6. <i>Technology, Operations, and Plans (Code 67)</i>	37
7. <i>JAG Consolidated Administrative Business Office (JCAB)</i>	39
E. NAVAL JUSTICE SCHOOL (NJS)	39
F. LEGALMEN	43
G. OFFICE OF STRATEGIC PLANNING (OSP)	43
H. KNOWLEDGE MANAGEMENT	45

Table of Figures

Total Number of Cases Pending Appellate Review	30
Accessions for Navy Judge Advocates	34
Military Rank Distribution of Judge Advocates in the Navy.....	35

I. INTRODUCTION

A. Judge Advocate General

On June 26, 2015, Vice Admiral Nanette M. DeRenzi retired and was relieved by Vice Adm. James W. Crawford III as the 43rd Judge Advocate General of the Navy (JAG). JAG provides legal and policy advice to the Secretary of the Navy (SECNAV) and the Chief of Naval Operations (CNO) on legal matters in the areas of military justice, administrative law, environmental law, ethics, claims, admiralty, operational and international law, national security litigation and intelligence law, general litigation, and legal assistance. JAG also serves as the Department of Defense (DoD) Representative for Ocean Policy Affairs (REPOPA). The Office of the Judge Advocate General (OJAG) supports the JAG in exercising his responsibility to formulate and implement policies and initiatives pertaining to the provision of legal services within the Navy. The JAG directs a worldwide organization of 2,241 personnel including 870 judge advocate officers, 444 enlisted legalmen, 379 civilian personnel, 422 Reserve judge advocate officers, and 144 Reserve enlisted legalmen.

B. Deputy Judge Advocate General for Reserve Affairs and Operations

The Deputy Judge Advocate General of the Navy for Reserve Affairs and Operations (DJAG (RA&O)), Rear Admiral Janet Donovan, leads the Navy Reserve Law Program comprised of 27 Navy Reserve JAG units. This includes two Defense Service Office Units, nine Region Legal Service Office Units, five Military Justice Units, three Office of the Judge Advocate General/Civil Law units, and eight Legal Service Command units assigned to the Fleet.

The active component depends on the 422 Reserve lawyers and 144 Reserve enlisted legalmen of the Reserve Law Program for daily operational support. The program's judge advocates and legalmen deliver veteran military skills and unique talents developed through civilian employment. This year marked the 100th Anniversary of the Navy Reserve and the Reserve Law Program took time to reflect on their accomplishments throughout the year with special ceremonies around the world.

C. Naval Legal Service Command

The Deputy Judge Advocate General of the Navy (DJAG), Rear Admiral John G. Hannink commands Naval Legal Service Command (NLSC). As DJAG, he serves as the Deputy DoD REPOPA. As Commander, Naval Legal Service Command (CNLSC), he leads the attorneys, enlisted legalmen, and civilian employees of 14 commands, providing prosecution and defense services, legal services to individuals, and legal support to commands around the world.

1. Chief of Staff, Region Legal Service Office and Trial Counsel Assistance Program

The Chief of Staff, Region Legal Service Office (COS-RLSO) oversees the Navy's nine RLSOs and supervises the Trial Counsel Assistance Program (TCAP). TCAP provides advice to trial counsel, serving as a resource through every phase of pre-trial investigation and court-martial litigation, including charging decisions, theme and theory, motions practice, discovery,

securing and preparing expert witnesses, trial strategy, post-trial matters, compliance with the Victim Witness Assistance Program (VWAP), and professional responsibility.

TCAP is led by a Director, a qualified “Expert” in the Navy’s Military Justice Litigation Career Track (MJLCT) and who previously served as a military judge and Regional Legal Service Office (RLSO) Executive Officer. The Deputy Director, a GS-15 civilian employee, specializes in sexual assault prosecution and victims’ rights and formerly served as a state prosecutor and Director of the National Center for the Prosecution of Violence Against Women. TCAP’s staff also includes one additional judge advocate and one civilian highly-qualified expert (HQE) with significant experience in special victims’ crimes, including child exploitation and computer crimes.

During the reporting period, TCAP collaboratively engaged trial counsel in the Fleet with regular case review conferences and reach-back consultation. TCAP personnel reviewed case details in nearly all general courts-martial prior to trial and provided substantive support in half of those cases. Additionally, TCAP provided counsel to serve as assistant trial counsel on a pre-meditated murder case, as well as a number of other general courts-martial

In the past year, TCAP made ten on-site assistance visits to RLSOs, delivering trial advocacy training and trial process assessments. Further, TCAP personnel conducted outreach training to improve collaboration between trial counsel, Naval Criminal Investigative Service (NCIS) agents, military investigators, and other military justice stakeholders, including Sexual Assault Prevention and Response (SAPR) Program personnel. Outreach included family and sexual violence training at the Federal Law Enforcement Training Center in Glynco, Georgia and participation in the End Violence Against Women international conference.

TCAP personnel routinely served as instructors at Naval Justice School (NJS), including the Basic Trial Advocacy course, Trial Counsel Orientation, Effective Courtroom Communications course, and the Prosecuting Alcohol-Facilitated Sexual Assault course. TCAP personnel leveraged the online teaching resource "Defense Connect Online" to provide easily accessible "webinars" on topics relating to the prosecution of sexual assaults, crimes against children, domestic violence, and working with the victims of these crimes.

2. Chief of Staff, Defense Service Office and Defense Counsel Assistance Program

The Chief of Staff, Defense Service Office (COS-DSO) oversees the Navy’s four DSOs and supervises the Defense Counsel Assistance Program (DCAP).

The DSO mission is to represent Sailors, Marines and Coast Guardsmen before courts-martial, Article 32 hearings, pretrial confinement proceedings, custodial interrogations, boards of inquiry, administrative boards, and other similar proceedings. In locations where defense counsel are not physically present, physical infrastructure and business rules are in place to provide clients with confidential access to defense attorney by IT capability (remote technology).

DCAP is led by a Director who is qualified as a “Specialist II” in the MJLCT. The Deputy Director is qualified as a “Specialist II” in the MJLCT as well. DCAP staff also includes a

civilian HQE. The HQE assists in training and curriculum development and is available to assist defense counsel on complex litigation and sexual assault cases. Through June 12, 2015, that position was filled by a retired Marine Corps lieutenant colonel with more than 30 years of experience as a prosecutor, military judge, assistant federal public defender and civilian military criminal defense attorney. A new HQE will be hired this summer.

DCAP's mission is to support and enhance the proficiency of the Navy criminal defense bar, provide experienced reach-back and technical expertise for case collaboration, and to develop, consolidate and standardize resources for defense counsel. DCAP provides full-spectrum advice and serves as a resource through every phase of pre-trial investigation and court-martial litigation.

Although normally utilized as a reach-back resource for trial defense counsel, DCAP personnel may also be personally assigned to cases at the discretion of COS-DSO. During this reporting period, DCAP personnel assisted detailed defense counsel across the spectrum of trial practice including trial strategy, motions practice, argument development, investigations, discovery, witness and expert assistant requests, voir dire strategies and questions, complex legal research, client and witness testimony preparation, and trial preparation. DCAP personnel were available for on-site visits during trial preparation and were often in the courtroom to assist from "behind the bar" during trial. DCAP also provided advice on post-trial matters and frequently consulted with defense counsel concerning professional responsibility and ethics issues. DCAP's HQE served as an on-site consultant to a trial team in a case involving non-capital charges of pre-meditated murder.

DCAP planned, organized, and executed a wide array of training for defense counsel. DCAP planned and spearheaded the Defending Sexual Assault Cases course sponsored by the Center for American and International Law in Plano, Texas. This course brought together military and civilian experts to provide comprehensive training on defending service members accused of sexual assault. In conjunction with the NJS and the Marine Corps defense bar, DCAP also organized the Defense Counsel Orientation course, which brought together military and civilian defense counsel from all experience levels and was designed to prepare new defense counsel to represent courts-martial clients. DCAP provided training at the Litigating Complex Cases Course at the NJS. Additionally, DCAP assisted commands in sending their counsel to civilian-offered continuing legal education courses, including the National Criminal Defense College in Macon, Georgia and the Bronx Defenders' Academy Spring Training Program.

DCAP assisted COS-DSO in developing the concept and obtaining approval to hire eight defense litigation support specialists to work at DSO headquarters and major detachments. This program is the first of its kind in the Department of Defense and will greatly assist defense counsel in locating and interviewing witnesses, and in evaluating and preparing cases.

Defense Litigation Support Specialists

COS-DSO obtained approval to hire eight defense litigation support specialists to work at DSO headquarters and major detachments. This program is the first of its kind in the Department of Defense and will greatly assist defense counsel in locating and interviewing witnesses, and in evaluating and preparing cases.

To ensure counsel are being well-trained and supported, during the ABA's reporting period DCAP conducted 12 field assist visits around the world, developed video-based training, provided written advisories, and maintained a website for the dissemination and exchange of information between members of the Navy defense bar.

3. Chief of Staff, Navy Victims' Legal Counsel Program

VLC assist victims in understanding and exercising their reporting options, guiding victims through administrative, investigative, and military justice processes, advocating for the victim's rights and interests, and helping their clients obtain access to other support resources. VLCs complement the care and support victims receive through other resources, to include the SAPR Program, the Family Advocacy Program (FAP), VWAP, and other services offered by victim advocates, chaplains, and healthcare providers.

VLC report independently to CNLSC through a senior Navy Captain (O-6) VLC Chief of Staff and a Deputy Chief of Staff (DCOS). In July 2015, the DCOS position, formerly filled by a senior Navy Commander (O-5) was converted to a civilian position.

Twenty-nine Navy judge advocates are assigned as VLC at 24 naval installations around the world, including Annapolis, MD; Washington, D.C.; Oceana, VA; Norfolk, VA; Little Creek, VA; Groton, CT; Mayport, FL; Jacksonville, FL; Pensacola, FL; San Antonio, TX; Great Lakes, IL; Coronado, CA; San Diego, CA; Lemoore, CA; Ventura, CA; Bremerton, WA; Everett, WA; Pearl Harbor, HI; Guam; Bahrain; Naples; Italy; Rota, Spain; Gulfport, MS; and Yokosuka, Japan. Ten Navy yeomen provide administrative support for the VLC program. Additional VLC billets will be added to the program in fiscal year 2016. One billet will be added in Norfolk, VA, the other in San Diego, CA.

Eligible victims entitled to VLC services include Navy active-duty and Reserve personnel, other service personnel and retirees when assaulted by an active-duty Navy member, adult and minor dependents of active-duty Navy members when assaulted by an active-duty member, and some overseas Department of the Navy (DON) civilians. Eligible victims may seek assistance from a VLC at any point following a sexual assault. Victims may contact a VLC directly or through other support personnel including Sexual Assault Response Coordinators (SARC), Victim Advocates, Trial Counsel, NCIS, Staff Judge Advocates, Chaplains, Family Advocacy and medical providers. VLC services are available to victims filing Restricted reports, Unrestricted reports, or declining to file an official report of sexual assault.

VLC form an attorney-client relationship with eligible victims and must comply with the rules of professional conduct. All communications between VLC and their clients are confidential and privileged. Victims are not required to contact or consult with a VLC – the choice remains with the victim. Declining VLC services at the outset does not preclude a victim from requesting VLC services at a later time. VLC support is available in-person and via remote means if necessary, including by telephone, email, and video-teleconferencing.

VLCs provide personal representation advice to victims involved in collateral misconduct connected with a report of sexual assault. Collateral misconduct resulting in administrative processing or court-martial necessitates assignment of a separate military defense counsel.

VLCs provide basic legal assistance services directly connected to a report of sexual assault, including notarizations and powers of attorney. Assistance with more complex substantive matters will be referred to the nearest military legal assistance office.

Since the program's inception in 2013, Navy VLC have aided more than 1330 sexual assault victims, participated in 682 military justice proceedings, and conducted 1444 educational outreach activities for 47,692 personnel.

II. Progress and Achievements: July 2014 – June 2015

A. Civil Law (OJAG Code 01)

The Assistant Judge Advocate General (AJAG) for Civil Law also serves as Commanding Officer, Naval Civil Law Support Activity. This organization is responsible for administrative law matters involving DON; air, sea, space and environmental laws; government ethics; military personnel law; Privacy and Freedom of Information Act (FOIA) programs, including FOIA and Privacy Act appeals under the cognizance of the JAG; domestic and international laws and regulations; and special programs involving cyber operations, intelligence law, and information operations. The AJAG (Civil Law) also is primarily responsible for affirmative and defensive admiralty claims and litigation, civil affairs, investigations, general and military personnel litigation, torts and claims under various federal claims statutes, and legal assistance matters to include legal support to disabled and wounded Sailors and Marines. The AJAG (Civil Law) also serves as one of three Navy Rules Counsel directly supporting the JAG in the implementation and enforcement of the JAG's Rules of Professional Conduct.

During the past 12 months, uniformed counsel from Naval Civil Law Support Activity continued their active support to the Navy's Consolidated Disposition Authority (CDA) advising on accountability actions for Navy personnel implicated in the Glenn Defense Marine Asia fraud investigation. Led by the Department of Justice (DOJ), this matter is the largest, most comprehensive fraud and corruption investigation in the history of the U.S. Navy. As DOJ completes prosecution review of individual cases, the matters are then referred to the CDA for evaluation and possible accountability action within the military administrative and justice system.

Further, Naval Civil Law Support Activity continued an aggressive examination of its organizational structure and manpower requirements. This review resulted in more efficient processes, improved alignment, the re-distribution of uniformed attorney billets across the OJAG enterprise, and the assessment and increase of select civilian employee pay grades. The last initiative, a direct result of sequestration and years of pay and hiring freezes, will ensure pay parity for dozens of civilian non-lawyer staff within the organization. Finally, Naval Civil Law Support Activity developed a plan to combine Navy and Marine Corps disability legal programs into a single DON corporate effort. As a result, DON will increase funding and personnel

support to expand this critical program, which directly services thousands and Sailors and Marines, including wounded warriors, navigating the complex physical evaluation and disability program.

1. International and Operational Law (Code 10)

The International and Operational Law Division (Code 10) continued to provide exceptional legal and policy advice and training on international and operational law issues to the DON, DoD, and the national security establishment. The Division also played a leading role in supporting the DoD General Counsel, the Chairman of the Joint Chiefs of Staff (CJCS) Legal Counsel, the staff judge advocates assigned to combatant commanders and maritime component commanders, and the legal staffs at the State Department and other federal agencies, on complex, sensitive, and often urgent issues of vital importance to the Navy and the nation.

Division attorneys represented Navy at meetings of the DoD Law of War Working Group and contributed extensively to the drafting and review of a DoD Law of War Manual of over one thousand pages. Many years of effort culminated in the approval and publication of the Manual by the DoD General Counsel as the authoritative guide for judge advocates and line officers throughout the Department of Defense. The Law of Manual is available online at: http://www.dod.mil/dodgc/images/law_war_manual15.pdf

The Division also conducted mandatory legal reviews, in compliance with the law of armed conflict and domestic law, for all weapons and weapons systems acquired by the Navy and Marine Corps.

Division attorneys supported JAG in the role of DoD REPOPA by advocating on behalf of the DoD and Navy in interagency meetings and in support of U.S. delegations to the International Maritime Organization (IMO), ensuring U.S. national security equities were well represented. In support of the REPOPA, the Division continued to maintain DoD Maritime Claims Reference Manual (MCRM) to provide current and accurate information. This Manual is a compendium of the maritime claims of more than 150 coastal nations. The Manual is available for public access at: http://www.jag.navy.mil/organization/code_10_mcrm.htm.

The Division continued its global support to Fleet operations and its contributions to Fleet-wide knowledge of international and operational law issues. Division attorneys made presentations on subjects that included the law of armed conflict, the law of the sea, remotely piloted aircraft, and autonomous weapons systems. Education and training presentations for events and organizations included the Naval War College, NJS, Army JAG School, Walter Reed National Military Medical Center, and U.S. Fleet Forces Command. Division attorneys also supported information exchanges and training initiatives with international audiences. A Division attorney led a delegation from the Defense Institute of International Legal Studies to Ljubljana, Slovenia, and provided training on the law of armed conflict, human rights, and rules of engagement. Division attorneys taught on the subject of ethics and autonomous weapon technology development at the Colombian War College in Bogotá, and participated in an operational law conference in Israel. The Division hosted a visit of military officers from the NATO Centre of Excellence for Operations in Confined and Shallow Waters. Additionally, a

Division attorney supported the U.S. Southern Command in a subject matter expert exchange on the law of the sea with Brazilian naval officers.

Division attorneys provided advice on the drafting, negotiation, interpretation, and implementation of international agreements. The Division worked closely with its DoD and State Department counterparts regarding agreements on foreign basing and mutual support matters, personnel exchanges, status of forces, and information exchanges. This international agreement support enabled U.S. naval forces to work more effectively with forces from other nations and increased maritime domain awareness through the sharing of information, personnel, equipment, and facilities with friendly and allied nations abroad. The Division continued to provide guidance on foreign vessel visits to the United States with matters pertaining to immigration and border security. The Division also served as the Navy's representative to the State Department for international agreements and transmitted copies of completed agreements as required by the Case-Zablocki Act (1 U.S.C. § 112b). The Division also oversaw monitoring of host nation adherence to foreign criminal jurisdiction procedures and gathered all required inputs from Navy and Marine Corps commands on the exercise of criminal jurisdiction by foreign tribunals over American personnel.

2. Admiralty and Maritime Law (Code 11)

The Admiralty and Maritime Law Division (Code 11) continued to advise the Fleet and Navy leadership on admiralty and maritime law issues, and operate the Navy's admiralty affirmative and defensive tort claims and litigation office. The Division is responsible for admiralty and maritime law matters, including claims and litigation related to maritime torts, contract, salvage, international law, and maritime legislation and regulations. Internally, the Division is working to increase coordination with uniformed and civilian Navy lawyers in the Fleet to ensure timely and complete investigations and litigation reports, improve training for lawyers in the Division, and strengthen relationships with counsel in other Navy offices and federal agencies that impact the Division's practice and Navy operations worldwide.

The Division's administrative claims and litigation practice carried 464 cases during this reporting period. Affirmative cases included property damage from collisions and allisions with Navy vessels, piers, and other property. Defensive cases included personal injury, death, and property damage occurring on board or allegedly caused by Navy vessels.

In the past year, the Division recovered over \$4.5 million in affirmative administrative claims for damage to Navy vessels and other Navy property. Incidents resolved included a collision between a naval vessel and a civilian supertanker in the Strait of Hormuz, Navy pier damage caused by a cruise ship wake, a commercial shipyard fire causing damage to a Navy vessel, and civilian tugs damaging Navy vessels during port calls and berthing shifts worldwide. Additionally, the Division reviewed or adjudicated almost \$42 million in defensive administrative claims against the Navy, paying over \$34,000 to compensate claimants submitting substantiated claims. Defensive claims included visitor and shipyard worker injuries, damage and injury to civilian vessels and personnel during counter-piracy and security operations, minor collisions and allisions, fishing gear damage, and MWR marina operations. Significant pending defensive cases involve allegations of damage by a Navy vessel to a freeway bridge in

Jacksonville, FL, and the deaths of two contractors during buoy repair operations in Pearl Harbor, Hawaii.

The Division continued to provide direct support to the litigation efforts of the DOJ Aviation and Admiralty Office. A significant pending case involves a suit filed by the family of a commercial fishing vessel master killed during counter-piracy operations. In this case, a District Court decision favorable to the U.S. was affirmed by the U.S. Court of Appeals for the Fourth Circuit. However, the family recently filed a petition for writ of certiorari with the U.S. Supreme Court.

The Division's relationship with DOJ continued to provide our personnel with a unique opportunity to coordinate litigation strategy and work directly with DOJ in defense of the Navy in federal courts. Pursuant to that relationship, the Division assigned one judge advocate as a full-time trial attorney within DOJ's Aviation and Admiralty Office. The assigned officer was involved in litigating a variety of significant cases including an injured civilian diver alleging a negligent Navy rescue at sea operation, foreign visitors injured on board a Navy vessel during a port call, and the estate of a contract shipyard worker who fell through an open elevator shaft on the flight deck of a Navy vessel. Division attorneys continued to interact with Fleet, component, and joint commands, advising on liability, maritime personal injury, property damage, cargo, counter-piracy, sovereign immunity, and unique risks involving civilian personnel on board Navy vessels. The Division provided an opinion on the international navigational rules applicable to unmanned vessels and continues to support the Department of State in joint efforts with the Government of Indonesia to protect a WWII Navy shipwreck in Indonesian archipelagic waters.

The Division also continued to actively support the legislative and regulatory missions of the Navy. The Division assisted the Naval Heritage and History Command (NHHC) in responding to public and federal agency comments on the proposed Navy regulations implementing the Sunken Military Craft Act (SMCA), and provided briefings and information to members of Congress, congressional staff members, and industry representatives. The implementation of the final SMCA regulations will represent a landmark initiative to protect the sites of sunken U.S. military vessels and their remains from exploitation. The Admiralty Division also assisted NHHC in recovering artifacts from a Revolutionary War vessel held by a local government.

3. Environmental Law (Code 12)

The Environmental Law Division (Code 12) provided legal advice and training on environmental, energy, and land use laws to the DON, specifically senior attorneys and decision-makers in Navy headquarters, and uniformed environmental judge advocates.

The Division continued supporting the JAG in the role of Joint Staff Deputy to the White House's National Oceans Council (NOC) and actively participated in interagency NOC Steering Committee Meetings. The Division also participated on the Legal Working Group and the Marine Spatial Planning Working Group as they support Regional Planning Bodies' efforts and the NOC Steering Committee.

Division personnel worked closely with the Office of the Assistant Secretary of the Navy (Energy, Installations & Environment), the CNO's Environmental Readiness Division, and the environmental planning staffs for U.S. Fleet Forces and U.S. Pacific Fleet, working on several environmental planning documents that are part of the second phase of Navy's environmental analyses for critical operational training and testing activities at-sea. The Division also actively participated in several meetings associated with finding efficiencies in environmental planning, and shaping the analysis for Phase Three of Navy's at-sea environmental planning documents. These analyses will help ensure that naval forces can continue to adequately train and prepare for missions into the foreseeable future.

Division attorneys continue to sponsor regular training meetings for uniformed environmental attorneys across the Navy Regions. The meetings keep judge advocates abreast of current changes in environmental law, provide updates on topics of interest to the Department, and provide a forum where regional environmental counselors can discuss emerging issues to ensure continuity across the regions in the continental United States.

The Division continued its multi-year support of JAG in the role of DoD REPOPA and participated in interagency meetings to shape the new Chapter XIV of the International Maritime Organizations Marine Safety Committee (MSC) that will incorporate portions of the Polar Code into the International Convention for the Safety of Life at Sea (SOLAS). This support also involved representing DoD on the U.S. delegation to the 93rd meeting of the MSC that successfully developed SOLAS Chapter XIV applicability language that included Arctic and Antarctic commercial voyages while preserving sovereign immunity for warships and ships owned or operated by a State and only temporarily used on Government non-commercial service.

4. Administrative Law (Code 13)

The Administrative Law Division (Code 13) provided critical legal advice to the DON's most senior leadership, to include SECNAV and CNO, senior uniformed and civilian counsel and other key policy decision-makers in the Department headquarters, as well as Navy commands at sea and ashore.

The Personnel Law Branch (Branch 131) continued to ensure the accuracy and legal sufficiency of documents related to the officer promotion process. Branch 131 processed and reviewed more than 800 Navy and Marine Corps officer promotion board reports and other military personnel law matters. Branch 131 collaborated with attorneys in Headquarters, Marine Corps and the Offices of the Chief of Naval Personnel, CNO, and SECNAV on a broad spectrum of personnel law issues. The branch issued legal opinions in support of litigation against the United States, assisted the Department in implementing new DoD regulations governing commissioned officer promotion selection board procedures, drafted and reviewed legislative proposals, advised the Board of Corrections for Naval Records (BCNR) on complex petitions for relief, and ensured Navy and Marine Corps implementation of force reduction strategies conformed to statutory and regulatory guidance.

The Standards of Conduct and Government Ethics Branch (Branch 132) responded to more than 1,600 field calls and provided opinions to headquarters and field attorneys on a range of subjects including gift acceptance; outside employment; political activities; post-government

employment restrictions; support to non-federal entities; use of government-funded travel; use of government property, personnel, and assets; and the trademark registration and lawful use of military seals, logos, and insignia. Discovering a discrepancy in treatment, the branch filled a void by drafting political activities guidance for the reserve component. The branch managed the Public Financial Disclosure System for 398 active duty and reserve Navy flag officers and provided a legal review of all flag officers nominated for promotion to 3- and 4-star rank.

Additionally, the branch managed the Confidential Financial Disclosure System for personnel assigned to OJAG. The branch developed and provided standards of conduct training programs to judge advocates and other ethics counselors, leveraging distance learning technology to reach a worldwide audience of ethics attorneys. The branch also provided training to non-legal professionals attending career transition seminars, public affairs personnel, flag officer staffs, and reserve officers. To keep ethics counselors informed of current issues in the standards of conduct arena, the branch authored and distributed information via e-mail "Ethics-grams" on such topics as use of government resources, government relations with non-federal entities, and receipt of gifts by government officials. The Division, continued to remain closely aligned with the Navy General Counsel Ethics Program and monitored compliance with the Joint Ethics Counselor Certification and Training Program.

The Legislation, Regulations, Freedom of Information Act/Privacy Act (FOIA/PA), and Disability Law Branch (Branch 133) coordinated legal review and comment on 866 pieces of legislation and more than 266 DoD and DON regulations, directives, and instructions. Acting as the OJAG FOIA/PA coordinator, Branch 133 reviewed, forwarded, and/or responded to approximately 28 FOIA/PA requests and responded to 193 field calls providing advice to commands on the release of information to the media and other requestors. The branch drafted OJAG policy on information sharing for the newly established VLC program, disseminated OJAG policy and best practices on protecting personally identifiable information (PII), developed OJAG policy on new records requirements for appealable FOIA files, prepared high visibility investigations for release under FOIA, and, based on new Secretary of Defense policy reissued and updated OJAG policy on properly labeling documents for classification and future release. Additionally, the branch processed 55 disability appeals and combat-related disability certifications, and 62 Federal Register publications, including Code of Federal Regulations (CFR) amendments.

The Command Authority and Investigations/Military Rights and Benefits/Military Affairs/Professional Responsibility Branch (Branch 134) reviewed and analyzed more than 100 legislative items and regulations affecting military members' rights and benefits. Branch 134 drafted detailed policy reviews on issues ranging from religious accommodation, the free exercise of religion, the Navy's equal opportunity program, military whistle blower protection, novel pretrial agreements and rights forms, and inquiries into the mental health of service members. The branch served as the legal advisor to both the Navy Chief of Information and Chief of Chaplains. Branch 134 also provided advice to judge advocates in the field on various administrative investigations and provided legal support to an internal assessment of security at Navy bases in the United States. Additionally, Branch 134 reviewed "complaints of wrong" filed against superiors (under Article 138, Uniform Code of Military Justice and Article 1150, U.S. Navy Regulations) and final appeals of formal equal opportunity complaints. The branch briefed 70 complaints to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) or

the Deputy Assistant Judge Advocate General (Administrative Law) for final action. Finally, Branch 134 drafted advisory opinions for the Board of Correction for Naval Records and managed the professional responsibility program for more than 1,500 active duty, reserve, and civilian attorneys practicing under the oversight of the JAG.

The Navy Reserve Law Program Administrative Law Unit provided mission critical support to Code 13 during 199 days of Annual Training (AT) and 512 Inactive Duty Training (IDT) periods. The most notable contributions included: processing 47 complaints of wrong; reviewing more than 100 flag officer financial disclosure forms (OGE 278); reviewing 12 personnel law packages; and processing 11 combat related disability appeals.

5. General Litigation (Code 14)

The General Litigation Division (Code 14) provided litigation support to the DOJ for all civil cases except those involving admiralty, common-law torts, and matters reserved to the Navy General Counsel. During the reporting period, the Division defended constitutional challenges to federal statutes; attempts to overturn Navy personnel and other policies and programs; attacks on the legality of Navy/Marine Corps personnel decisions; assorted personnel claims to correct records or obtain pay; and FOIA/PA appeals. The Division also assisted service members and civilian employees obtain official government representation when they were sued for monetary damages in their personal capacity for official actions that allegedly violated another person's constitutional rights – so-called “Bivens” lawsuits or constitutional torts. Code 14 has developed a partnership with its reserve unit that fully integrates the unit into the entire spectrum of their workload.

Division attorneys located evidence and witnesses; drafted motions, memoranda, and other court pleadings; conducted discovery and depositions; and assisted with oral arguments in federal district and appellate courts throughout the country. They successfully defended the Navy and Marine Corps in the vast majority of cases, frequently setting favorable precedent benefitting all of the military departments and the DoD.

During the past year, Division attorneys provided litigation support in excess of 100 lawsuits in federal district courts, courts of appeal, and the U.S. Court of Federal Claims—with potential liability in the tens of millions of dollars. This past year was dominated by high-visibility, complex cases and pre-litigation support, including a lawsuit challenging the DoD policy of gender integration into combat positions, a continuing series of individual and class-action suits by a small group of Navy chaplains alleging violations of the establishment and free exercise clauses of the First Amendment; a continuing class-action suit for additional disability benefits for service members discharged for Post-Traumatic Stress Disorder; and a class-action suit on behalf of disabled Navy and Marine Corps veterans seeking to have their records corrected to reflect that their disabilities as combat zone/combat related.

Perhaps most visibly, the Division coordinated Navy support to federal prosecutors in the trial of pirates seized off the coast of Somalia. This included extensive support in three capital cases arising from the piracy of the sailing vessel QUEST, which resulted in the death of four Americans.

In addition to litigation in which the United States is a party, the Division's attorneys and paralegals responded to almost 300 requests for official Navy/Marine Corps information for litigation purposes. These include subpoenas or other written requests seeking the Navy to release documents or approve witnesses in litigation.

The Division adjudicated approximately 200 FOIA/PA appeals in the past year, constituting about two-thirds of all departmental FOIA/PA appeals. If the FOIA/PA requester seeks relief in federal court, the Division provides litigation support to the DOJ.

The Division also reviewed proposed regulations and legislation related to litigation, and when requested, proposed departmental actions to address litigation risk.

6. Claims and Tort Litigation (Code 15)

The Claims and Tort Litigation Division continued to adjudicate tort claims under the Federal Tort Claims Act, the Military Claims Act, the Foreign Claims Act, the International Agreement Claims Act, and the Non-Scope Claims Act. The Division was also responsible for actions under the Federal Claims Collection Act, the Medical Care Recovery Act, and the Third Party Payers Act, which allow for the pursuit of affirmative claims on behalf of the United States against third-party tortfeasors and insurers for damage to government property and for the recovery of medical costs paid on behalf of active duty members, dependents, and retirees. The Division further administered payments under the Military Personnel and Civilian Employees' Claims Act, which compensates military and civilian employees for loss, damage, or destruction of personal property occurring "incident to service." The Division also provided litigation support to United States Attorneys for claims resulting in litigation.

In the past year, the Division processed more than 4,000 claims against the United States and more than 30,000 affirmative claims against liable parties on behalf of the United States. Collections on affirmative claims for this period totaled approximately \$21 million dollars. In addition, at any given time during this reporting period, the Division managed approximately 150 tort cases in litigation.

The Division continues to process claims pertaining to the contamination of groundwater at Marine Corps Base Camp Lejeune, North Carolina. Since 2000, more than 3,900 administrative claims have been filed under the Federal Tort Claims Act, seeking in excess of \$59 billion (not including one claim filed for \$900 billion). A total of twenty-two federal lawsuits have been filed. Four of these cases have been dismissed, sixteen cases have been centralized in the N.D. Georgia by the Judicial Panel on Multidistrict Litigation (MDL), one case may be subject to transfer after proper service on the United States, and one case is being handled by the United States' attorney's office since it does not allege FTCA claims. On October 14, 2014, the 11th Circuit ruled in favor of the United States in regards to the application of the North Carolina statute of repose to the Camp Lejeune lawsuits. On May 19, 2015 the Plaintiffs' filed a Petition for Writ of Certiorari with the U.S. Supreme Court.

The Division continues to process claims relating to the April 2012 crash of an F/A-18D aircraft into an apartment complex adjacent to NAS Oceana, Virginia Beach, Virginia. The crash resulted in the destruction of 27 of the 64 units in the apartment complex; the remaining 37

units were rendered temporarily uninhabitable until environmental remediation could be completed. Thus far, the Division has paid 70 claims totaling over \$4.1 million. Only one claim remains pending and the Division continues to evaluate this claim with resolution anticipated later this calendar year.

The Division is also processing claims relating to the June, 2014 crash of a Marine Corps AV-8B aircraft into a residential area near El Centro, California. The mishap resulted in the destruction of two homes, property damage to another home, loss of personal property, and damage to numerous vehicles. There was no loss of life and no reported physical injuries. So far, the division paid eight property damage claims with a value of \$240,000, and is in the process of negotiating resolution of seven additional claims seeking approximately \$800,000 in property damage.

The Division provided litigation support to DOJ attorneys, representing DON in federal district courts, courts of appeal, and the Supreme Court of the United States. Significant pending cases include a claim in excess of \$58 million for a damaged experimental airship, a lawsuit filed by a former Guantanamo Bay detainee against several government officials, including current and former Secretaries of the Army, Navy and Defense, and various other high-ranking Army and Navy commanders, and a lawsuit filed by Smithfield Foods, Inc. in regards to the destruction by fire of a factory in Wisconsin (caused by a former Marine launching a stolen flare during a 4th of July celebration).

In June 2014, the Division processed a claim from the Philippine Government for nearly \$2 million for damage caused to a Philippine coral reef (a UNESCO site) due to the grounding of USS GUARDIAN (MCM 5) in January 2013. After remediation and an evaluation of the damage to the reef, SECNAV approved the payment of the claim of the Philippine Government under the Foreign Claims Act. Subsequently, a claim was filed by a private individual alleging damages of \$30 million to the coral reef. Despite repeated requests for substantiation of the damages and justification for standing to file the claim, the claimant failed to respond and the claim was denied.

The Division also coordinated the OJAG Disaster Response Plan at various times throughout the year in response to a wide range of natural and manmade disasters, including power outages at housing caused by Hurricane Arthur in Charleston, SC, Typhoon Neoguri on Okinawa, and Typhoon Dolphin on Guam; the CH-53 mishap in the Gulf of Aden; the emergency evacuation of personnel from Yemen; and the fire damage to personally-owned vehicles and household goods being shipped on the MV COURAGE from Europe to the United States. In each instance, the Division prepared local JAG assets to assist individuals with claims to ensure a coordinated effort to meet the needs of impacted Navy personnel and their families.

Finally, over the past year, the Division continued to evaluate and improve its processes to further collection efforts for the cost of government provided health care from third-party tortfeasors and insurers. As part of this endeavor, the Division's Medical Care Recovery Units have worked to increase coordination with Navy medical treatment facilities, the Defense Health Agency, and other services' claims headquarters MCRA personnel in order to identify and

prioritize cases with a greater likelihood of collection, resulting in a more efficient and productive claims process.

7. Legal Assistance Division (Code 16)

The Legal Assistance Division (Code 16) provided exceptional policy guidance for field and Fleet commands providing personal legal services to active and reserve members of all Services, eligible family members and dependents, military retirees, and eligible DoD civilians. The Division continues to execute two distinct missions: a legal assistance and research function focusing on legal aid and advice in personal civil legal matters for Sailors, their families, and retired personnel; and a Disability Evaluation System (DES) assistance function focusing on advice and assistance to wounded, ill, and injured Sailors and Marines navigating the Navy's disability evaluation system.

Navy legal assistance (LA) providers assisted customers and clients in a variety of personal legal matters, including personal estate planning (wills, powers of attorney, healthcare directives, living wills, and advice on beneficiary designations); family law/domestic relations; consumer law; landlord/tenant law; home ownership and foreclosure; immigration and naturalization; military rights and benefits (including Servicemembers Civil Relief Act and Uniformed Services Employment and Reemployment Rights Act rights); and, legal support for military crime victims.

The Division significantly improved efficiency and effectiveness through the development and implementation of a standardized inspection process to evaluate and improve the operation and management of the Navy Legal Assistance Program. These efforts resulted in a uniform approach to delivery of the highest quality of services across the LA mission. Legal assistance services were available everywhere the Navy has a presence – at sea and ashore, at home and abroad, in-person and via remote delivery mechanisms. Navy LA providers continued to provide comprehensive preventative law and deployment-related outreach briefs to educate service members on their legal rights, responsibilities, and duties, thus enhancing individual and operational readiness. Navy Legal Assistance offices provided 76,487 customers and clients with 192,299 legal services during the reporting period. The Navy Reserve Law Program Administrative Law Unit completed a comprehensive review and update of Navy legal assistance templates utilized worldwide on a daily basis by legal assistance practitioners. The templates provide foundational documents critical to the provision of legal assistance support to the Fleet in high volume practice areas including consumer law; small claims; landlord-tenant matters; family and spousal support; insurance claims; and motor vehicle sales contracts.

Disability Evaluation System support was targeted at nine major Navy/Marine Corps Medical Treatment Facilities (MTF) around the United States and onboard the Washington Navy Yard in Washington, D.C. Through May 31 of fiscal year 2015, 14 Informal Physical Evaluation Board Counsel stationed at major MTFs provided worldwide outreach and personalized disability legal advice and support to more than 9,934 wounded, ill, and injured Sailors and Marines. Additionally, seven active and Reserve Navy and Marine Corps judge advocates and DON Civilian Counsel assigned as Formal Phase counsel aided more than 723 wounded Sailors and Marines in cases under final review by the Formal Physical Evaluation Board in Washington, D.C. The development of online resources, working groups, collaborative exchanges, and an

inaugural DON DES Counsel Training Symposium to promote best practices further enhanced the provision of DES support.

The Code 16 Division also expanded its use of technology to maintain training currency via military legal assistance on-demand courses for LA providers and to enhance delivery of remote client services via web-based communication, including Defense Connect Online – DoD’s enterprise tool for world-wide communication and information sharing through the use of instant messaging, low-bandwidth text chat, and audio/video web conferencing in a secure forum. The Defense Collaboration Services (DCS) will replace Defense Connect Online, which sunsets on June 24, 2015. DCS will perform many of the same functions as Defense Connect Online.

The Division managed and executed a Tax Assistance Program to aid service members and their families with free electronic filing of their more than 14,136 state and federal tax returns at 65 tax assistance centers worldwide. Tax Center managers and staff contributed more than 38,051 man-hours to individual tax assistance, saving personnel an estimated \$884,725 in tax return preparation fees. The Navy Tax Assistance Program is divided into tax centers operated by fleet commands and tax centers operated by JAG legal assistance offices. OJAG Code 16 provides support to both types of tax centers as needed. Fleet operated tax centers can provide either full-service or self-service tax preparation. Navy tax centers operated by JAG Corps personnel have completely converted to self-service tax preparation. If a person eligible for legal assistance under 10 U.S.C. §1044 needs tax assistance beyond the scope of a self-service tax center’s capabilities, that person may schedule an appointment with a legal assistance attorney. The Division continued its cooperation with the Internal Revenue Service and Armed Forces Tax Council in executing the Tax Assistance Program. Additionally, the Navy Reserve Law Program Administrative Law Unit completely revised the All States Tax Guide for Tax Year 2014. This guide is a state by state reference for U.S. military VITA/ELF programs that provides basic information and contact points for each income tax levying state agency. It is widely used by all military services and the Internal Revenue Service for VITA/ELF training at military installations.

Finally, the Division maintained a close relationship with the ABA’s Standing Committee on Legal Assistance for Military Personnel (LAMP) throughout the year. Navy LA providers enthusiastically engaged the ABA Military Pro Bono Project and Operation Stand-By to secure additional support for clients and to advance understanding of various civil law matters. Both programs allow Navy LA providers around the globe to partner with civilian attorney volunteers to assist service members requiring legal assistance services beyond the traditional scope of the Navy LA program. We are particularly appreciative of this outstanding support by the ABA. The Division looks forward to continued engagement with the LAMP Committee, including participation in Committee meetings throughout the coming year.

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

A rapidly expanding area of the law for uniformed practitioners, the Cyber, Information Operations and Intelligence Law Division (Code 18) provided legal and policy advice in the areas of cyber, information operations, and intelligence law matters to the JAG, leadership within the DON, the DoD, and the greater national security establishment.

During the reporting period, the Division expanded and enhanced cyber law training for judge advocates. The Division worked with the NJS to initiate a project to create a self-paced, on-line “Basic Intelligence Law” course designed to establish a baseline level of knowledge for all judge advocates. Also in coordination with NJS, the Division continued to present the “Introduction to Cyberspace Operations” on-line course and live “Information Operation Legal Training” course, both of which were well-attended and well-received by judge advocates and general counsel from all services, and other government agency attorneys. The Division also continued to present its “Advanced Cyber Operational Law” course, which covers U.S. cyber policy, legal aspects of operations, classified capabilities, and briefings from federal agencies involved in cyberspace operations. Taught by judge advocates and civilians in key cyber law positions, the course addresses issues commonly encountered by judge advocates practicing in the field.

The Division continued its work on the creation of a Cyber Law Reference Guide based on the teaching materials from the “Introduction of Cyberspace Operations” and “Advanced Cyber Operational Law” courses. The Cyber Guide will provide a quick-reference tool on cyber law issues for new and advanced practitioners. The Division anticipates publishing the Cyber Law Reference Guide, as well as additional chapters for the Intelligence Law Reference Guide, in fall of 2015.

The Division provided Cyber Law plenary presentations and dedicated break-out discussions at the two JAG Corps training symposia. The Division also provided teaching support to cyber electives/courses at the Army War College, the National Defense University, NJS, and The Army Judge Advocate General Legal Center and School on a regular basis. Throughout the reporting period, the Division continued to provide direct support to active duty and civilian legal advisors involved in Navy cyber, information operations, and intelligence activities. The Division worked with the DoD and Navy Offices of the General Counsel for Intelligence and Office of the CNO staff to provide legal advice, review and oversight of Special Access Programs and a variety of issues regarding international agreements and memoranda of agreement.

An expertise in this practice area is increasingly important. The Division has identified the legal billets where judge advocates are developing a cyber and intelligence expertise. The Division is aggressively implementing and updating training for military lawyers in this dynamic area of law. As technological innovation continues, it will become ever more crucial for military lawyers to stay abreast of all aspects of cyberspace operations, law, and policy.

B. Military Justice (OJAG Code 02)

1. Criminal Law Division (Code 20)

The Criminal Law Division (Code 20) continued to provide military justice policy and SAPR Program advice to the JAG, DON, and individual judge advocates around the world. The Division facilitated the formulation and administration of military justice, criminal law, and SAPR policy and procedures. The Division staffed all amendments to DON, Navy and OJAG

regulations implementing the Uniform Code of Military Justice (UCMJ), to include the Manual of the Judge Advocate General (JAGMAN).

The Division assisted the JAG, CNO, DON, and members of Congress as legislators considered changes to the military justice system in response to continued concern over sexual assault and the role of the commander in the military justice process, increased concern regarding retaliation against victims and witnesses of sexual assault, pretrial investigations, and post-trial convening authority action, and concern regarding registration of military members convicted at court-martial that are required to register as sex offenders. The Division responded to dozens of congressional requests for information and the Division Director provided informational briefings to Senate and House members, staffers, and committees. These efforts ensured congressional awareness and understanding of the Navy's position on matters of congressional concern. The Division also reviewed and revised numerous military justice and sexual assault legislative and regulatory proposals, as well as DON policies and instructions.

The Division Director continued to serve as the Navy representative and voting group member to the Joint Service Committee on Military Justice (JSC), the principal vehicle for staffing amendments to the UCMJ and the Manual for Courts-Martial (MCM). The Division also provided a Navy representative for the joint-service working group supporting the JSC. The JSC drafted an Executive Order (EO) for presidential signature based on changes mandated by the Fiscal Year 2015 National Defense Authorization Act (NDAA), case law, and other necessary revisions. The EO recommended changes to the MCM to align it with federal law and current case law. Executive Order 13696, which was signed by the President on June 17, 2015, implemented significant changes to the Rules for Courts-Martial (R.C.M.), Military Rules of Evidence (Mil.R. Evid.), and punitive articles. The JSC also drafted and published significant changes to the discussion and analysis sections to the R.C.M. and Mil. R. Evid. The EO strengthens crime victims' rights and implements changes to the Article 32 pretrial investigations. The new Article 32 preliminary hearing has a narrow scope and specifically excludes the constitutionally-required evidence exception of the military rape shield rule and the victim advocate-victim privilege

The JSC also responded to requests from DoD and Congress regarding sexual assault in the military, the Crime Victims' Rights Act, victim protections and support, and on issues related to greater protection of new members of the Services, including the need for specific punitive articles related to recruiter/recruit relationships and on combating peer retaliation. Division personnel played major roles in the ongoing JSC Collateral Misconduct Subcommittee (JSC-CM), which is conducting an expedited study of the impact of collateral misconduct on victims of sexual assault. The JSC-CM is conducting nation-wide interviews of victim legal counsel, commanders and their legal advisors, military prosecutors and defense attorneys, law enforcement, and civilian practitioners to determine what policy changes could be implemented to better support victims of sexual assault and ensure their perpetrators are held accountable by the justice system.

The Division assisted in the development of Navy-wide training initiatives on SAPR, to include DON Sexual Assault Prevention and Response Office's (SAPRO) Pre-commissioning, Pre-command, and InterACT SAPR training, as well as SAPR General Military Training and the

Bystander Intervention to the Fleet (BI2F) training. The Pre-commissioning and Pre-command SAPR training provides new officers, and those assuming command leadership roles, necessary training to help prevent and respond to incidents of sexual assault and sexual harassment. The BI2F training focuses on concepts first taught in enlisted advanced skill training (“A” School) and instills the need for intervention and prevention of destructive behavior by utilizing video vignettes and facilitated discussions to engage all service members in educational, face-to-face conversations about many topics, such as alcohol, drugs, fraternization, hazing, sexual harassment, and sexual assault. The Division was also involved in the creation of the new DON SAPRO Commander’s Guide, providing guidance and support to the Navy’s leadership on the topic of responding to sexual assault.

As part of the SAPR Cross Functional Team (CFT), the Division met monthly with Navy’s major stakeholders to discuss SAPR-related policy, training, military justice, and victim services developments across the Fleet.

The Division assisted in preparation of the POTUS Report, a comprehensive report directed by the President detailing major improvements in the prevention of sexual assault through initiatives and military justice reforms. In preparation for this report and subsequent Annual Reports to Congress on Sexual Assault, the Division collaborated with the Twenty-First Century Sailor Office (N17) to develop the Sexual Assault Disposition Report (SADR), which streamlined the process of obtaining accurate disposition data on Unrestricted Reports of sexual assault in the Navy. The Division’s role in data entry and Navy’s program initiatives overview ensured Navy met the deadline for submission of the POTUS Report.

The data input for the POTUS Report was derived from the new Defense Sexual Assault Incident Database (DSAID), a comprehensive database launched in 2013 that tracks and reports sexual assault incidents. In 2014, the Division provided five fully-qualified DSAID legal officers, who personally reviewed and entered over 1,200 SADRs and dispositions of sexual assault cases for fiscal year 2014. In fiscal year 2014, DSAID was the sole source for disposition data on incidents of adult sexual assault for purposes of the POTUS Report as well as the Fiscal Year 2014 Annual Report to Congress on Sexual Assault. The Division continues to participate in the ongoing DSAID Change Control Board whose purpose is to improve and enhance DSAID capabilities.

In 2014, the Division developed and held at Bolling Air Force Base in Washington, D.C. the Sexual Assault Policy for the Staff Judge Advocate (SJA) Course. This two-day course, attended by over 60 SJAs, provided instruction on current legal issues involving sexual assault policy and dispositions facing SJAs advising General Court-Martial Convening Authorities (GCMCAs) and Sexual Assault Initial Disposition Authorities (SA-IDAs).

In September 2014, the Division held its second annual Special Victims Capability Course. This multi-disciplinary course integrated training for legalmen, SAPR and domestic violence victim advocates, and judge advocates. It brought together experts in various related fields to provide a comprehensive review of programs and recent changes. The course trains personnel on how to improve and enhance victim care, victim support, prosecution support, and provides a

comprehensive, integrated and standardized response to allegations of child abuse, serious domestic violence, and sexual assault offenses.

The Division served as Navy's representative to the Judicial Proceedings Panel (JPP). JPP, established in accordance with section 576 of the fiscal year 2013 NDAA, is a federal advisory committee charged with conducting an independent review and assessment of judicial proceedings conducted under the Uniform Code of Military Justice involving adult sexual assault and related offenses since the amendments made to the UCMJ by section 541 of the NDAA for fiscal year 2012 for the purpose of developing recommendations for improvements to such proceedings. JPP submitted its initial report to the Secretary of Defense and Congress on February 4, 2015. The initial JPP report contained eleven recommendations relating to VLC programs, implementation procedures for statutory changes, interlocutory review for victim appeals, expanded eligibility for VLC services, changes to Mil. R. Evid. 412 (rape shield protection) at the Article 32 proceedings, and protection of mental health records. JPP created a subcommittee to study seventeen specific issues related to Article 120, UCMJ, and issues related to coercive sexual relationships and abuse of authority. JPP holds monthly public hearings and its subcommittee holds regular meetings to review aspects under its charter.

Judicial Proceedings Panel (JPP)

Code 20 personnel played a key role in supporting the Judicial Proceedings Panel (JPP), a federal advisory panel established in accordance with section 576 of the FY13 NDAA. Following submission of its initial report on February 4, 2015, Code 20 personnel have worked with the Joint Service Committee on Military Justice (JSC) to effectuate Recommendations of the JPP that impact military justice.

The Division reviewed the decisions of military appellate courts and staffed JAG certification determinations of cases decided by the Navy-Marine Corps Court of Criminal Appeals (NMCCA) for review by the U.S. Court of Appeals for the Armed Forces (CAAF), as well as petitions to the U.S. Supreme Court for a writ of certiorari. The Division staffed command requests for Secretarial designation of general and special court-martial convening authorities, requests to recall reservists for court-martial, and Presidential pardon requests. The Division coordinated requests to immunize civilian witnesses testifying at courts-martial, and provided written opinions to the BCNR. Representatives of the Division also served as voting members of the Naval Clemency and Parole Board.

Supported by the Navy Reserve Law unit attached to Code 20, the Division completed post-trial legal review of 22 courts-martial under Articles 69(a) and (b), UCMJ, and reviewed two petitions for a new trial forwarded under Article 73, UCMJ. The Division also consolidated Quarterly Criminal Activity Report from all Navy commands for use in numerous statistical reports and annual reports to various organizations and agencies.

The Division provided considerable support in the development of domestic violence policy, guidance, and initiatives. First, the Division supported the development and release of the Domestic Violence Incident Count and Consequent Command Actions (DVIC-CCA) plan. The fiscal year 2011 NDAA created a requirement to count domestic violence incidents and their

corresponding command actions. The Division assisted in the development of the plan within the Navy. Second, the Division directly supported the DOD Prevention of and Coordinated Community Response to Child Abuse and Neglect and Domestic Abuse Integrated Project Team (CAN&DA IPT). The CAN&DA IPT is a DOD led, all service, multi-subject area project team tasked with improving DOD's prevention and coordinated community response to child abuse and neglect and domestic abuse. The first of its kind within DOD, the IPT is tasked with developing, vetting, and implementing actionable recommendations concerning 84 ideas to respond to child abuse and neglect and domestic abuse. In coordination with TCAP, the Division coordinated with the multi-service legal working group in the presentation of 16 recommendations to the CAN&DA IPT Executive Steering Committee (ESC) in April 2014. The ESC approved all legal recommendation plans and the Division is now supporting the implementation of the approved recommendations, all of which will have a significant positive impact on DODs coordinated community response to child abuse and neglect and domestic abuse.

The Division provided considerable support for the review, update, and development of DONs Victim Witness Assistance Program (VWAP). The Division led the OJAG review of the DOD VWAP instruction, currently in public comment period in the Federal Register. The Division supported the inaugural Victim Assistance Leadership Council (VALC) with a subject matter expert that assisted on numerous VWAP issues.

The Division provided considerable support for the implementation of the Sexual Assault Registration and Notification Act (SORNA). SORNA requires military members convicted at court-martial to register as sex offenders. The Division reviewed and responded to numerous data calls regarding SORNA, and reviewed and coordinated responses to multiple legislative proposals to amend SORNA requirements within DOD. In May 2015, Senate Bill 178, Justice for Victims of Trafficking Act, was signed into law by the President. The bill contained an amendment requiring DOD to send information on military convicted sex offenders directly to DOJ for use in their sex offender database and website. Although the Department already sends some information on these sex offenders to DOJ, this new law requires additional information on the offenders to be reported and the Division continues to coordinate on the efforts to implement this new requirement.

Military Justice Review Group

Code 20 provided two full time judge advocates to support the Military Justice Review Group (MJRG) and upon release to the services of the MJRG initial proposals, in March 2015, Code 20 played a lead role in the assessment and evaluation of those proposals.

Given the numerous amendments to the UCMJ since the Military Justice Act of 1983, and the changes to the MCM since 1984, in October 2013 SECDEF directed a comprehensive review of the UCMJ and MCM, creating the Military Justice Review Group (MJRG). Three Navy judge advocates, including two from Code 20, are detailed to this effort full-time, joined by colleagues from the other Services and senior civilians, and headed by the Honorable Andrew F. Effron. In March, 2015, MJRG released its recommendations for statutory changes by Congress for initial coordination. This proposal is currently under review by the Secretary of Defense. MJRG's second set of recommendations, relating to executive changes by the President, is expected by September

2015. Division personnel, in addition to the two directly assigned to the MJRG, played a key role in responding to data calls from the MJRG and in the review, evaluation and assessment of the MJRG proposals. The Division has and will continue to work closely with MJRG and the other Services on the proposed statutory changes.

The Report on the State of Military Justice for fiscal year 2014 was issued in February 2015. Division personnel have primary responsibility for assembly of this discussion of Navy-Marine Corps functions overseen by the JAG (Trial Judiciary, Appellate Review Activity, Court of Criminal Appeals, and NJS) and Navy JAG Corps matters, including the performance of the NLSC and its subordinate commands, detachments, and branch offices. This report also served as the Annual Report of the Judge Advocate General of the Navy for Fiscal Year 2014 (CAAF Report) that comprises the Navy's input to the Annual Report of the Code Committee on Military Justice for the Chief Judge of CAAF.

The Division continued to support the development of the Naval Justice Information System (NJIS) through regular participation in the NJIS Board of Governance, support of the Executive Steering Committee, and near weekly subject matter expert technical working group meetings and coordination. NJIS is a web-based information system that will combine data on incidents, investigations, all associated legal and administrative proceedings, and corrections into one system. Once fully implemented, NJIS will be the primary information technology tool used to meet the military justice system reporting requirements and information needs for DON. As a "cradle-to-grave" system, NJIS will provide full-spectrum coverage of any involvement a servicemember has with the DON military justice system – from initial incident to investigation, adjudication, prosecution, confinement, appeal, and release, as applicable. Development and configuration of the military justice modules of NJIS is scheduled to be completed in December 2015, to be followed by the migration from our current information systems to NJIS in early 2016.

The Division provided guidance to the Fleet on many of the issues discussed above through the dissemination of numerous "Sidebars." Sidebars are timely notices to the entire JAGC legal community that are targeted for immediate use by military justice attorneys, military judges, staff judge advocates, and legal support staff. Historically, the Division relied on longer newsletters to provide broad information to the legal community. With the switch to Sidebars, the Division is able to provide immediate and easy to use information and notices of emerging military justice issues and implementation of new legislation through R.C.M.s or Service or Departmental policies. The use of these Sidebars has proved especially useful during this period of multiple changes to military justice.

2. National Security Litigation Division (Code 30)

The National Security Litigation Division (Code 30) continued to serve as the JAG's central point of contact for matters involving classified information and national security cases. The Division worked closely with other agencies in the intelligence community, other Services, and the DOJ to refine the Navy's classified litigation practice, facilitate the use of Navy classified information, and coordinate the litigation of high-visibility cases while protecting Navy information. The Division also reviewed proposed legislation and regulations pertaining to national security matters and interacts with other agencies in the intelligence community. The Division provided extensive investigation and litigation support to commanders, staff judge advocates, trial counsel, and defense counsel. Attorneys from all services sought guidance from the Division on classified litigation and national security matters. Litigation support included processing security clearance requests for court-martial personnel, coordinating requests for classification reviews of evidence, and coordinating the assertion of the classified information privilege under MRE 505, CIPA, and SSPA. Additionally, the Division assisted the DOJ National Security Division on numerous cases involving Navy classified information, often facilitating the use of materials vital to trial, and coordinating contact between the intelligence community, the federal law enforcement community, and DON.

Cases with Classified Navy Information

The Division drafted affidavits to assert the State's Secrets Privilege to protect classified Navy information in support of DOJ, assisted with investigations into Matt Bissonette and Bowe Bergdhal, and was instrumental in the investigation and ultimate conviction of a defense contractor who attempted to pass the blueprints and schematics of the latest aircraft carrier to a foreign power.

During the reporting period, the Division worked on four high-profile cases involving highly-classified Navy and defense information, resulting in the conviction of a defense contractor for attempted espionage, the separation from the service of a Marine officer with numerous contacts to a foreign intelligence service, charges being referred against Sergeant Bowe Bergdhal, the ongoing shepherding of DoD, DOJ and Naval Special Warfare equities in the inquiry and decision to bring charges against former SEAL Matt Bissonette for leaking classified information about the Bin Laden operation in his books and public speaking engagements. The Division supported methodical investigations of a Navy petty officer and a Naval officer for possible espionage, and drafted high-level Navy declarations and affidavits in support of the DOJ Counter-Espionage Division under the Classified Information Procedures Act (CIPA) and the State Secrets Protection Act (SSPA). The Division also joined senior Army Officers and federal law enforcement officials to become a founding member of the Defense Insider Threat Working Group.

The Division refined its specialized training on classified information litigation and national security crimes, streamlining the course and updating it to reflect changes in the MRE and to respond to real-world insider threats. The Division will present the latest iteration of its Classified Information Litigation Course in July 2015. The Division continued to expand its

reach, strengthening ties with FBI, DOJ National Security Division, and NCIS, as well as teaching numerous blocks of instruction to counter intelligence officers at the Joint Counter Intelligence Training Academy. The Division continues to foster relationships within the intelligence community, the other Services, NCIS, and DOJ. This outreach paid significant dividends during the reporting period, bringing awareness of the Division's mission and capabilities to more clients, who have in turn sought the Division's advice and assistance. This continues to improve the Navy's overall handling of matters involving classified information.

Finally, the Division maintains an extensive library of resources and templates, maintaining both an electronic database that enhances research capabilities, and a hard-copy library of significant Navy cases containing classified information. With the assistance of Navy Reserve Law Program judge advocates, a revised Primer for Litigating Classified Information Cases will be released in 2015 and will be a valuable resource for attorneys involved in litigating cases involving classified information.

3. Appellate Defense Division (Code 45)

The Appellate Defense Division (Code 45) represents Sailors and Marines before the NMCCA, the CAAF, the Supreme Court of the United States. All counsel in the Division research and draft briefs, file various pleadings, and present oral argument before these courts. Counsel also occasionally represent clients before the Naval Clemency and Parole Board.

During the reporting period, the Division filed initial pleadings in 333 cases, including 133 briefs, and orally argued fifteen cases at NMCCA. The Division petitioned 105 cases to CAAF resulting in twelve initial CAAF briefs. The Division orally argued eight cases before CAAF. It also petitioned the Supreme Court in one case. The Navy Reserve Law Program unit's attorneys completed in excess of 150 appellate cases docketed with the Navy-Marine Corps Court of Criminal Appeals ranging from special courts-martial military offenses to multiple specification general courts martial.

In addition to providing appellate representation, the Division provides training and assistance to trial defense counsel to improve the quality of defense representation throughout the Navy and Marine Corps. The Division's experienced appellate defense attorneys trained trial defense attorneys during region-wide training on a variety of topics. This interaction improved the quality of practice and strengthened the link between trial defense and appellate defense counsel.

The Division continued its internal training program for appellate attorneys, including inviting an expert in appellate advocacy to conduct in-house training for Division personnel. The Division also maintained a rigorous three-tiered moot court program that leveraged the experience and expertise of the Division's attorneys to enhance performance at oral argument.

The Appellate Defense Division successfully litigated many notable issues this year. These included a due process challenge to the UCMJ's former proscription against consensual sodomy, a test of the First Amendment limits of the UCMJ's new "peeping tom" statute, and an argument to extend *Crawford v. Washington*'s holding to child witnesses at court-martial.

The Division also litigated significant cases on military justice procedure. This included a *stare decisis* defense of the decades-old practice of service Courts of Criminal Appeal remanding cases for sentence-only rehearings, a case recognizing inactive ready reservists' right against self-incrimination when subject to UCMJ jurisdiction, and re-examinations of court-martial membership selection based on existing statutory requirements, and the *voir dire* process. This successful litigation resulted in overturned convictions and sentences in a number of cases, and had wide-ranging implications for future administration of military justice.

4. Appellate Government Division (Code 46)

The Appellate Government Division (Code 46) represents the United States before the NMCCA and the CAAF. The Division Director determines which courts-martial rulings merit interlocutory appeals before NMCCA, and requests certification from the JAG for appeal of cases before CAAF on behalf of the United States. The Division attorneys, Deputy Director, and Director prepare briefs, answers, appeals, and other government filings, and represent the interests of the United States in oral arguments before these courts.

Coordination with other Service appellate divisions continued to enhance the practice of appellate litigation through collaborative practices, including shared case and brief documents. The Division continued to conduct "Joint Appellate Government Directors' Meetings" with other Services, discussing commonalities and government positions before military appellate courts, as well as matters of mutual concern such as victim-witness issues and amicus briefs in support of other Services' appellate litigation.

In coordination with TCAP, the Division responds to trial and appellate questions from Navy and Marine Corps judge advocates worldwide. Over the past four years, the Division continued to share information and litigation documents directly with Navy and Marine Corps trial counsel through shared online folders for instant collaboration on interlocutory appeals, petitions for extraordinary relief, and remands, in addition to facilitating trial counsel motion practice on common issues.

The increasing complexity of legal issues raised in military litigation has been commented on by Chief Judge James Baker in the Spring 2015 Issue of *The Journal of Appellate Practice and Process*. Some of the most interesting and complex litigation involved court-martial member nomination instructions, negligent destruction of trial evidence, military orders implicating self-incrimination, revocation of consent to search, probable cause derived from evidence of other crimes, lesser-included offenses, Article 31(b) warnings for inactive reservists, prosecutorial misconduct, and appellate litigation initiated by victims' legal counsel. The Division filed approximately 154 briefs, answers, and extraordinary writs before the NMCCA and CAAF, conducted 22 oral arguments, and filed approximately 664 pleadings.

The Division was the DoD's first fully paperless military justice office. The Division's SharePoint based site enables, in real-time, worldwide collaboration between active and reserve appellate counsel, and trial counsel. This enables efficient distribution of military justice and specific case information to trial and appellate prosecutors via a web-based discussion board, hyperlinked case "Wiki," and a military justice blog.

The system also enables Division Reserve attorneys to draft and file briefs and provide timely military justice updates to Navy and Marine Corps prosecutors. A joint government website, accessible to trial counsel and appellate government counsel from all Services, offers Department of Defense-wide collaboration for government counsel across the Services and provides Navy and Marine Corps trial counsel access to litigation positions, pleadings, and resources, in a single location.

The Division continued to spearhead its initiative to digitize incoming records of trial. This initiative consists of scanning and bookmarking records of trial on several compact discs and sending only one paper copy by mail to the Navy-Marine Corps Appellate Review Activity. Digitizing the records of compact discs facilitates searchable review by appellate courts, trial, and defense counsel. This practice also saved money and increased the speed and efficiency of appellate case review. Participating offices during the reporting period included Region Legal Service Office (RLSO) Japan; RLSO Europe, Africa, and Southwest Asia; RLSO Mid-Atlantic; RLSO Northwest and Southwest; RLSO Naval District of Washington. On the Marine Corps side, all the Legal Services Support Sections (LSSS) within the Marine Corps participated in the digitization effort: LSSS-East; LSSS-West; LSSS-Pacific; and, LSSS-National Capital Region.

Appellate Counsel provided instruction at the following events: the Sexual Assault Policy for Staff Judge Advocates Course in August 2014; the Marine Corps Trial Counsel Assistance Program training in September 2014 and in February 2015; and, the Navy's JAG Training Symposiums in April of 2015. The Division's "Top Ten Ways to Protect the Record" laminated cards continued to be distributed to the field and served to reinforce the "Code 46 message" how Navy and Marine Corps trial counsel may avoid appellate reversal.

Finally, in fall of 2014, the Division organized the Second Annual Joint Appellate Advocacy Training, which brought together nearly a hundred government and defense appellate counsel from all the Services. The training focused on building appellate litigation skills, as well as discussing trial-appellate-intersection issues and "hot" legal topics. Presenters included Judge Patricia Millett from the D.C. Circuit Court of Appeals; Chief Judge James Baker from the Court of Appeals for the Armed Forces (CAAF); former CAAF Judge Andrew Effron, Director, Military Justice Review Group; Professor Orin Kerr; Assistant to the Solicitor General, Tony Yang; and, Assistant Federal Public Defender Tony Axam.

C. Judiciary (OJAG Code 05)

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

The Navy-Marine Corps Court of Criminal Appeals (NMCCA) (Code 51) entered the year staffed with eight active duty judges, and currently sits at six with two new judges scheduled to report to the court by the end of July. Throughout the year the court kept pace with docketing.

The NMCCA's formal law clerk program was initiated as a pilot program in 2006 and continues to be a tremendous success. The program "graduated" 32 Navy and two Marine Corps judge advocates that were primarily reassigned as appellate government or appellate defense

counsel, and a number have rotated back to operational billets. Two law clerks are assigned to each panel of the court.

The NMCCA released more than 375 decisions during the reporting period. Its decisions addressed a wide array of complex and interesting legal issues, including:

- Whether an appellant was entitled to administrative credit for fourteen days of pretrial confinement spent in a civilian confinement facility;
- Whether a military judge erred when he relied on his own knowledge of “the ways of the world” and “human experience” to conclude that the victim was incapable of consenting to the sexual act;
- Whether assault consummated by a battery is a lesser-included offense of both abusive sexual contact and sexual assault; whether evidence of a sexual offense against a child is sufficient to establish probable cause to search for child pornography;
- Whether the difference in maximum punishments applicable to consensual sexual intercourse prosecuted under Articles 92 and 134, UCMJ, and the maximum punishment applicable to consensual sodomy prosecuted under Article 125, UCMJ, lacks a rational basis and is, therefore, unconstitutional;
- Whether a military judge erred when he instructed the members that they could convict an accused of sodomy even if they found nothing more than that the physical act had occurred;
- Whether a military judge erred by finding that an order to remove religious quotes from the accused’s workspace was a lawful order because (a) the order violated the appellant’s right to freely exercise her religion and (b) the order did not have a valid military purpose;
- Whether a convening authority’s instruction restricting eligibility for court-martial membership by pay grade frustrated the appellant’s right to a properly convened court-martial;
- Whether numerous errors committed during trial denied the accused effective assistance of counsel as guaranteed by the Sixth Amendment;
- And whether a military judge abused his discretion in denying a defense continuance request based upon an inadvertent failure by the Government to provide discovery of certain phone records so as to allow the phone company to respond to a Government subpoena.

Navy and Marine Corps Reserve appellate judges were fully integrated into the mission of the court. During the reporting period, Reserve appellate judges reviewed a large percentage of cases filed in the NMCCA. Reserve judges reviewed 18,409 pages contained in 112 records of trial and recommended appropriate disposition relative to each of those cases.

The NMCCA’s processing times for docketed cases remain well-within the guidelines established by *United States v. Moreno*, 63 M.J. 129 (C.A.A.F. 2006).

The chart below indicates the total cases pending review, for cases in the appellate process.

Total Number of Cases Pending Appellate Review

	June 2011	June 2012	June 2013	June 2014	June 2015
Appellate Defense Division brief not yet filed	79	85	89	84	56
Appellate Government Division answer not yet filed	24	27	27	20	27
NMCCA All pleadings filed	134	69	32	95	63
TOTAL PENDING REVIEW	237	182	148	199	146

The NMCCA heard 16 oral arguments and posted audio from oral arguments on the Navy JAG Corps website (www.jag.navy.mil). Two NMCCA judges continued to serve as appellate judges on the U.S. Court of Military Commission Review.

The court submits all published, authored, and per curiam decisions to West Publishing and LEXIS. These decisions are also posted on the Navy JAG Corps website. Additionally, the NMCCA maintained a Knowledge Center within the Navy JAG Corps' Military Justice Community of Practice on Navy Knowledge Online.

The Court hosted its fourth annual NMCCA Judicial Training course in September 2014. Like the first two years of this top-rated training session (year three focused on internal processing of cases), the court brought two distinguished legal practitioners to the Court for three days to train active-duty, Reserve, and civilian court personnel. Topics included recent developments in search and seizure case law, the role of victim's legal counsel at trial and during the appellate process, statutory construction, collegiality, judicial ethics, the exclusionary rule, and Article 120, UCMJ. In September 2015, NMCCA will host the annual Fulton Appellate Judges' Conference at the Federal Judicial Center.

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

The Navy-Marine Corps Trial Judiciary (NMCTJ) is organized into eight judicial circuits around the world, with twelve active duty Marine Corps judges and eleven active duty Navy judges. The trial judiciary is supported in a significant percentage of its cases by Reserve units from both Services, with nine Reserve USMC trial judges and nine Reserve Navy trial judges. Trial judges are stationed throughout the world, typically in Fleet and Marine force concentration areas and travel as required to worldwide locations to conduct trials. In locations with no resident trial judge, the trial judiciary frequently relies upon Reserve military judges to meet the case load demand. Reserve component judges traveled worldwide to preside over approximately five percent of the NMCTJ caseload to ensure courts-martial convene without delay.

During the past year, judges presided over 993 initial arraignments: 301 general courts-martial (GCMs) and 692 special courts-martial (SPCMs). About 300 (30%) of the cases did not

go to trial, and were either alternatively disposed, withdrawn, or dismissed. Of the 692 cases that went to trial approximately 41% (286) were contested cases. Those contested cases resulted in 127 acquittals (44%).

Although the overall caseload at the trial level continued a slight decline from the past year, the trial judiciary is presiding over a markedly higher proportion of contested cases and felony cases than in years past. Managing much higher percentage of sexual assault cases, the trial judiciary routinely confronts a robust and challenging motions practice, with issues ranging from the disclosure of victims' mental health records to the appointment of expert consultants or expert witnesses. The number of misdemeanor-level cases (SPCMs) continued its sharp decline, as did the percentage of guilty plea cases. As a result, trial judges now preside over fewer cases in the aggregate, but spend roughly as much time in court in lengthy pretrial motions sessions and in fully contested trials.

Over the past year, the trial judiciary continued to confront novel and challenging issues arising from the maturing role of Victims' Legal Counsel (VLC) and from other provisions of the fiscal year 2013-15 NDAA's. Our trial judges now routinely confront and rule upon multiple motions in every trial that relate to victims' privacy rights, their privileged communications with their victim advocates or with their psychotherapists, and their discovery rights as third parties in the courtroom.

To address the quickly-developing role of VLC and questions arising about the scope of their representation, the NMCTJ issued new Uniform Rules that specifically delineate the parameters of practice for VLC within the courtroom. Issued on March 1, 2015, the Uniform Rules provide critical guidance to VLC and other courtroom participants on numerous issues, including when and by whom VLC should be notified of important trial milestones, what accommodations should be made for VLC in pretrial sessions, when VLC should be included in R.C.M. 802 conferences, and how VLC may exercise their clients' right to be heard and to present evidence.

In February 2015, the NMCTJ hosted the Joint Military Judges' Annual Training onboard Naval Station, San Diego. Over 100 military judges from five uniformed services attended the three-day seminar, which included two days of lectures from National Judicial College instructors and a day of training from DoD subject matter experts. Several hours of training were dedicated to an overview of the legislative changes focused on sexual assault cases, and the ongoing implementation of NDAA requirements in the courtroom.

Finally, three judges are assigned to serve the Office of Military Commissions Trial Judiciary, as needed, to preside over cases at Guantanamo Bay, Cuba. One of those three judges is currently detailed to a case, and traveled frequently to Guantanamo Bay over the past year for ongoing pretrial motions.

3. Military Justice Litigation Career Track (MJLCT)

The Military Justice Litigation Career Track (MJLCT), instituted in May 2007, was designed to identify, develop, and retain judge advocates with significant military justice knowledge and litigation skills. The track develops litigators who are more capable of prosecuting and

defending complex, high-visibility cases, and provides better mentorship for junior litigators. During the reporting period, the MJCLT community welcomed seven new members as specialists. The community now includes 74 members. After just 8 years, the community has produced a flag-select who serves as an Assistant Judge Advocate General, commanding officers, executive officers, headquarters division directors, and senior litigation supervisors across the globe.

D. Operations and Management (OJAG Code 06)

1. Personnel Support and Program Administration Division (Code 60)

The Personnel Support and Program Administration Division (Code 60) provided administrative support and oversight to 14 Echelon III commands in a variety of areas, including command indoctrination and sponsorship, disaster preparedness and family accountability, medical and dental readiness, Command Individual Augmentee Coordinator reporting, and safety readiness reporting.

As of fiscal year 2015, Code 60 was responsible for reporting the status of Service Treatment Records (STR) to the Bureau of Medicine (BUMED) for OJAG and NLSC military personnel retiring and separating pursuant to CNO's direction (NAVADMIN 187/14). The STR report was submitted quarterly and captures the status of OJAG Headquarters' and NLSC's 14 Echelon III commands' medical and dental records. Code 60 provided guidance, coordination and oversight to the Ombudsman program for OJAG and NLSC.

Code 60 was responsible for OJAG's internal mail program with a full time mail courier and a controlled mail room. The Command Pass Coordinator, also located in Code 60, liaised with the Personnel Support Division and was responsible for submission of personnel packages, which includes retirement packages, overseas screening packages, Page 2 updates, and transfer packages. The Division Director continued to be the Command Climate Specialist for NLSC and provided Military Equal Opportunity Program oversight to and accountability for 14 Echelon III commands and one Echelon II command (NLSC). Code 60's Division Director was also the OJAG Records Manager, implementing and supporting the OJAG records management program.

The Division Director continued to act as the Security Manager for OJAG and NLSC, managing the command security program, providing oversight and guidance to JAG Consolidated Administrative Business Office's (JCAB) security staff and 14 Echelon III commands. The Division Director coordinated clearing of all civilian defense counsel and civilian witnesses participating in legal proceedings that include classified material.

The Division Director provided security guidance on legal proceedings that involve classified material to include areas such as closing of courtrooms for classified hearings, handling and storage of classified material during proceedings, and confirming all personnel involved in proceedings are cleared at the appropriate level.

2. Military Personnel Division (Code 61)

The Military Personnel Division (Code 61) continued to manage recruitment of Navy judge advocates, implementing the JAG's diversity initiatives, and conducting military manpower management and planning.

During the reporting period, the Division managed the recruiting program for Navy JAG Corps headquarters and NLSC commands. Navy JAG Corps recruiting personnel made contact with every ABA-accredited law school and attended regional and national diversity legal job fairs, conferences, and conventions, including events sponsored by the National Bar Association, the National Black Law Students Association, the Hispanic National Bar Association, the National Latino/a Law Students Association, the National Asian Pacific American Bar Association, the National Asian Pacific American Law Students Association, the National Conference of Women's Bar Associations, and the National LGBT Bar Association. Focus areas of the recruitment program included the accession process and student loan repayment initiatives.

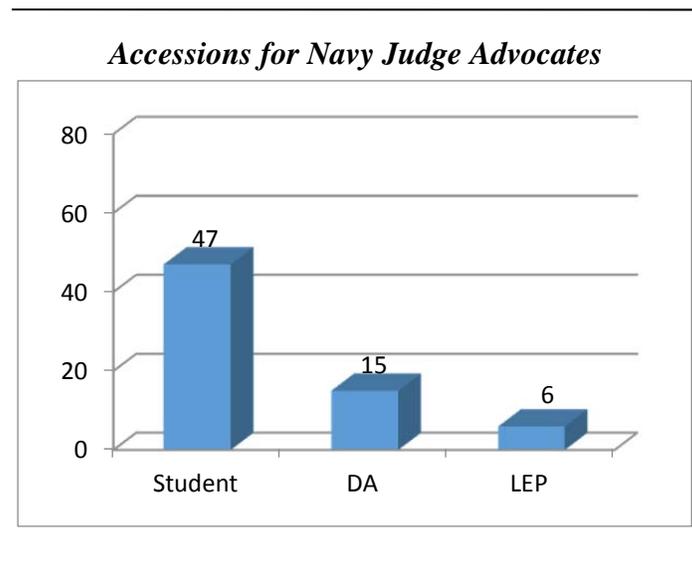
The Navy JAG Corps Student Application Program (for second- and third-year law students at ABA-accredited schools) and Direct Appointment Program (for licensed attorneys with a juris doctor from an ABA-accredited school) continued to be the primary sources of officer accessions in the Navy JAG Corps. The JAG Corps received 584 applications in fiscal year 2015.

The application process includes an online application and an interview with two judge advocates. This year, changes were made to the selection process designed to foster more thoughtful consideration of applicants and ensure selection of a diverse team of highly qualified applicants.

The remaining officers accessed into the community are selected through the Law Education Program (LEP). Beginning in fiscal year 2018, the JAG Corps will also assess officers through the In-Service Procurement Program (JAGC IPP).

The LEP provides the Navy JAG Corps with a cadre of lawyers who already possess experience as naval officers. Officers who transition to the JAG Corps via LEP are chosen by a competitive selection board and receive a fully-funded law school education. The JAGC IPP provides active-duty Navy enlisted personnel, with a bachelor's degree, a similar opportunity for a fully-funded law school education with follow on service as a Navy judge advocate.

The chart below reflects the number of officers who were accessioned into the Navy JAG Corps through the three accession sources in fiscal year 2015.



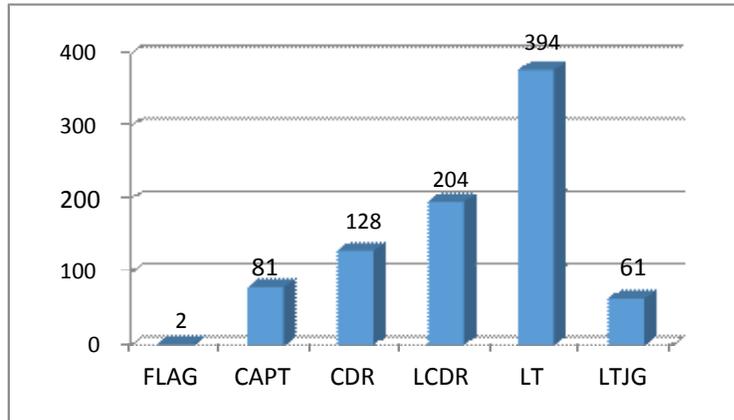
Internal studies show that Navy Judge Advocate Continuation Pay (JACP) remains a powerful incentive program to address high student loan debt. It is a vital recruiting and retention tool and the only incentive pay program for Navy judge advocates. The average student loan debt for new accessions to the JAG Corps is nearly \$150,000. Eighty-four percent of junior officers (generally within their first six years of practice) report having student loan debt averaging nearly \$120,000. Survey results continue to indicate that Navy judge advocates are taking advantage of the debt management options under the College Cost Reduction Act and rely heavily on the Public Service Loan Forgiveness program’s promise of student loan relief in exchange for ten years of qualifying payments while serving on active duty.

To provide further professional development for judge advocates, the Navy JAG Corps provided an opportunity for eligible officers (lieutenant through commander) to obtain fully funded formal education beyond the Juris Doctor (J.D.). This program supports specific Navy requirements for specialized education in critical practice areas, including environmental law, international and national security law (including cyber law), and advanced trial advocacy.

Of the officers enrolled in funded postgraduate legal education, most obtain Masters of Law (LL.M.) degrees from ABA-accredited civilian institutions throughout the country; the remaining officers receive their LL.M. degrees from the Army JAG’s Legal Center and School co-located with the University of Virginia School of Law in Charlottesville, Virginia.

The Military Personnel division assisted JAG Corps leadership to evaluate manpower needs to meet current and future mission requirements. The following chart illustrates the military rank distribution of active duty judge advocates as of June 2015.

Military Rank Distribution of Judge Advocates in the Navy



Several active duty judge advocates and legalmen are currently deployed in direct support of operational forces. Eight personnel are deployed Afghanistan, two to Guantanamo Bay, and two to Bahrain.

In May 2008, the Deputy Secretary of Defense announced that military commissions were a national priority. The Navy legal community currently provides 12 active duty judge advocates and 13 active duty legalmen to the Office of Military Commissions (OMC). Officers serve as trial counsel, defense counsel, and commission clerks, while legalmen provide critical paralegal support. Additional Navy Reserve personnel also support OMC as outlined below.

3. Reserve and Retired Affairs (Code 62/001R)

The Navy Reserve Law Program (NRLP) was a force multiplier in support of our legal mission. Each Reservist provided a minimum of 38 days of support per year, but many serve for longer periods in order to support contingency operations, national emergencies, and additional requirements.

The Navy Reserve Law Program implemented a change of designator program in FY14. The goal of the program is to leverage the unique expertise and civilian skills of our reservists to enhance future mission readiness. To date, seven career-motivated Reserve officers with law degrees, bar licenses, and demonstrated sustained superior performance have changed designator to Judge Advocate General's Corps (2505). These officers have brought a wealth of military experience and civilian legal expertise to the reserve JAG Corps. Selectees came from various designators (surface warfare, aviation, Information Dominance Corps and intelligence) and include a former Brooklyn, New York Assistant District Attorney, an Assistant United States Attorney, a Department of Justice attorney and civilian law firm associates. Three have already volunteered for three-year active duty recall orders to fill critical JAG billets to include one officer who will be utilizing her civilian experience as a prosecutor to assist military sexual assault victims as a Victims' Legal Counsel.

Since September 11, 2001, Reserve judge advocates and legalmen have performed more than 441 deployments as individual augmentees to military operations in Afghanistan, Iraq, Kuwait, Guantanamo Bay, the Horn of Africa, and Bahrain. Currently, 25 Reserve judge advocates and 14 Reserve legalmen are deployed, and another 29 Reserve judge advocates and legalmen are on long-term active duty “recall” or “active duty for special work” assignments.

Members of the Navy Reserve judge advocate community provide significant support to the OMC, working in defense and prosecution, as well as with the convening authority. The NRLP assigned 12 personnel to OMC, all of whom are mobilized on long-term active duty (seven officers and five legalmen). The depth of litigation experience resident in the Reserve legal community lends itself to these high-visibility cases.

Additional highlights of contributions the NRLP provided throughout the Fleet during this past year:

- NR DSO West legal unit received the 2014 Rear Adm. Hugh H. Howell Jr. Award for Excellence for Best Unit, West Coast. The unit provides the highest quality legal representation to Reserve military service members at administrative separation boards and boards of inquiry, in addition to providing advice to active duty and Reserve service members on defense-related topics such as non-judicial punishment.
- NR RLSO Southeast (SE) legal unit received the Rear Adm. Hugh H. Howell Jr. Award for Best Unit, East Coast for providing maximum contributory support to RLSO SE across the entire spectrum of the RLSO mission-set including command services, military justice and legal assistance.
- Commander Rebecca Snyder was awarded the Judge Advocates Association’s 2015 Outstanding Career Armed Service Attorney for her 16 years of dedicated active duty and reserve service, providing legal services within the U.S. armed forces and advancing military justice and the rule of law in developing nations.
- One 365-day ADT Support (O-3) to the Military Justice Review Group.
- VLC program Reserve Sailors continue to provide key support to a critical mission. The Navy VLC Program including, 11 Reserve judge advocates, provides victims of a military sexual offense with a dedicated attorney to help victims understand the investigation and military justice process, guard their legal rights and interests, and obtain additional support in accessing resources that may assist in their recovery.

4. Fiscal and Resource Services Support (Code 64)

The Fiscal and Resource Services Support Division (Code 64) continued to formulate and execute the budget and provide management support for the procurement of equipment, supplies, training, and services. The Comptroller served as a Special Assistant to the Judge Advocate General and was responsible for financial management and related operations.

In October 2014, the lapse in appropriations led to a significant slowdown in providing required facility security upgrades, a reduction in professional training, and a decrease to mission essential travel. Throughout the year, travel and training were significantly reduced in an attempt to conserve funds. NLSC maintained essential travel associated with the provision of

legal assistance to Sailors and their families. Travel for courts-martial continued to be funded by convening authorities.

Finally, the DoD's Financial Improvement and Audit Readiness (FIAR) initiative is on-going and the Division continues to expend significant time and effort on FIAR. The Department first issued FIAR guidance in 2005. The National Defense Authorization Act of FY2010 implemented the Department-wide plan for achieving FIAR objectives. . The FIAR initiative is on-going and Code 64 continues to expend significant time and effort on FIAR requirements. To assess the level of FIAR compliance, the Department has procured the assistance of an outside auditor to perform an audit to the Statement of Budgetary Resources, with results expected in December 2015. As a result, Code 64 continually reviews all financial processes and ensures they meet the latest FIAR guidance.

5. Civilian Personnel Management Services (Code 66)

The Civilian Personnel Management Services Division (Code 66) continued to classify civilian employee position descriptions, coordinate hiring actions, manage time and attendance, administer civilian training, and work with Code 64 to manage civilian payroll to include awards distribution. The past year was particularly challenging for Code 66 and civilian hiring due to several manpower shortages within the Division. However, a new Division Director was hired in December 2014 and a new Deputy was hired in April 2015.

In order to maximize the labor funds allotted to OJAG and work as efficiently as possible, Code 66 teamed up with DON/AA Human Resources Office (HRO) and CNO HRO to prepare a civilian hiring plan. This plan filled the most critical billets as quickly as possible and to focus the remaining labor funds where they would have maximum impact.

The Division successfully oversaw the fiscal year 2014 performance and review board (PARB), designed to fairly review all civilian employees and award bonuses to those who excel.

Finally, the Division received approval to convert the tuition reimbursement program to the tuition assistance program, and it will be available across the enterprise in fiscal year 2016. This program will ensure our civilians are able to continue their education making our workforce better able to meet its mission.

6. Technology, Operations, and Plans (Code 67)

The Technology, Operations, and Plans Division continued to work to unify three systems into a single system named the JAG Enterprise System (JES): the Case Management Tracking Information System (CMTIS), the Claims and FOIA Management System (CFMS) and the JAG Personnel (JAGPERS) System. This merger will streamline system oversight and provide more transparency under DoD system reporting requirements. The Division worked with the DON, Assistant for Administration (DON/AA), to integrate smaller databases into the soon- to-be merged JES system as new modules. The Division also worked with the Department of the Navy Chief Information Officer (DON-CIO) to migrate the NJS's network away from Training Network (TRANET), part of the Naval Education and Training Command (NETC), to a new,

Navy-approved, cloud-based commercial solution. This was accomplished with the help of Space and Naval Warfare Systems Command (SPAWAR) and the Office of the Chief of Naval Operations (OPNAV). The NJS initiative will be the pilot program for the Department of the Navy's effort to find more efficient and cost-effective commercial solutions for managing unclassified media and information to enhance the provision of legal education and training. The commercial cloud solution will provide expanded capabilities for resident and distance learning, and educational opportunities, putting us on par with the world's most advanced educational institutions. This initiative will provide greater cost-effectiveness over maintaining organic capabilities and provide greater flexibility regarding access to materials and collaboration between students, instructors, and other .edu and .org institutions worldwide. It will permit NJS to leverage commercial IT innovation and system upgrades to continually improve its educational platforms and provision of legal training. This initiative will also bring wireless connectivity for students and staff, allowing students to bring their own device (BYOD), further reducing costs and providing a more user-friendly and familiar IT environment to NJS students

The Division was involved in the effort to transition the Navy to the new incident based Naval Justice Information System (NJIS) tracking system. The Division is responsible for creating the VLC, Legal Assistance (LA), and Judicial Action (JA) modules of NJIS, and for assisting in the development of the Command Action (CA) module. The CA module will track an incident as it moves through the command of an accused resulting in either no action; administrative action; or judicial action. If judicial action is the outcome, then the incident will become a military justice case in the JA module with charges preferred and potentially referred to courts-martial. The VLC section will allow all VLC to track and manage support provided to qualified victims of crime. The LA module will track legal assistance services provided to service members and their families. The JA module will meet the congressionally-mandated requirement to implement a common military justice case tracking system for both the Navy and Marine Corps.

The Division continued to manage the NLSC Physical Security program through ongoing coordination with NCIS's Security Training, Assistance and Assessment Teams, comprised of physical security specialists that conduct security assessment at the RLSOs and DSOs. The results of the NCIS assessments of NLSC physical security are used to identify cost-effective security enhancements. NLSC, in collaboration with Commander, Navy Installations Command and Region Commanders, has made substantial progress in risk reduction at all facilities, including courtrooms, by: identifying vulnerable areas through security risk assessments; installing metal detectors, closed-circuit monitoring, access controls, duress alarm systems, and improved entry control points; obtaining the services of trained security personnel to conduct personnel screening for court proceedings; conducting courtroom security drills and unannounced security inspections, and tests of security systems. Previously identified deficiencies have been corrected, with only one courtroom facility (Guam) currently requiring a waiver until its deficiency is resolved by the close of fiscal year 2015. OJAG has a permanently assigned Navy Civil Engineering Officer on staff to ensure the most efficient and effective implementation of security-driven facilities projects and upgrades through coordination with Navy Installations Command, Naval Facilities Engineering Command, and hosting Region Commanders.

Although no serious incidents have occurred in recent years, we are ever mindful of the need for sound security processes. To that end, our request for additional civilian personnel to ensure security standardization at the four major Navy courthouses was approved and these additional personnel are funded beginning in fiscal year 2016.

Code 67 and their Navy Reserve Law Program unit planned and administered a four-day JAG training symposium on the east and the west coast, which brought together judge advocates from around the world to learn about important topics to the military's legal practice. It received high praise from attendees and was valuable to the Navy's law practice.

7. JAG Consolidated Administrative Business Office (JCAB)

The JAG Consolidated Business Office (JCAB) is in Bremerton, Washington. JCAB continued to provide centralized services to OJAG/NLSC HQ and all 14 NLSC commands in the areas of government travel, purchasing and supply, and personnel security. JCAB continued to employ a small, highly experienced cadre of subject matter experts to provide services to our enterprise worldwide.

During the reporting period, two major evolutions occurred at JCAB; all of OJAG HQ travel and purchasing were transferred to JCAB. OJAG's travel program to include Defense Travel System (DTS) and the Government Travel Credit Card (GTCC) consists of 85 commands, detachments, and branch offices.

JCAB also expanded the scope of its services significantly by assuming contracting responsibilities for purchases under the Simplified Acquisition Threshold (SAT) for OJAG and NLSC. This new responsibility resulted in the transfer of additional personnel from Washington, D.C. to Bremerton, WA.

E. Naval Justice School (NJS)

Headquartered in Newport, Rhode Island, with teaching detachments in San Diego, California, and Norfolk, Virginia, and a branch office in Charlottesville, Virginia; the NJS continued to oversee the formal training and education of Navy, Marine Corps, and Coast Guard judge advocates and enlisted legal personnel to ensure career-long professional development and readiness. NJS provided comprehensive formal training and education to all sea service judge advocates and other legal personnel, trained commanders and senior officers in the practical aspects of military law to enable them to perform their command and staff duties, and trained senior enlisted leaders and other officer and enlisted personnel to assist in the sound administration of military justice, administrative law, and operational law.

All Navy, Marine Corps, and Coast Guard judge advocate accessions received instruction on the fundamentals of military law at NJS' Basic Lawyer Course (BLC). During the reporting period, NJS graduated three BLC classes with 141 new sea service attorneys. The 10-week BLC included training in legal assistance, administrative law, military justice, trial advocacy skills, and international and operational law.

The BLC provided students with operational context for legal issues using throughout the course a single overarching fact pattern based on an Amphibious Ready Group/Marine Expeditionary Unit/Law Enforcement Detachment (ARG/MEU/LEDET) deployment cycle. The course moved through the pre-deployment, deployment, and post-deployment phases, with real world operational facts “injected” by the notional chain of command (i.e., the instructors). Throughout the course, students encountered legal issues as they would arise organically in a real deployment cycle. The operational context assisted with student comprehension and retention of the material.

The Legalman Accession Course served as the foundation for the Navy JAG Corps’ paralegal professional development program. It is taught by enlisted paralegal instructors and officer judge advocate instructors who also serve as Roger Williams University (RWU) adjunct faculty, allowing students to receive ten ABA-approved credit hours toward a paralegal degree. RWU awarded credits for following four courses completed in the last six weeks of accession training: Legal Ethics, Introduction to Law, Emerging Technologies, and Legal Research and Writing I. The first five weeks of the curriculum covered military-specific topics to prepare the students for their first tour as legalmen. This period, the course graduated 30 students. Another 31 are on track to graduate in August 2015.

The Legal Services Specialist Course provided accession-level training to junior enlisted Marines seeking the Military Occupational Specialty of Marine Corps Legal Services Specialist. The curriculum of this 11-week course consisted of training in military justice, post-trial review, and legal administration.

NJS provided the Coast Guard Legal Tech Course to personnel in the yeoman rating selected to perform legal tech duties at a Coast Guard legal office. This two-week in-resident course provided training in the preparation of legal forms, reports, claims, service-record entries, nonjudicial punishment, administrative separations, Westlaw, drafting charges, FOIA, and court-martial procedures. The course incorporates an additional mandatory online prerequisite to deliver basic knowledge and establish a baseline among the students for the in-resident portion.

Senior Officer Course

NJS has developed a new and better way to deliver relevant material to the Senior Officer Course. After conducting a careful internal review of the learning objectives for the course, Team NJS developed a series of fact patterns containing issues relevant to each of the courses learning objectives. Class members, with the help of instructors, work through identifying and resolving the issues raised by the fact patterns as a class or in small groups. Instructors will drive class members' involvement, sharing with them the left and right lateral limits (i.e., law and policy) within which a commander has freedom of movement. By asking class members to perform in a role as they would in real life (i.e., as Commanding Officer, Executive Officer, or Officer in Charge), rather than sitting through hours of lecture based instruction, the hope is that members will be more engaged in learning and thus more readily able to retain and work with the information provided. Additionally, this will allow those members with command experience to share lessons learned with those serving in a major leadership role for the first time. The new Senior Officer Course delivery method is being piloted during the last week of June 2015.

The NJS training opportunities included professional development courses for sea service judge advocates, enlisted personnel, and civilian legal professionals to maintain competency in the core capability areas for legal services. NJS provided continuing legal education and training to 614 judge advocates and 99 enlisted and civilian legal professionals around the world. More than 315 judge advocates earned Continuing Legal Education credits by taking NJS courses. Continuing Legal Education courses offered during the reporting period included:

- Basic Trial Advocacy
- Naval Legal Service Command Prospective Commanding/Executive Officer Course
- Advanced Staff Judge Advocate Course
- Advanced Cyber Operational Law Course
- Law of Naval Operations
- Information Operations Law Training
- Trial Counsel/Defense Counsel Orientation (2 offerings)
- Law of Military Operations
- Staff Judge Advocate Course (2 offerings)
- Legal Assistance Refresher
- Legal Assistance for Paralegals
- Senior Legalman Leadership Course
- Paralegal Research and Writing Course (3 offerings)
- Legal Ethics for Paralegals (3 offerings)
- Prosecuting Alcohol-Facilitated Sexual Assault Cases
- Defending Sexual Assault Cases
- Coast Guard Legal Tech
- Professional Development Officer Course
- Rules of Engagement (Distance Learning)
- Post-Trial Procedures (Distance Learning) (2 offerings)
- Ethics for the SJA I (Distance Learning, 2 offerings)
- Ethics for the SJA II (Distance Learning, 2 offerings)
- Law of the Sea (Distance Learning)
- Law of Armed Conflict (Distance Learning)
- Introduction to Cyberspace Operations (Distance Learning)
- Ethics for the Trial and Defense Counsel (Distance Learning)
- Legal Services Court Reporter Course (2 offerings)
- Legal Services Post-Trial Review
- Legal Services Military Justice
- Legal Services Administrative Law
- Legal Services Board Recorder
- Navy Reserve Law Program Judge Advocate Training (2 offerings)
- Mid-Level Legalman (Distance Learning, 2 offerings)
- Litigating Complex Cases
- Advanced Operational Law
- Advanced Courtroom Communications
- Classified Information Litigation.

NJS continued to develop its online legal education program. There was a Memorandum of Agreement with the Army's Judge Advocate General's Legal Center and School, enabling NJS to use the Army's Blackboard learning management system to deliver web-based, on-demand legal education. Utilizing this web-based system, "NJS Online" offered courses ranging from one-hour refreshers to multi-week intensive education and training. Course topics covered military justice, operational law, immigration law, fiscal law, trial advocacy, estate planning, other legal assistance, and ethics. In round numbers, NJS offered 50 online courses to 3,000 attendees in locations around the world who received 6,000 hours of online legal education. Courses and webinars averaged over 50 attendees per session/course. NJS Online allowed NJS to provide timely and relevant training in a cost-effective way to our entire legal community. The success of the program has justified NJS' seeking to procure its own Blackboard system independent of that used by the Army.

NJS offered two leadership courses for Navy judge advocates. The one-week Leadership Development Course was held in Newport, Rhode Island for officers selected for promotion to lieutenant commander. The course combined presentations from senior leaders with specialized leadership development training in areas such as ethical decision-making and the Myers-Briggs[®] Type Indicator. The one-week Naval Legal Service Command Prospective Commanding/Executive Officer Course provided a refresher on substantive civil law and military justice topics in conjunction with briefs from subject matter experts on leadership and management issues.

Most continuing legal education courses offered by NJS were open to reserve component members, many of whom attended not only as students but also as instructors and mentors to active duty students. This active duty-reserve component partnership draws on the combined military and civilian experience of the reserve component to enhance training for all.

NJS also provided legal instruction to personnel who do not specialize in the legal field. For example, the Senior Officer Course trains senior officers of all services in the execution of the legal responsibilities of command. It is required for all Navy captains preparing to take command. During the reporting period, NJS provided legal instruction to approximately 2,548 non-legal officers and enlisted personnel in resident courses, which included multiple offerings of the Senior Officer Course, Legal Officer Course, Senior Enlisted Leadership Course, and Legal Clerk Course. NJS instructors also provided legal instruction to thousands of students attending courses at other Naval Station Newport schoolhouses, such as the Defense Institute for International Legal Studies, Naval War College, Naval Leadership and Ethics Center, Surface Warfare Officers School, Officer Development School, Officer Candidate School, Supply Officer School, and the Senior Enlisted Academy.

The Navy Reserve NJS unit planned and executed the first ever National Military Law Training Symposium (MLTS) for the Reserve Law Program. This training event was first-in-kind on several fronts: bringing together both East Coast and West Coast reserve JAGs and Legalmen, four Flag Officer speakers, several small break-out sessions for specialized in-depth professional development, including joint officer and enlisted plenary sessions, and junior officer mentorship events.

F. Legalmen

In September 2010, the first class of Sailors began the Legalman Paralegal Education Program (LPEP). LPEP offers legalmen a government-funded, full-time paralegal education through in-residence or distance-learning studies in partnership with Roger Williams University. Since the program's inception, 270 legalmen (53%) have received associate degrees in paralegal studies, and an additional 128 legalmen are currently enrolled in the program. LPEP educated legalmen are expected to perform work at a higher complexity and receive a Navy Enlisted Classification Code (NEC) to identify that skill set. To date, 233 legalmen have received their NEC, with another 37 awaiting the classification.

Through LPEP, legalmen develop professional skills to help them meet the demands of increased responsibility, expanding missions, and more complex legal services. Increased paralegal competency improved support to Fleet commanders and non-attorney legal officers by providing them skilled legalmen able to perform specialized paralegal functions.

Additionally, the Navy JAG Corps continued to make other professional development options available to legalmen. Last year, a military-specific Training and Utilization Instruction was promulgated, improving integration between attorneys and legalmen and ensuring that every legalman receives adequate training to perform their assigned duties. Every Region Legal Service Office and Defense Service Office is using this instruction to ensure every legalman is qualified and can provide integral support to meet mission requirements while being fully utilized as a paralegal.

To further increase paralegal skills, a new Paralegal Litigation Support Course was developed and is being offered for the first time this year. The students in this course will take a case through the entire court-martial process, focusing on both administrative and paralegal functions that they are expected to manage in support of their Trial/Defense attorneys.

Finally in 2014, the Navy JAG Corps implemented an In-Service Procurement Program (IPP) that created a pathway for enlisted Sailors to become judge advocates. The Navy JAG Corps IPP is open to qualified and career-motivated enlisted personnel of all ratings. Sailors who have earned a Bachelor of Science or Bachelor of Arts degree may apply for funded legal education; Sailors who have already earned a Juris Doctor degree from an ABA-accredited law school and a bar license from any state may apply for direct appointment. This is the second year for the program, and we selected our second accessions via the IPP process.

G. Office of Strategic Planning (OSP)

The Office of Strategic Planning (OSP) provides guidance and oversight for the JAG Corps' strategic planning efforts and is responsible for the development, modification, and oversight of the JAG Community strategic plan and other major initiatives that require coordination across the Navy and joint legal communities.

During the reporting period, OSP completed a comprehensive review of the JAG's strategic vision for the community in light of anticipated changes to our national security environment,

corresponding legal missions, and the practice of law. OSP collaborated with legal personnel and strategic planners within the DoD and the private sector to develop the new strategic plan. These efforts culminated in the publication of [Navy JAG Strategic Plan 2025](#).

OSP also oversaw the development and execution of the JAG's strategic initiatives to actualize the long-term objectives of the strategic plan. These initiatives focus on improving the JAG Community's ability to administer military justice, provide operational law and command advice, and deliver legal assistance by:

- Assessing and adjusting practice areas and the delivery of legal services to meet the Fleet's evolving mission requirements;
- Developing and sustaining an interactive process to identify, capture, evaluate, retrieve, and share the right information and expertise at the right time in ways that improve our Community's ability to deliver legal solutions whenever and wherever required; and
- Maintaining a strong, resilient JAG Community to meet future challenges.

In 2015, OSP focused on leading various offices throughout the OJAG and CNLSC with executing the following initiatives:

- Assessing the feasibility of adopting an online service for providing clients with basic legal documents;
- Ensuring timely and effective public access to court-martial records consistent with applicable law by streamlining the FOIA process for court-martial records of trial;
- Improving the Navy operational fiscal law capability by identifying fiscal law knowledge requirements and ensuring timely access to that knowledge;
- Assessing the Navy's cyber law requirements; developing a framework to meet the requirements; and establishing a process for identifying, training, and detailing personnel to fill the requirements;
- Developing a Knowledge Management (KM) vision and operationalizing it through published policies;
- Developing a JAG Community Intranet and Knowledge Portal as the primary platform for content sharing and technology-leveraged solutions;
- Enabling culture change through a network of KM practitioners trained and resourced to develop ways to locally capture and share information;
- Creating a framework for innovative process improvement and automation to enhance our ability to capture and manage information and improve operational efficiency and performance;
- Increasing the transparency of the military justice system;
- Identifying military justice capability requirements, assessing the ways through which the military justice system should deliver those capabilities, and developing and operationalizing training standards to deliver the right military justice capabilities at the right time; and
- Updating the training materials for legalmen to include enhanced legal research and writing training and a new online Paralegal Litigation Support Course for deployment in summer 2015.

In addition, the OSP assisted with other initiatives targeting professional development for all JAG Community personnel. The office helped finalize policies to maximize the professional development and utilization of legalmen for paralegal services and worked to improve the legalman recruiting program for active-duty and reserve personnel. It also continued to collaborate with NJS and the Naval War College to conduct a comprehensive review and analysis of leader development opportunities and requirements for judge advocates and legalmen.

This year, OSP efforts to develop an effective KM framework for the JAG Community culminated in the creation of the Office of the Special Assistant for Knowledge Management. The accomplishments of the Knowledge Management Office during this reporting period are noted in the following section.

Finally, the OSP continued to collect and analyze data on the impact of previous initiatives, including military justice litigation training, civilian hiring processes, officer assignments processes, the first tour judge advocate training program, and the revamped judge advocate recruiting and assessment programs. This data enables us to persistently evaluate the efficacy of JAG Community programs and allows us to pursue appropriate changes to retain our best personnel and to ensure continuous improvement in the delivery of legal services.

H. Knowledge Management

The JAG Corps formally established the Knowledge Management Office in 2014 to implement the JAG's strategic objectives of developing and executing a comprehensive knowledge management capability. The office was resourced with a civilian expert as the Chief Knowledge Officer, active duty JAG personnel, and contract and temporary civilian personnel to deliver core capabilities. The KM Core Team functions as the principle advisor to the JAG and primary architect for KM policy, programs and coordination of resources supporting key and strategic initiatives.

The KM Team identified and initiated four strategic initiatives for 2015:

- Develop a Knowledge Management Vision and operationalize it through published policies.
- Develop a JAG Intranet and Knowledge Portal as the primary technology platform for content sharing and technology-leveraged solutions.
- Create a framework for innovative process improvement and automation to capture and manage knowledge flow and improve operational efficiency and performance.
- Identify and study ways to improve the public's access to real-time information about military justice matters.

The KMO developed a strategic framework focusing on people, processes and technology to connect people to people and people to content across the JAG Corps. Execution of this framework began with the creation of a network of designated knowledge management representatives in each office and command across the JAG Corps to provide embedded support and leadership of KM activities. This network is linked together through a knowledge management community of practice to collaboratively develop and share new initiatives, identify barriers to success, and spotlight best practices.

The KMO initiated planning and development efforts for key initiatives including a JAG Digital Law Library, Intranet & Knowledge Portal, a network of managed legal communities of practice, an Electronic Records of Trial automated processing tool and publication of a formal JAG KM Policy. In addition to key initiatives, the KM Team developed a series of training courses and communication products to shape the culture change necessary for effective institutional knowledge management. The KM Team has also established relationships and worked collaboratively with key personnel from private sector law firms, the Army JAG Corps, Navy Commands and the SECNAV Office of Strategy & Innovation to leverage opportunities and best practices for KM initiatives and address the unique requirements for effective KM in the legal field.