

2016 ANNUAL REPORT

From the Judge Advocate General of the Navy
to the American Bar Association

**Report of the Judge Advocate General of the Navy
to the American Bar Association
Annual Meeting 2016**

*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 the Navy and its personnel. Everything we do begins with integrity, which is the very essence of our practice.

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 to meet it. Last 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. In January 2016, CNO issued *A Design for Maintaining Maritime Superiority*, which provides the framework to guide our decisions and assess our progress. Accordingly, we are currently revising *JAG Strategic Plan 2025* to ensure it is fully aligned with CNO's *Design*. By continually updating our plan to account for new higher headquarters guidance and our ever-changing operating environment, we remain prepared for the challenges of today and those of tomorrow.

Our three overarching lines of operation are our touchstones of excellence: military justice, operational law and command advice, and legal assistance. Senior leadership depends on our legal expertise. Service Members and their families trust our expertise for their well-being. As you will read in the pages that follow, these three pillars are the foundation 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 2,300 active duty, Reserve component, and civilian members, with diverse backgrounds and talents, dedicated to our mission of providing military-oriented solutions 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

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I. INTRODUCTION

A. Judge Advocate General

On June 26, 2015, Vice Admiral Nanette M. DeRenzi retired and was relieved by Vice Admiral James W. Crawford III as the 43rd Judge Advocate General of the Navy (JAG). The 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. The 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 2,310 personnel including 884 officers, 465 enlisted, 408 civilian personnel, 402 Reserve judge advocate officers, and 151 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 29 Navy Reserve JAG units. This includes two Defense Service Office Units, nine Region Legal Service Office Units, six Military Justice Units (including a new pilot unit, the Preliminary Hearing Unit), three Office of the Judge Advocate General/Civil Law units, and nine Legal Service Command units assigned to the Fleet. The program's judge advocates and Legalmen deliver veteran military skills and unique talents developed through civilian employment.

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 Region Legal Service

Office (RLSO) Executive Officer. The Deputy Director, a senior 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. Sadly we report that our Deputy Director succumbed to her battle against cancer in June 2016. Her tenacity for justice and passion for victims' rights will be missed. 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 six 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. Outreach included family and sexual violence training at the Federal Law Enforcement Training Center in Glynco, Georgia; participation in the End Violence Against Women's international conference in Washington D.C.; and participation in the National Children's Advocacy Center's "The National Symposium on Child Abuse" in Huntsville, Alabama. TCAP personnel were detailed to a number of cases involving rape, sexual assault, sexual child abuse, and national security.

TCAP personnel routinely served as instructors at Naval Justice School (NJS), including the Basic Trial Advocacy and the Prosecuting Special Victim's Crimes courses. 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, and appellate case law updates.

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, preliminary hearings (Article 32), 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 a defense attorney by Information Technology 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 aids in training and curriculum development and is available to assist

defense counsel on complex litigation and sexual assault cases. That position is currently vacant, but DCAP is in the process of hiring a new HQE.

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 be 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 during trial. The Deputy Director served as an assistant defense counsel to a junior defense counsel in a contested, high-visibility, Article 120c, Uniform Code of Military Justice (UCMJ) case, and as an on-site consultant for another junior defense counsel trying a case away from his main office. DCAP also provided advice on post-trial matters and frequently consulted with defense counsel concerning professional responsibility and ethics issues.

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 Naval Justice School (NJS) and the Marine Corps defense bar, DCAP 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. DCAP was instrumental in the development and execution of a Senior Military Justice Manager's course to train senior litigators on the management,

Defense Litigation Support Specialists

DCAP assisted DSOs in hiring seven defense litigation support specialists to work at DSO headquarters and major detachments. The program is the first of its kind in the Department of Defense and has greatly assisted defense counsel in locating and interviewing witnesses, and in evaluating and preparing cases.

mentorship, and leadership aspects of their positions. The Director was an instructor at the Basic Trial Advocacy course and the Prospective Commanding Officer and Executive Officer course at the NJS. Additionally, DCAP assisted commands in sending their counsel to the National Criminal Defense College in Macon, Georgia.

DCAP assisted DSOs in hiring seven defense litigation support specialists (DLSS) to work at DSO headquarters and major detachments. As part of this process, DCAP conducted specialized on-site training for defense counsel and DLSS. The DLSS program is the first of its kind in the Department of Defense and has greatly assisted defense counsel in locating and

interviewing witnesses, and in evaluating and preparing cases.

To ensure counsel are well-trained and supported, during the ABA's reporting period DCAP conducted six 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

Victims' Legal Counsel (VLC) assist victims in understanding and exercising their reporting options; guiding victims through administrative, investigative, and military justice processes; advocating for victims' rights and interests, and helping clients obtain access to other support resources. VLC complement the care and support victims receive through other resources, to include the Sexual Assault Prevention and Response (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 civilian Deputy Chief of Staff (DCOS).

Thirty-two Navy judge advocates are assigned as VLC at 24 naval installations around the world, including Annapolis, MD; Washington, DC; Oceana, VA; Norfolk, VA; Little Creek, VA; Groton, CT; Mayport, FL; Jacksonville, FL; Pensacola, FL; Gulfport, MS; 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; and Yokosuka, Japan. During FY16, three new VLC billets were added to the program including one in Norfolk, one in San Diego and one in Yokosuka, Japan. An additional VLC billet has been approved to be filled during FY17 in Sigonella, Italy. Ten Navy Yeomen provide administrative support for the VLC program.

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 Department of Defense (DoD) civilians not eligible for legal assistance who are victims of a sex-related offense as authorized by the Secretary of the Navy or the Secretary of Defense. Eligible victims may seek assistance from a VLC at any point following a sexual offense. 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 a sexual offense.

VLC form an attorney-client relationship with eligible victims and must comply with the rules of professional responsibility. 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.

VLC provide personal representation and 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.

VLC provide basic legal assistance services directly connected to a report of a sexual offense, 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 and as of June 2016, Navy VLC have aided more than 2,115 victims of sexual offenses, participated in 1,536 military justice and administrative proceedings, and conducted 2,030 educational outreach activities for 75,187 personnel.

II. Progress and Achievements: July 2015 – June 2016

A. Civil Law (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.

Naval Civil Law Support Activity also supported the investigation into the shooting at the Naval Operational Support Center Chattanooga, Tennessee, the investigation into the Iranian seizure of two U.S. Navy Riverine command boats, and continued its support to several other significant investigations of high level interest in the Department of the Navy.

Further, Naval Civil Law Support Activity finalized the merger of the Navy and Marine Corps disability legal programs into a single DON effort that helped to greatly expand the quality and quantity of legal services provided to our wounded, ill, and injured Sailors and Marines navigating the complex physical evaluation and disability program. The addition of nine new full-time disability evaluation system (DES) attorneys and eleven contract support personnel stationed throughout the United States significantly broadened the scope and quality of DES counsel services, enabling Naval Civil Law Support Activity to meet Navy leadership's direction that all Sailors & Marines in the DES process consult with counsel.

The AJAG (Civil Law) organization continues to embrace the JAG's vision to use knowledge Management as a tool to improve the organization's ability to deliver effective legal solutions wherever and whenever required. Each division now has a robust SharePoint website in which resources are posted for access by the worldwide Department of the Navy legal community. Additional examples of innovation include an online ethics gram database developed by the Administrative Law Division, a customer evaluation application used by customers to give feedback on services provided by Disability Evaluation System counsel, and remote legal assistance services initiative and application. The remote legal assistance services application developed by the Legal Assistance Division will make powers of attorney available 24/7 on an as-needed basis and save thousands of work hours in the drafting of these documents.

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 National Security Council, the State Department and other federal agencies, on complex, sensitive, and often urgent issues of vital importance to the Navy and the nation.

The Division 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 also represented the Navy at meetings of the DoD Law of War Working Group and contributed to an update of the DoD Law of War Manual to maintain its currency as the authoritative guide for judge advocates and line officers throughout the Department of Defense. The Law of War Manual is available online at:
http://www.dod.mil/dodgc/images/law_war_manual15.pdf.

Division attorneys supported the 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 the 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 supported the Chief of Naval Operations regarding activities in the South China Sea in public engagements, including the Shangri-La Dialogue in Singapore by the International Institute for Strategic Studies.

The Division continued its support to Fleet operations around the world 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, and Walter Reed National Military Medical Center. Division attorneys also supported information

exchanges and training initiatives with international audiences. A Division attorney supported the Defense Institute of International Legal Studies in Estonia and Lithuania by providing training on the law of armed conflict and discussing legislation and regulation development related to the formation of home defense units with Ministry of Defense attorneys. A Division attorney taught law of the sea, including the exercise of jurisdiction by naval units, at the NATO Maritime Interdiction Operational Training Center in Souda Bay, Crete, to military officers from Bulgaria, Romania, Estonia, Italy, Azerbaijan, and the UAE. A Division attorney taught law of the sea for the Naval Small Craft Instruction and Technical School at the Stennis Space Center in Mississippi, to military officers from Ghana, Kenya, Lebanon, Liberia, Morocco, Nigeria, Poland, Serbia, Rwanda, Sierra Leone, South Africa, Uganda, and Egypt. Additionally, a Division attorney supported the first U.S. Forces legal symposium by teaching law of the sea and maritime security within the Korean Theater of Operations to an audience of approximately 100 U.S. and Korean military officers and interagency personnel in Seoul.

Division attorneys provided advice on the drafting, negotiation, interpretation, and implementation of various 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 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 U.S. 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. The Division also processed Navy's admiralty affirmative and defensive tort claims, while serving as the central litigation support liaison for the Department of Justice. 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 522 cases during this reporting period, up from 464 the previous year. 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 \$819,000 in affirmative administrative claims and litigation for damage to Navy vessels and other Navy property. Incidents resolved included, Navy pier damage caused by a cruise ship wake, damage to a Navy port security barriers, and damage to Navy vessels during port calls and berthing shifts worldwide. A significant pending affirmative case involves damage to Navy-owned undersea telecommunications cables caused by a commercial tug. Additionally, the Division reviewed or adjudicated more than \$102 million in defensive admiralty claims or suits involving Navy, paying \$34,000 to compensate qualified claimants submitting substantiated claims.

The Division continued to support the Aviation/Admiralty Torts Branch of DOJ's Civil Division, by providing direct litigation support and by assigning a judge advocate as a full time trial attorney within that office. Among the significant cases resolved in the last year was a wrongful death suit filed by the family of a fishing vessel master killed during NATO counter-piracy operations, which concluded with the U.S. Supreme Court's denial of a Petition for Writ of Certiorari. Plaintiffs unsuccessfully challenged the Fourth Circuit Court of Appeals' decision favorable to the government. Other cases include settlement of a personal injury suit involving severe injuries to multiple visitors boarding a Navy ship, dismissal of a personal injury suit by a commercial diver rescued by a Navy ship, and settlement of a personal injury suit by a contractor employee engaged in torpedo fuel recovery operations. Significant pending cases include a suit filed by the estates of two Navy aviators who died in a mishap on board a Navy guided missile destroyer, a suit involving the personal injury and deaths of several contractor employees while servicing a Navy mooring buoy, and a property damage suit involving a Navy ship allision with a freeway bridge in Jacksonville, FL.

Division attorneys continued to interact with Fleet, component, and joint commands, advising on liability, maritime personal injury, property damage, cargo, salvage, underwater cultural resources, counter-piracy, sovereign immunity, and unique risks involving civilian personnel on board Navy vessels. The Division also continues to support the Department of State in efforts to protect the wreck site of ex-USS HOUSTON, a cruiser sunk with 650 Sailors and Marines during the Battle of Sunda Strait in 1942. The ship lies close to shore in Indonesia and is the target of looters. The Division is also helping Department of State address foreign government concerns regarding deaths and injuries resulting from a Navy ship force protection action.

The Division also continued active support to the legislative and regulatory missions of the Navy. The Division supported the Naval Heritage and History Command (NHHC) in responding to public and federal agency comments on the Navy regulations implementing the Sunken Military Craft Act (SMCA); provided briefings and information to members of Congress, congressional staff members, and industry representatives; and assisted in the publication of the final rule and establishment of interagency agreements on joint administration of Navy sunken craft.

3. Environmental Law (Code 12)

The Environmental Law Division (Code 12) provided legal advice and training on environmental 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. During this period, Code 12 worked with the Department of Defense and Joint Staff Representatives on the Northeast and Mid-Atlantic Regional Planning Bodies in developing their final draft plans. As this report is provided, both plans are undergoing public review in anticipation of their completion and concurrence by the National Ocean Council in Fall 2016. A critical element in the release of these draft plans involved the Federal Register Notice advising the public of the plans' availabilities for public review and comment. Code 12 was instrumental in working across the range of federal agency concerns in crafting a Federal Register Notice that adequately addressed the wide range of equities among the federal agencies, states, and tribes.

Division attorneys continued participation and support of training for judge advocates across the services through participation in environmental law courses conducted by the Civil Engineer Corps Officer School and Air Force Judge Advocate General's School. These courses of instruction provided judge advocates and environmental resource managers expertise in specialized areas of practice with a focus on U.S. federal laws protecting endangered species, marine mammals, and the planning of federal agency actions within the U.S. coastal zone.

Division attorneys also coordinated closely with officials in the Council on Environmental Quality, Department of Interior, and National Oceanic and Atmospheric Administration as they evaluated proposals to expand a marine national monument in the Pacific. The expansion proposals could nearly quadruple the area placed under Antiquities Act protection.

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, as well as Navy commands at sea and ashore.

The Personnel Law Branch (Branch 131) worked to ensure the accuracy and legal sufficiency of virtually all aspects of the officer promotions process within the Navy and the Marine Corps. Branch 131's work spanned from the planning phase of the annual promotion board season and continued to support related personnel actions long after the promotion season concluded. Branch 131 processed and reviewed more than 750 Navy and Marine Corps officer promotion board plans, briefs, convening orders, 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 the broad spectrum of personnel law issues. Working closely with stakeholders within the DON and DoD, the branch prepared legal opinions to help defend against litigation, began a comprehensive re-write of DON regulations governing commissioned officer promotion selection board procedures, reviewed legislative proposals, advised on DoD Force of the Future talent management initiatives, and advised the Board of Corrections for Naval Records (BCNR) on complex petitions for relief.

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; financial disclosure; 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. The branch also published gambling and political activities guidance for all Navy service members on the Navy's official website. 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.

The Branch developed and provided standards of conduct training programs to the Judge Advocate General, judge advocates and other ethics counselors. The Branch also provided training to non-legal professionals attending career transition seminars, flag officer staffs, and legalmen. Additionally, Branch 132 personnel accompanied the Vice Chief of Naval Operations' legal advisor on over 25 ethics assist visits to determine best practices throughout the Navy. 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" and JAG Newsmailers. The Branch also managed the Confidential Financial Disclosure System for personnel assigned to OJAG. The Branch 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 (Code 133) coordinated the legal review and comment on 600 separate pieces of legislation and more than 100 DoD and DON regulations, directives, and instructions. Acting as the OJAG FOIA/PA Coordinator, Code 133 reviewed, forwarded, and/or responded to approximately 25 FOIA/PA requests and 200 field calls providing advice to commands on the release of information to the media and other requestors of information. Branch 133 also tracked and reviewed proposed legislative amendments to the FOIA that, if enacted, will greatly impact the FOIA program. Additionally, the Branch processed 48 disability appeals, numerous combat-related disability certifications, and 75 Federal Register publications.

The Command Authority and Investigations/Military Rights and Benefits/Military Affairs/Professional Responsibility Branch (Branch 134) reviewed and analyzed more than 150 legislative items and regulations affecting military members' rights and benefits. Branch 134 drafted detailed policy reviews on issues ranging from transgender service, women in combat, religious accommodation, the free exercise of religion, the Navy's equal opportunity program, military whistle blower protection, and bullying and hazing. 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, including the investigations following the July 2015 shootings in Chattanooga, Tennessee.

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 90 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 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 continued to provide mission critical support to Code 13. In an important Total Force initiative, the Personnel Law Branch trained Reservists to review Record of Proceedings (ROP) from the FY-17 Board season, providing valuable support to the review of over ten FY-17 Records of Proceedings.

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 in obtaining 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 Code 14's 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 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 are combat zone/combat related.

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 adjudicates 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 is 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 administers 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 provides litigation support to the United States Attorneys for claims that result in litigation.

In the past year, the Division processed nearly 4,000 claims against the United States and more than 31,000 affirmative claims against liable parties on behalf of the United States. Collections on affirmative claims for this period totaled approximately \$22.75 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 resulting from the Washington Navy Yard shootings in 2013. A total of thirteen administrative claims have been filed for wrongful death and personal injury. The total damages demand in all claims to date is nearly \$140 million. One claim proceeded to litigation against the United States and two corporate defendants, resulting in dismissal of the U.S. case. Seven additional claimants have filed lawsuits against those corporate defendants, but not against the United States. All cases are pending in the D.C. District Court. At the recommendation of DOJ, adjudication of the twelve remaining administrative claims is being held in abeyance because defenses likely to be raised by the U.S. in subsequent litigation have been presented to the Court through the corporate defendants' pending Motions to Dismiss.

The Division continues to process claims pertaining to the contamination of groundwater at Marine Corps Base Camp Lejeune, North Carolina. Since 2000, more than 4,100 administrative claims have been filed under the Federal Tort Claims Act, seeking in excess of \$61 billion (not including one claim filed for \$900 billion). Since 2004, a total of twenty-four Federal lawsuits have been filed. Four have been dismissed, and one is being handled by the United States' Attorney's Office since it does not allege FTCA claims. The remaining nineteen are pending before the Multidistrict Litigation (MDL) Court in the Northern District of Georgia (MDL court) for pretrial proceedings.

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 has paid fourteen property damage claims with a value of over \$750,000, and is in the process of negotiating resolution of nine remaining claims seeking approximately \$1 million for property damage and emotional distress.

In addition, the Division is processing claims arising out of an April 2015 collision between a Union Pacific Railroad freight train and a USMC M970 trailer carrying JP8 traveling in convoy. Union Pacific seeks \$590,000 for damage to two locomotives as well as track/signal damage and the cost of train delays, hazmat remediation, and fire department response. There was no loss of life but three Union Pacific employees sustained smoke inhalation and minor injuries.

The Division is preparing to process claims that may arise out of the June 2016 crash of a Blue Angels aircraft in Smyrna, Tennessee. In addition to providing guidance to local judge advocates immediately after the crash, the Division Director made a personal visit to the crash site in order to inspect the damage and make contact with local government agencies that provided support.

The Division also provided litigation support to Department of Justice attorneys, including support 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 destroyed experimental airship and a lawsuit filed by a former Guantanamo Bay detainee against several high profile government officials, including current and former Secretaries of the Army, Navy and Defense, and various other high-ranking Army and Navy commanders.

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 Hurricane Joachim; power outages at housing at Marine Corps Air Ground Combat Center Twenty nine Palms and Marine Corps Base Camp Pendleton; fire damage to housing at Naval Air Station Whidbey Island, Joint Base Anacostia-Bolling, and Naval Station Guantanamo Bay; El Nino flooding in Southern California; and flooding at Naval Air Station Sigonella. In each instance, the Division prepared local judge advocate 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 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 Service Members 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 LA Program. These efforts resulted in a uniform approach to delivery of the highest quality of services across the LA mission. LA 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 LA offices provided 64,479 customers and clients with 144,008 legal services during the reporting period.

As part of the JAGC's 2025 Strategic Initiatives, Code 16 reviewed and updated more than 100 LA handouts. The handouts are now available on the JAGC's public website to assist Service Members and their families. The handouts and contact information for each Region Legal Service Office are now also available on the Navy's "New to the Navy" mobile application.

DES 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 this year, 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, nine 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.

In August of 2015, Code 16 hosted the inaugural joint services Legal Assistance for Victims of Sexual Offenses and Other Crimes Training Symposium. Approximately 200 attorneys and paralegals from every Service, including the Coast Guard and the National Guard, and representing every legal community of practice, including legal assistance, DES, Victims' Legal Counsel, and military justice, attended the Training Symposium. The keynote speakers were Vice Admiral James W. Crawford III, Judge Advocate General of the Navy, and Mr. Robert Woods, Assistant General Counsel (Manpower and Reserve Affairs). The purpose of the Training Symposium was to enhance the military's ability to provide comprehensive, integrated legal services to victims of sexual offenses and other crimes across legal communities of practice.

The Division managed and executed a Tax Assistance Program to aid Service Members and their families with free electronic filing of 8,603 state and federal tax returns at 37 tax assistance centers worldwide. Tax Center managers and staff contributed more than 28,953 work hours to individual tax assistance, saving personnel an estimated \$549,125 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 LA offices. 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 2015. This guide is a state by state reference for U.S. military Volunteer Income Tax Assistance/Electronic Filing (VITA/ELF) programs that provides basic information and contact points for each income tax levying state agency. It is widely used by all 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 continues to work with NJS to refine 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 as an effort to increase the baseline level of knowledge for a wider audience of junior judge advocates. The Division also expanded the scope and enhanced the effectiveness of its “Advanced Cyber Operational Law” course and “Information Operation Legal Training.” For the first time, these two courses were combined into a week-long course, with the effect of facilitating greater collaboration between practitioners and scholars from these two different, yet interrelated, legal disciplines. The courses cover U.S. cyber operations, classified capabilities, intelligence and information operations and oversight, and included briefings from Federal Agencies involved in cyberspace, intelligence and information operations. Taught by seasoned judge advocates and civilians in practicing key positions, the courses addressed issues commonly encountered by judge advocates practicing in the field. Both courses were well-attended and well-received by judge advocates and general counsel from all services, and other government agency attorneys.

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 devoted significant effort to revise the Intelligence Law Reference Guide to take into account changes in DoD policy for collection of U.S. Person Information, as reflected in the revision to DoD 5240.1-R.

The Division provided Cyber Law presentations and discussions in several military and interagency fora, to include the annual U.S. Cybercom legal conference and the U.S. Air Force’s 24th Air Force Cyber Legal Conference. During the reporting period, the Division provided direct support to elements of the Navy that were involved with the planning and executing cyberspace operations. This support included collaboration with active duty and civilian legal advisors involved in the full spectrum of Navy cyber, information operations, and intelligence activities. Furthermore, the Division worked with the Navy Office of the General Counsel for Intelligence and the Chief of Naval Operation’s staff to provide legal advice, review, and oversight of Special Programs. This legal support included assessing the implication of international agreements and elements of customary international law on the development of sensitive military capabilities.

There is an increasing demand for uniformed attorneys with expertise in this practice area. Previously, the Division identified the legal billets where judge advocates are developing a cyber and intelligence expertise. Efforts are now directed at staying abreast of areas where the demand for legal services will support continued growth of the Navy’s cyber and intelligence legal community. The creation of new and expanded information sharing platforms is an area of focus for the Division. With the support of the Navy JAG’s knowledge management professionals, the Division is in the process of creating a secure platform where collaboration and innovation will thrive, allowing military lawyers to stay abreast of all aspects of cyberspace operations, law, and policy.

B. Military Justice (Code 02)

1. Criminal Law Division (Code 20)

The Criminal Law Division (Code 20) continued to provide military justice policy and Sexual Assault Prevention and Response (SAPR) Program advice to DON, Navy and JAG Corps leadership and individual judge advocates around the world. The Division facilitated the formulation and administration of military justice, criminal law, and SAPR policy and procedures, and staffed all amendments to DON, Navy and OJAG/CNLSC regulations implementing the Uniform Code of Military Justice (UCMJ).

The Division assisted the DON, Navy and JAG Corps leadership, members of Congress and their staffs as legislators considered changes to the military justice system in response to continued concern over sexual assaults in the military. Changes discussed include: the role of the commander in the military justice process, retaliation against victims and witnesses, and compliance with sex offender registration requirements for military members convicted of qualifying offenses at courts-martial. The Division responded to dozens of congressional requests for information and the Division Director provided informational briefings to Senate and House professional staff members. 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), which is the principal vehicle for staffing amendments to the UCMJ and the Manual for Courts-Martial (MCM). The Division also provided two Navy representatives 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 2016 National Defense Authorization Act (NDAA), case law, and other necessary revisions. The EO amended the MCM to align it with federal law and current case law. Executive Order 13730, which was signed by the President on May 20, 2016, implemented significant changes to the Rules for Courts-Martial (RCM), Military Rules of Evidence (MRE), and punitive articles. The EO strengthens crime victims' rights, modifies the corroboration requirement for admissibility of confessions, limits the application of the exclusionary rule with regard to evidence obtained from an unlawful search or seizure, and amends the marital privilege rule to include same-sex marriages. The JSC also drafted and published significant changes to the discussion and analysis sections to the RCM and MRE.

Division personnel supported the JSC as it responded to requests from DoD and Congress regarding sexual assaults in the military, victim protection and support, retaliation, and the Navy's Special Victims Investigation and Prosecution capabilities. Division personnel played major roles in the JSC Collateral Misconduct Subcommittee (JSC-CM), which conducted an expedited study of the impact of collateral misconduct on victims of sexual assault with an eye toward better protecting victims of sexual assault and increasing the rate at which sexual assaults are reported.

In October 2013 SECDEF directed a comprehensive review of the UCMJ and MCM, which led to the creation of the Military Justice Review Group (MJRG). The MJRG released its recommendations for statutory changes to the UCMJ in March 2015 and its recommendations for regulatory changes to the MCM in September 2015. In December 2015, the DoD forwarded the recommended statutory changes to Congress as the Military Justice Act of 2016 (MJA). Division personnel have worked with members of Congress and their staffs while the MJA has been under review in the House and Senate. Additionally, the Division played a key role in the JSC's comprehensive review of the regulatory changes needed should a version of the MJA be enacted. Versions of the MJA are included in the Senate and House versions of the FY17 NDAA, which is currently pending in Congress.

Military Justice Act of 2016

In December 2015, the DoD forwarded the Military Justice Act of 2016 to Congress. Code 20 has worked with members of Congress and their staffs while the MJA has been under review and played a key role in the comprehensive review of the regulatory changes needed should a version of the MJA be enacted.

The Division served as Navy's representative to the Judicial Proceedings Panel (JPP). The 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 UCMJ involving adult sexual assault and related offenses for the purpose of developing recommendations for improvements to the military justice system. The JPP released four reports in 2016 which addressed restitution and compensation for victims of military adult sexual assault crimes, Article 120 of the UCMJ, retaliation related to sexual assault offenses, and statistical data regarding military adjudication of sexual assault offenses. Each of the four reports provides numerous recommendations to Congress and the DoD. The Division is actively involved in the review and implementation of those recommendations.

The Division assisted in the development of Navy-wide training initiatives on SAPR. These initiatives include the DON Sexual Assault Prevention and Response Office's (SAPRO) online SAPR video library, FY16 interactive Annual Training, SAPR Standard Core Training (SCT), and the "Chart the Course" intervention-focused training. The SAPR video library is an entirely new collection that provides new recruits and senior enlisted leaders necessary training to help prevent and respond to incidents of sexual assault and sexual harassment. Similarly, "Chart the Course" is an all-new training tool that focuses on concepts first taught in enlisted advanced skill training ("A" School) and instills the need for intervention and prevention for a spectrum of destructive behaviors. By utilizing video vignettes and facilitated discussions the course aims to engage all Service Members in educational, face-to-face conversations about many topics such as alcohol, fraternization, hazing, sexual harassment, and sexual assault. The Division was also involved in the creation of the forthcoming DON SAPRO graphic novel, which will provide a unique training tool to facilitate junior Sailors' understanding and awareness of sexual assaults.

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 continued to lead data input and review for the Defense Sexual Assault Incident Database (DSAID), which is a comprehensive database launched in 2013 that tracks and reports sexual assault incidents for the Annual Report to Congress on Sexual Assault in the Military. In 2015, the Division provided three fully-qualified DSAID legal officers who personally reviewed and entered over 1,300 SADR and dispositions of sexual assault cases for fiscal year 2015. The Division continues to participate in the monthly DSAID Change Control Board meetings, whose purpose is to improve and enhance DSAID capabilities.

In 2015, the Division sponsored the Sexual Assault Policy for the Staff Judge Advocate (SJA) Course, which was held at Joint Base Anacostia-Bolling. This two-day course, attended by over 60 SJAs for General Court-Martial Convening Authorities (GCMCAs) and Sexual Assault Initial Disposition Authorities (SA-IDAs), provided instruction on current legal issues involving sexual assault policy, disposition, and reporting. The Division also held its third 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 fields to provide a comprehensive review of programs and recent changes. The course trained personnel on how to improve and enhance victim care, victim support and prosecution support. Additionally it provided a comprehensive integrated and standardized response to allegations of child abuse, domestic violence, and sexual assault offenses.

The Division assisted in an ongoing initiative to develop a DoD-wide instruction to address hazing and bullying. The new instruction addresses training requirements and data collection, and provides the framework for service-level implementation of these policies to ensure a comprehensive approach to addressing and preventing hazing and bullying.

As a member of the Navy's Fraternization working group, the Division conducted a holistic review of Navy's fraternization policy. The working group examined the current policy to determine whether it properly addressed pre-existing relationships and the needs of modern Sailors, and whether it continued to provide a tool for commanders to ensure good order and discipline.

The Division reviewed all decisions of the Navy-Marine Corps Court of Criminal Appeals (NMCCA) and staffed requests for JAG certification of cases for review by the U.S. Court of Appeals for the Armed Forces (CAAF). The Division also 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, staffed requests to assert court-martial jurisdiction over retirees, and provided written opinions to the Board for Correction of Naval Records (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 reviews of 42 courts-martial under Articles 69(a) and (b), UCMJ, and reviewed three petitions for a new trial forwarded under Article 73, UCMJ. The Division also consolidated

Quarterly Criminal Activity Reports 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. The Division continues to support 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 project team tasked with improving DoD's prevention and coordinated community response to child abuse, neglect and domestic abuse. The Division coordinated with the multi-service legal working group and developed plans to implement 16 legal area initiatives recommended by the CAN&DA IPT Executive Steering Committee (ESC). The CAN&DA IPT held its last in-person meeting on 17 March 2016 but continues to work via SharePoint to implement and monitor the recommendations of the ESC.

The Division continued its efforts to ensure DON compliance with the Sexual Assault Registration and Notification Act (SORNA). SORNA requires military members convicted of qualifying offenses at courts-martial to register as sex offenders in civilian communities in which they reside. To ensure compliance, military authorities are required to notify offenders of registration requirements. In 2014, the U.S. Marshall Service and DoD IG determined that some military sex offenders who had not been sentenced to confinement were not properly notified of their duty to register as sex offenders in their civilian jurisdictions. The Division reviewed internal databases and courts-martial records, determined which individuals had not been properly notified, and worked closely with U.S. Marshall's Service and NCIS to ensure that they were properly registered. Furthermore, the Division worked closely with NCIS and ASN (M&RA) on DoDI 5525.1B, which details the responsibility for monitoring and notifying military sex offenders and offenders working for DoD or living on military bases.

In accordance with SECNAVINST 5430.27D, the Division provided numerous briefing and informational products to the Military Justice Oversight Council, co-chaired by the JAG and the SJA to the CMC, and authored the Report on the State of Military Justice for fiscal year 2015, which was issued in February 2016. The report included the Annual Report of the Judge Advocate General of the Navy for Fiscal Year 2015 (CAAF Report), which comprises the Navy's input to the Annual Report of the Code Committee on Military Justice for the Chief Judge of the CAAF. It also included discussions of Navy-Marine Corps functions overseen by the JAG (Trial Judiciary, Appellate Review Activity, Court of Criminal Appeals, and Naval Justice School), and Navy JAG Corps matters including the performance of the Naval Legal Service Command and its subordinate commands, detachments, and branch offices. The Report included analysis of current trends and challenges to assist SECNAV in his exercise of responsibility for oversight of the military justice system.

The Division also supported the continued 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 Service Member has with the DON military justice system – from initial incident to investigation, adjudication, prosecution, confinement, appeal, and release, as applicable. Testing in early 2016 helped to identify numerous areas of improvement but has revealed deficiencies that have led to unexpected delays. HQMC (JA) submitted a change request to add functionality and an e-filing capability. User testing is ongoing, and the program is now targeting a late-fall 2016 implementation.

The Division provided guidance to the Fleet on many of the issues discussed above through the dissemination of numerous Code 20 Newsletters and “Sidebars.” Sidebars are timely notices to the entire JAGC legal community that provide critical information on emergent issues for immediate use by military justice attorneys, military judges, Staff Judge Advocates, and legal support staff.

The Division also continued to process a significant number of requests for records under the Freedom of Information Act (FOIA) and the Privacy Act (PA). The Division began the period with 89 FOIA requests pending, received 354 new requests, provided final responses to 397, and finished the period with 46 requests pending. The Division received 220 PA requests, processed 214, and finished the period with 6 requests pending.

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 on these issues. 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 courts-martial personnel, coordinating requests for classification reviews of evidence, and coordinating the assertion of the classified information privilege under Military Rules of Evidence (MRE) 505, Classified Information Procedures Act (CIPA), and State Secrets Protection Act (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.

During the reporting period, the Division worked on six high-profile cases involving highly-classified Navy and defense information. The Division assisted the U.S. Parole Board by producing information and facilitating contacts in the Jonathan Pollard parole appeal, provided administrative guidance to the investigation into the Farsi Island incident when Iran’s Islamic Revolutionary Guards Corps (IRGC) boarded and seized two US Navy Riverine patrol boats.

The Division continues to identify and contact owners of classified information, and draft high-level declarations and affidavits in furtherance of preventing the disclosure of classified information in courts-martial.

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 presented the latest iteration of its Classified Information Litigation Course in July 2016. 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 Agents 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.

Finally, the Division maintains an extensive library of resources and templates, maintaining both an electronic database, which 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 Summer 2016. This document 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 Navy – Marine Corps Court of Criminal Appeals (NMCCA), the United States Court of Appeals for the Armed Forces (CAAF), and the Supreme Court of the United States. All counsel in the Division research and draft briefs, file various pleadings, and present oral argument before the aforementioned courts. Counsel also occasionally represent clients before the Naval Clemency and Parole Board.

During the reporting period, the Division filed initial pleadings in 315 cases, including 121 briefs, and orally argued nine cases at NMCCA. The Division petitioned 54 cases to CAAF, resulting in grants of review in eight cases. The Judge Advocate General cross-certified issues in two of these cases and certified an additional three cases to CAAF, resulting in 11 oral arguments before CAAF this term.

Cases with Classified Information

The Division drafted affidavits to assert the MRE 505 Privilege to protect classified information in support of courts-martial, assisted various investigations, the Farsi Island incident, and other sensitive matters. Division personnel also supported the U.S. Parole Board with the Jonathan Pollard parole Appeal, the President's Intelligence Oversight Board, and continues to support ongoing litigation of cases involving espionage and attempted espionage.

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 expertise of the Division's attorneys to enhance performance at oral argument.

The Appellate Defense Division successfully litigated many notable issues this year. Some of these included an equal protection challenge to the UCMJ's proscription against heterosexual (but not homosexual) adultery, the applicability of the Religious Freedom Restoration Act as a defense to orders violations, and the scope of the lesser-included-offense doctrine between sexual assault offenses and other assault offenses.

The Division also litigated significant cases on military justice procedure. These included multiple cases relating to the ability of the Service courts of criminal appeals to perform their statutory duty to review the factual basis of a conviction, the power of a military judge to grant sentence credit as a remedy for a government agency's refusal to pay non-confined Service Members at their pay grade pending a rehearing, the probable cause relationship between soliciting children and the suspected possession of child pornography, and the scope of an alleged victim's right to appeal a military judge's ruling under M.R.E. 513.

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 appeal to NMCCA, requests certification from the JAG for appeal of cases before CAAF on behalf of the United States, and works with the Department of Justice on appeals before the Supreme Court. Division attorneys, the 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.

The Division filed approximately 151 briefs, answers, and extraordinary writs before the NMCCA and CAAF, conducted 16 oral arguments, and filed approximately 460 pleadings. The increasing complexity of military justice legal issues continues to impact appellate litigation. Litigation in the past year included whether "intuitive links" between different crimes can provide probable cause, continued litigation based on Congress' revisions to military sex crime statutes, the scope of appellate court jurisdiction to entertain victim appeals, and Appointment

Clause issues revolving around NMCCA judges sitting on the Court of Military Commission Review.

In addition to its standard caseload, the Division has pursued efforts during this reporting period to: (1) protect victims' rights on appeal; (2) facilitate communication between trial and appellate counsel; (3) promote consistency of and streamline appellate litigation by collaborating with other Services' appellate divisions; and, (4) increase public trust and confidence through training and outreach initiatives.

Record protection, in the interests of victim-witness privacy and institutional security, has been a practice priority. Through motions and rule-change proposals, the Division has limited the publication and use of personal-identifying information, privileged mental health information, and other sensitive victim-witness information as the Navy prepares to make public its appellate pleadings.

Improved communication with trial practitioners enhanced the practice of law at all levels. In coordination with both Navy and Marine Trial Counsel Assistance Programs (TCAPs), the Division continued to respond to frequent trial and appellate questions from Navy and Marine Corps judge advocates worldwide. The Division sent monthly practice advisories to trial counsel with practice points and key case updates.

The Division supplemented these efforts and continued to promote real-time, worldwide collaboration between counsel—trial and appellate, active and Reserve—through an in-depth military justice blog, discussion board, and military justice wiki. Over the past four years, the Division has directly shared its litigation efforts, including searchable pleadings, with Navy and Marine Corps trial counsel. This collaborative online project, ongoing since 2009, allows for instant, worldwide collaboration on interlocutory appeals, petitions for extraordinary relief, and remands. Additionally, this tool facilitates trial counsel motion practice by use of appellate-proof prewritten pleadings from the Division's searchable online office.

The Division continued its coordination with other Service appellate divisions to enhance the practice of appellate litigation through collaborative practices, including shared case and brief documents, on its SharePoint site. The "Joint Appellate Government Directors' Meetings" with other Services continued, fostering discussions on common concerns and encouraging consistent government positions before military appellate courts, as well as identifying matters of mutual interest such as victim-witness issues. Frequently, these interactions resulted in amicus briefs in support of other Services' appellate litigation, and amicus briefs filed in support of the Navy-Marine litigation position.

In fall of 2015, the Division organized the Third Annual Joint Appellate Advocacy Training (JAAT), which assembled more than 100 government and defense appellate counsel from all Services. The training focused on building appellate litigation skills, as well as discussing trial-appellate-intersection issues, and "hot" legal topics. The Director, Deputy Director, and several Appellate Counsel participated in providing training. Presenters included Judge Patricia Millett, D.C. Circuit Court of Appeals; Chief Judge Charles "Chip" Erdmann, CAAF; former CAAF Chief Judge Andrew Effron, Director, Military Justice Review Group; Ruthanne Deutsch,

Supervising Attorney and Clinical Teaching Fellow, Georgetown University Law Center; Hyland Hunt, Counsel, Akin Gump Strauss Hauer & Feld, LLP; Associate Dean Lisa Schenck, George Washington University Law School; Gregory Castanias, Partner, Jones Day and Author, *Federal Appellate Practice and Procedure in a Nutshell*; Michael Doyle, Legal Affairs Correspondent, McClatchy Newspapers; judges from the Services' Courts of Criminal Appeals, and personnel from the other Services appellate divisions.

Finally, the Division sought improvement and increased transparency in the military justice system. The Division provided input to the Judicial Proceedings Panel on proposed changes involving victims' rights on appeal. Division counsel instructed at the following events: the Sexual Assault Policy for Staff Judge Advocates Course, the Special Victim Capability Course, the Marine Defense Services Organization annual conference, Reserve Appellate Training, and the Navy TCAP/Naval Justice School's Senior Managers' Course. In March 2016, the Division developed and provided appellate training to the fledgling Navy-Marine Corps victim litigation counsel appellate support division. Appellate Counsel also participated as judges in civilian moot court competitions and attended civilian-sponsored trainings, and the Deputy Director published articles in a national appellate law journal.

C. Judiciary (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 six active-duty judges, currently sits at seven and is expected to remain at seven for the remainder of the calendar year. Throughout the year, the court steadily 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. Two law clerks are assigned to each panel of the court, and typically stay 9-12 months. The program has "graduated" 35 Navy and three Marine Corps judge advocates who were then reassigned as appellate government or appellate defense counsel. A number of them have subsequently rotated back to field and Fleet billets.

The NMCCA decided 370 cases during the reporting period. Those decisions addressed a wide array of complex and interesting legal issues, including:

- Whether the wife of an appellant who at trial invoked her spousal incapacity privilege could be compelled to testify when both parties were substantial participants in illegal activity;
- Whether the convening authority's instruction restricting eligibility for court-martial membership frustrated an appellant's right to a properly convened court-martial;
- Whether the petitioner's continued confinement after this court set aside findings and sentence and dismissed charges with prejudice pending the Judge Advocate General of the Navy's decision to accept or to challenge this court's decision is consistent with the procedures established within the UCMJ and sanctioned by binding precedent;

- Whether the appellant was properly convicted of receiving stolen property and larceny of the same property;
- Whether a military judge abused his discretion by giving a curative instruction vice declaring a mistrial after he excluded the entire testimony of a government witness heard by members;
- Whether a military judge abused his discretion when directing the convening authority to provide sentencing credit for illegal pretrial punishment from the date the appellant's initial conviction was set-aside until his retrial;
- Whether a military judge erred in finding that relaxation of the rules of evidence in sentencing only pertains to documentary evidence and also erred when excluding relevant mitigation evidence;
- Whether prosecutorial misconduct occurred through a government search of defense counsel spaces and when government counsel became disqualified from serving as trial counsel after becoming witnesses to certain charges engaged in case related activities outside of the courtroom;
- Whether erroneous post-trial advice to the convening authority that he could only act on the findings and sentence within the confines of the appellant's pretrial agreement where some of the offenses predated the FY14 NDAA and FY15 NDAA required new post-trial processing;
- Whether the appellant used physical strength sufficient to overcome his victim where the force used to commit the sexual act was limited to rolling the victim over onto his back and exposing his genitals;
- Whether the lesser included offense of battery was reasonably raised by the evidence where the accused was charged with committing a sexual assault and abusive sexual contact;
- Whether an accused can be convicted of larceny where, without permission, he used the credit cards of others to purchase electronic media without corporeal form;
- Whether it was proper to convict the appellant of non-forcible sodomy when conviction required proof beyond a reasonable doubt of facts not necessary for a forcible sodomy conviction and not pleaded in the specifications;
- Whether the Government had proven that at the time of the sexual conduct in question, the victim was incapable of consenting to the conduct due to impairment by an intoxicant when it did not prove that the victim did not possess the cognitive ability to appreciate the nature of the conduct in question or the mental and physical ability to make and to communicate a decision regarding that conduct to the other person;
- Whether a military judge abused his discretion in refusing to order the use of an interpreter throughout the cross-examination of the foreign national victim;
- Whether a military judge abused his discretion in refusing to order the deposition of a minor victim whose mother refused to allow defense counsel to interview her prior to her testimony at trial.

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

The following chart indicates the total cases pending appellate review:

Total Number of Cases Pending Appellate Review

	June 2012	June 2013	June 2014	June 2015	June 2016
Appellate Defense – Brief not yet filed	85	89	84	56	87
Appellate Government - Answer not yet filed	27	27	20	27	17
NMCCA - All pleadings filed	69	32	95	63	58
Total Pending Review	181	148	199	146	162

The NMCCA heard 13 oral arguments and posted audio from those oral arguments on the Navy JAG Corps website (www.jag.navy.mil).

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 fifth annual NMCCA Judicial Training course in September 2015. The training focused on judicial writing. The court brought in a nationally recognized expert on judicial writing who regularly provides training to state and federal appellate judges. NMCCA also hosted the annual Fulton Appellate Judges' Conference, which was attended by the judges and legal staffs from all four service courts. The conference featured two keynote speakers: a Fourth Circuit Court of Appeals Judge and a former United States Solicitor General. Presentations included a year in review of the Supreme Court's criminal law decisions, along with upcoming changes to the UCMJ, the Fourth Amendment, the internet and electronic devices, and a panel with victim's legal counsel from the Navy, Army, Air Forces, Marines and Coast Guard.

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 12 active duty Marine Corps judges and 11 active duty Navy judges. Active-duty trial judges are stationed throughout the world, typically in Fleet and Marine force concentration areas and travel as required to conduct trials. In locations where no active-duty trial judge is stationed, the trial judiciary frequently relies upon Reserve military judges to meet case load demand.

Although the overall caseload at the trial level continues to decline slightly from past years, the trial judiciary presides over a docket increasingly composed of complex contested cases. This is unique to military practice. In particular, contested sexual assault cases make up a large

percentage of the NMCTJ's case load. Managing such cases requires the trial judiciary to routinely preside over 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. As Victim's Legal Counsel (VLC) become a more common part of these cases, the number of motions filed by VLC has increased.

The number of misdemeanor-level cases (SPCMs) continues to make up a relatively small percentage of total cases, as do the percentage of guilty plea cases. As a result, trial judges now preside over somewhat fewer cases in the aggregate, but spend roughly as much time in court in lengthy pretrial motions sessions and in fully contested trials as they did in previous years, when the docket was composed largely of uncontested SPCMs.

In February 2016, the NMCTJ attended the Joint Military Judges' Annual Training at Maxwell Air Force Base in Montgomery, Alabama. More than 100 military judges from the five uniformed services attended the three day seminar, which included lectures from civilian and Government legal experts in evidence, discovery and emerging issues in criminal and procedural law.

Finally, three judges are assigned to serve the Office of Military Commissions Trial Judiciary, as needed, to preside over cases at Guantanamo Bay, Cuba. Of those three judges, one is currently detailed to a case and travels occasionally to Guantanamo Bay 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. In 2016, the Navy is reaping the benefits of this nine-year old initiative. By instruction, 63 positions within NLSC and OJAG are designated as "track billets." Currently, 56 of those 63 billets are filled by designated track officers.

A key aspect of the litigation career track is cultivating senior litigators who can assume leadership positions and then supervise and mentor junior officers. Officers selected for the track in 2007 and 2008 as junior officers have matured into senior officers, providing an extraordinary nucleus of litigation expertise. Currently, track officers fill these critical assignments, among others:

- **Trial Counsel Assistance Program (TCAP) Director/Deputy Director & Defense Counsel Assistance Program (DCAP) Director/Deputy Director:** Created in 2010, TCAP/DCAP provide training to trial and defense counsel worldwide, both in established courses and in Mobile Targeted Training, which responds to emergent issues in a particular circuit. Equally important, TCAP and DCAP provide real-time assistance in individual trials and vital reach-back resources for litigators throughout the enterprise. A critical aspect of the MJLCT, both TCAP and DCAP are staffed by officers recognized as the best and brightest among MJLCT officers.

- **Senior Trial Counsel/Assistant Senior Trial Counsel (ASTC)/Officers-in-Charge (OIC):** At all nine prosecution commands, the STC is a track officer. At the three largest commands, there are at least two other MJLCT officers as well, serving as ASTC or OIC.
- **Senior Defense Counsel:** At all four defense commands, the SDC is a MJLCT officer. Each command has at least one other track officer as well.
- **Victim's Legal Counsel:** MJLCT officers serve in leadership positions on the East and West Coast
- **Military Judge:** Of the Navy's 12 military judges, 9 are MJLCT officers. Those nine judges all have extensive experience in the courtroom, both as litigators themselves and as supervisory counsel (e.g., STC, SDC, OIC, Executive Officer, and Commanding Officer of defense and prosecution commands).

D. Operations and Management (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.

Code 60 is responsible for reporting the status of Service Treatment Records (STR) to the Bureau of Medicine (BUMED) for OJAG and NLSC military personnel who are retiring or separating. The STR report is 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. 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 North American South Asian Law Student Association, the Federal Bar Association's Indian Law Section, the National Conference of Women's Bar Associations, and the National LGBT Bar Association. Recruiting focus areas included the highly successful JAG Corps internship/externship program, pre-law and pipeline programs, 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 596 applications in fiscal year 2016.

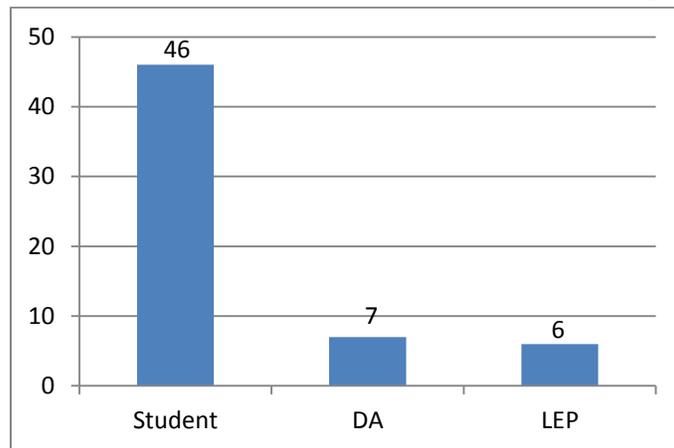
The application process includes an online application and an interview with two judge advocates. Applicants are evaluated using a "whole person" standard and selected through a process designed to foster thoughtful consideration of applicants and ensure selection of a diverse team of highly qualified 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 access 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 a similar opportunity for a fully-funded law school education with follow-on service as a Navy judge advocate to active-duty Navy enlisted personnel, who possess a bachelor's degree.

The chart below reflects the number of officers who were selected for accession into the Navy JAG Corps in fiscal year 2016.

Selections for Accession into the Navy JAG Corps



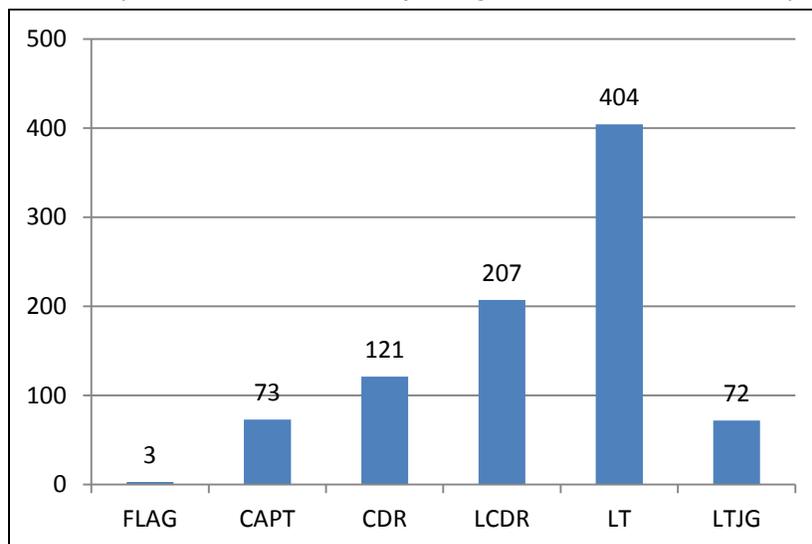
Internal studies show that Navy Judge Advocate Continuation Pay (JACP) remains a powerful incentive program to address high student loan debt. It is a vital recruiting and retention tool and the only incentive pay program for Navy judge advocates. The average student loan debt for new accessions to the JAG Corps is nearly \$150,000. Student loan debt for all junior officers (generally within their first six years of practice) in the JAG Corps averages 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 while others 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. Additionally, some judge advocates received advanced graduate degrees from other institutions such as the Fletcher School of Law and Diplomacy at Tufts University and the Naval War College in Newport, Rhode Island.

The Military Personnel division assisted JAG Corps leadership in evaluating the manpower necessary to meet current and future mission requirements. The following chart illustrates the military rank distribution of active duty judge advocates as of April 2016.

Military Rank Distribution of Judge Advocates in the Navy



Several active-duty judge advocates are currently deployed in direct support of operational forces. There is a judge advocate deployed to each of the following locations as of April 2016: Afghanistan, Guantanamo Bay, the Horn of Africa, and 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, twelve 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.

Since September 11, 2001, Reserve judge advocates and Legalmen have performed more than 517 deployments as individual augmentees to military operations in Afghanistan, Iraq, Kuwait, Guantanamo Bay, the Horn of Africa, and Bahrain. Currently, 16 Reserve judge advocates and 14 Reserve Legalmen are deployed, and another 49 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 OMC, working in defense and prosecution, as well as with the convening authority. The NRLP assigned 14 personnel to OMC, many of whom are mobilized on long-term active-duty. 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 RLSO Northwest (NW) legal unit received the 2016 Rear Admiral Hugh H. Howell Jr. Award for Excellence for Best Unit, West Coast, for providing maximum contributory support to RLSO NW across the entire spectrum of the RLSO mission-set including command services, military justice and legal assistance.
- NR Naval Justice School (NJS) legal unit received the 2016 Rear Admiral Hugh H. Howell Jr. Award for Best Unit, East Coast for providing maximum contributory support to the Naval Justice School and the continuing professional and legal education of the Reserve Law Program community.
- Captain Sheila Fix was awarded the Judge Advocates Association’s 2016 Outstanding Career Armed Service Attorney for her nearly 25 years of dedicated active-duty and reserve service, outstanding professionalism and mentorship as a senior leader in the Reserve Law Program and providing legal services within the U.S. armed forces.
- Reserve Sailors continue to provide key support to a critical mission, the Victim's Legal Counsel program. The VLC program 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.
- The NRLP stood up a new unit to provide qualified officers to active-duty and reserve units in the Fleet for hearings under Article 32 of the Uniform Code of Military Justice. The unit consists of five senior officers who have decades of experience in military justice and are also qualified to serve or have served as military judges. Hearing officers take evidence and witness testimony and then make recommendations to convening authorities for whether a case should be referred to a court-martial or other disciplinary forum.

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 continues to serve as a Special Assistant to the Judge Advocate General and maintained responsibility for financial management and related operations.

FY16 has been a challenging year as budget cuts impacted mission lines of operation. All aspects of the NLSC organization were affected: a significant slowdown in providing required facility security upgrades; a reduction in professional training; and decreased mission essential travel. Throughout the year, travel and training were significantly reduced in an attempt to conserve funds. NLSC continues to maintain essential travel associated with the provision of legal assistance services to Sailors and their families. Travel for courts-martial continues to be funded by convening authorities.

Finally, the DoD's Financial Improvement and Audit Readiness (FIAR) initiative is on-going, and the Comptroller 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.

5. Civilian Personnel Management Services (Code 66)

The Civilian Personnel Management Services Division (Code 66) continued to classify civilian employee position descriptions, coordinated hiring actions, managed civilian tuition reimbursement and assistance requests, managed numerous civilian recognition awards, administered civilian training, and worked with Code 64 to disburse the allocations for incentive award monies throughout OJAG/NLSC. The past year has been successful, but not without minor challenges. While the Division Director was vacant for a period of time, three new civilian employees were hired between August and September 2015.

Even after the departure of the Division Director in March 2016, the division successfully revamped the Code 66 SharePoint site on the JAG portal, developed a personnel actions tracker, and created a new common inbox to better manage the flow of civilian personnel requests.

The partnership developed with DON Civilian Employee Assistance Program allowed the successful hosting of three Civilian trainings, one on "Civilian Resiliency", another on the "Ups and Downs of the Holiday Season," and one on "Civilian Civility in the Workplace." Each of these trainings offered tools in the related subject areas and highlighted the different services available to our civilian personnel.

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

The Technology, Operations, and Plans Division is working to unify the three systems in JAG Case Management Tracking Information System (CMTIS), Claims and FOIA Management System (CFMS), and the JAG Personnel (JAGPERS) System into a single system named the JAG Enterprise System (JES). This merger will streamline system oversight and provide more transparency under DoD system reporting requirements. We are working with our parent agency, Department of the Navy, Assistant for Administration (DON/AA), to integrate smaller databases into the newly merged JES system as new modules. The division is also working with the DON-CIO to migrate the Naval Justice School's educational network away from Training Network (TRANET) managed by the Naval Enterprise Training Command (NETC) to a cloud-based

solution that includes supporting wireless bring-your-own-device capabilities internally managed by the Naval Justice School.

The Division is involved in the critical effort to transition the Navy to a new incident based tracking system, the Naval Justice Information System (NJIS). By transitioning to NJIS, the DON is creating a system to track incidents from initial report to final disposition. OJAG is responsible for creating the Victim's Legal Counsel (VLC), the Legal Assistance (LA), and Judicial Action (JA) sections of NJIS and for assisting in the development of the Command Action (CMDA) section. The CMDA section will track the incident through the command of an accused resulting in either no action, administrative action, or judicial action. If a judicial action is the outcome then the incident will become a military justice case within JA with charges preferred and potentially referred to courts-martial. At the completion of a court-martial, cases will be tracked until final disposition either at the local level or through the appellate review process. The VLC section will allow all Victim Legal Counsels to track support provided to qualified victims of crime. The LA section 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 Courthouse Security program. This was the second year in which OJAG coordinated with NCIS's Security Training, Assistance and Assessment Teams, in conjunction with OJAG-employed Physical Security Specialists, to conduct courthouse security assessments. The results are used to identify effective security enhancements. We have also instituted a quarterly physical security training program for all offices, run by the regional Physical Security Specialists and managed by the Office of the Judge Advocate General, Code 67. Although we have avoided serious incidents in recent years, we are ever mindful of the need for sound security processes. To that end, our additional civilian specialists have helped ensure standardization of training, processes, screening, and risk assessment at Navy courthouses and all offices world-wide.

7. JAG Consolidated Administrative Business Office (JCAB)

The JAG Consolidated Business Office (JCAB) is located in Bremerton, Washington. JCAB continued to provide centralized administrative services to OJAG/NLSC worldwide in the areas of government travel which includes: Defense Travel System (DTS) and the Government Travel Credit Card (GTCC); micro purchases for supplies and services; and personnel security to 85 commands, detachments, and branch offices. JCAB continued to employ a small, highly experienced cadre of subject matter experts to provide services to the enterprise.

During the reporting period, three major evolutions occurred at JCAB: (1) Naval Justice School travel and purchasing responsibilities were transferred to JCAB; (2) JCAB was issued Ordering Level II authority which greatly expanded the scope of its services by adding ordering responsibilities for purchases under the Simplified Acquisition Threshold for OJAG and NLSC, as well as contracting; and (3) JCAB took ownership of the Anti-Terrorism program.

E. Naval Justice School (NJS)

NJS is headquartered in Newport, Rhode Island, with teaching detachments in San Diego, California, and Norfolk, Virginia, and a branch office in Charlottesville, Virginia. 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.

In January 2016, NJS hired a civilian expert who specializes in the science of adult learning, titled Education Program Specialist. The incumbent in this position informs all aspects of curriculum and instructor development at NJS. The addition of the Education Program Specialist

Enlisted and Officer Course Integration

In order to gain efficiencies with scarce training resources and to promote the concept of legal teams who develop legal solutions together, NJS is integrating enlisted and officer legal training wherever possible. This year, instructors have taught instruction together to model the attorney/paralegal relationship for students. In January 2016, the Basic Lawyer Course and the Legal Service Specialist Course did a team exercise that highlighted the training and capabilities of both the officer and enlisted students. This exercise was such a success that will be used as a model for the coming year and will be programmed in the curriculum to ensure all students have a chance to learn from the experience. Also, the course calendar has been realigned for the coming year so that enlisted and officer student courses are closely aligned to facilitate more of these opportunities. The result of this integration will be better trained, cohesive legal teams that are prepared to provide legal solutions to support effective military operations and judicious use of public resources.

has enabled the development of an NJS learning model that will connect all courses across all student populations to meet the fleet's legal training requirements.

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 152 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 capstone exercise of the BLC continues to be a mock sexual assault trial that students prosecute or defend from investigation through fully contested court-martial. This model of experiential learning serves to provide military attorneys with the foundational skills to support the military commander's good order and discipline mission.

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 the 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 64 students. Another 35 are on track to graduate in August 2016. 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.

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 608 judge advocates and 124 enlisted and civilian legal professionals around the world. More than 415 judge advocates earned Continuing Legal Education credits by taking NJS courses.

Continuing Legal Education courses offered during the reporting period included:

- Basic Trial Advocacy Course
- Naval Legal Service Command Prospective Commanding/Executive Officer Course
- Advanced Staff Judge Advocate Course
- Advanced Cyber Operational Law Course
- Law of Naval Operations Course
- Information Operations Law Training
- Trial Counsel/Defense Counsel Orientation Course (2 offerings)
- Coalition Operational Law Course
- Staff Judge Advocate Course (2 offerings)
- Legal Assistance Refresher Course
- Legal Assistance for Paralegals Course
- Senior Legalman Leadership Course
- Paralegal Research and Writing Course (3 offerings)
- Legal Ethics for Paralegals Course (3 offerings)
- Litigating Complex Cases Course
- Defending Sexual Assault Cases
- Coast Guard Legal Technician Course
- 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 Military Justice Course
- Legal Services Administrative Law Course
- Legal Services Board Recorder Course
- Navy Reserve Law Program Judge Advocate Training (2 offerings)
- Mid-Level Legalman (Distance Learning, 2 offerings)
- Advanced Operational Law Course
- Advanced Courtroom Communications
- Classified Information Litigation Course

NJS continued to develop its online legal education program by contracting with Blackboard in order to have greater control and flexibility in maintaining a learning management system. The Blackboard platform enables NJS's delivery of 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, 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.

NJS offered two leadership courses for Navy judge advocates. The one-week Leadership Development Course partnered with the Navy Leadership and Ethics Center and 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 this reporting period, NJS rolled out a new Senior Officer Course curriculum, consisting of completely scenario-based training and group discussion. There are two instructors who facilitate, playing the role of a Staff Judge Advocate and providing risk-assessed legal

advice in the context of the scenario and based on the legal rules that govern each topic. This provides a more realistic and interactive course that better prepares commanders for their important role in many aspects of military law. 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.

Another exciting first for NJS this year was the execution of two, new, mobile training teams (MTT) in response to the fleet's request for legal training overseas. The Senior Officer Course, and parts of the Legal Officer and Legal Clerk Course were delivered for Navy fleet participants in Rota, Spain and Yokosuka, Japan. These two MTTs were in addition to the currently offered MTTs that educate Marines and Sailors in Okinawa, Japan; Kaneohe Bay, Hawaii; Camp Lejeune, North Carolina; Parris Island, South Carolina; and Camp Pendleton, California. Also delivered were two Senior Enlisted Leader Courses for the Marine Corps in Quantico, Virginia, in concert with the Marine Corps' First Sergeant's Course.

The Navy Reserve NJS unit planned and executed the second National Military Law Training Symposium (MLTS) for the Reserve Law Program. This training event was a follow up to the first course, bringing together both East Coast and West Coast reserve JAGs and Legalmen, had 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. Legalman (LN)

In September 2010, the first class of Sailors serving in the Legalman (LN) job field began the Legalman Paralegal Education Program (LPEP). LPEP offers LNs 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, 371 LNs (80%) have received associate degrees in paralegal studies, and an additional 101 are currently enrolled in the program. LPEP educated LNs are expected to perform work at a higher complexity and receive a Navy Enlisted Classification Code (NEC) to identify that skill set upon completion of their degree. To date, 370 LNs have received their NEC, with one Sailor awaiting classification.

Through LPEP, LNs 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 LNs able to perform specialized paralegal functions. Additionally, as part of a larger Navy-wide initiative to review job titles and to ensure job titles best define the job, the Navy JAG Corps has recommended changing the "Legalman" job title to "Paralegal." This proposed change better reflects the education and training our LNs receive, as well as the duties they perform and will more easily translate in the civilian sector.

The Navy JAG Corps continued to make other professional development options available to LNs. In 2014, a military-specific Training and Utilization Instruction was promulgated, improving integration between attorneys and LNs and ensuring that every LN receives adequate training to perform their assigned duties. Every Region Legal Service Office and Defense Service Office is using this instruction to ensure every LN is qualified and can provide integral support to meet mission requirements while being fully utilized as a paralegal. To gauge effectiveness and oversight of the program, the Judge Advocate General's Article 6 inspection team interviews attorneys and LNs to evaluate LN utilization and integration. They are able to provide immediate feedback for improvement and collect best practices to share across the entire enterprise.

To further increase paralegal skills, a new Paralegal Litigation Support Course was developed and was offered for the first time last year. The students in this course 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 third year for the program, and we selected our third accessions via the IPP process. This was the first year we selected a LN.

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.

In April 2015, OSP published the JAG Corps' most recent 10-year strategic plan – [Navy JAG Strategic Plan 2025](#) – which sets out our mission and long-range vision for the Navy JAG Community to fulfill present and future Fleet and joint legal requirements in an increasingly complex, specialized, and interconnected operating environment. Published online, the strategic plan is designed to adapt to changes in the operating environment and higher headquarters guidance. In January 2016, the Chief of Naval Operations (CNO) published his strategic plan, entitled “*A Design for Maintaining Maritime Superiority*,” which provides new higher headquarters guidance that frames and informs our strategic planning efforts. To ensure continued alignment with the Navy's strategic goals and objectives, the OSP collaborated with CNO's strategic planning team and JAG Community subject matter experts to draft revisions to key sections of *Navy JAG Strategic Plan 2025*.

OSP also oversaw the development and execution of the JAG Corps' strategic initiatives, which are designed to actualize the three objectives of the strategic plan – Capabilities Alignment, Knowledge Management, and Community Health – 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 2016, OSP continued to lead various offices throughout the OJAG and CNLSC organizations in executing the following initiatives, completing three of the initiatives as indicated:

- Assessing the feasibility of adopting an online service for providing clients with basic legal documents (complete);
- Finalizing and implementing a Disability Evaluation System resourcing plan that captures the appropriate active/reserve/civilian manning balance and supporting relationships for logistical support to continued delivery of critical services (complete);
- 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 (complete);
- Ensuring timely and effective public access to court-martial records consistent with applicable law by streamlining the Freedom of Information Act (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; and
- 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.

In addition, OSP began coordination with the Knowledge Management Team, the Assistant Judge Advocates General, and OJAG and CNLSC leadership to develop a plan to track, measure, and report the overall level of successful execution and progress on our strategic objectives.

OSP also assisted with multiple special projects targeting our community health, including designing and participating in a working group to assess the structure and purpose of JAG Corps continuation pay, which supports recruiting and retention goals, and a working group to create new structured interview questions in support of our JAG Corps accessions program. Further, OSP continued to collaborate with NJS to assess the feasibility of recommendations designed to improve leader development opportunities and requirements for judge advocates and Legalmen.

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

In JAG Strategic Plan 2025, Knowledge Management (KM) was identified as one of three strategic objectives that will enable us to transform our practice as a 21st Century law firm. 2015 marked the year that KM established its initial operational capability within our enterprise. Highlighting what has been accomplished this year:

Through a collective effort, the foundation for operationalizing KM in the Navy JAG Community was achieved by:

- Standing up the KM Core Team under the Special Assistant for Knowledge Management;
- Deploying the JAG Portal as our primary information technology platform;
- Designating KM Officers and Representatives (KMOs/KMRs) at every NLSC command and OJAG Code to connect the KM Core Team to practitioners throughout our community.

The KM Core Team executed critical hands-on training and engagement at NLSC commands worldwide and during this time they:

- Developed and delivered custom training content and hands-on workshops to nearly 500 personnel;
- Increased JAG Portal registration by 100% to more than 1,100 members; and
- Increased Portal activity by more than 300% between September and December 2015.

Finally, the KM Core Team collaborated with more than 40 individual NLSC commands and OJAG Codes on projects and initiatives, scaled from small-team to community-wide efforts, including:

- Development of Command and Code sites on the JAG Portal;
- Creation of individual personal profile pages with biographical information and remote access storage space;
- Creation of collaboration spaces and work centers;
- Wikis for Codes 45 and 51 and the Law Library (digital update to the Big Red Book);

- Construction of cross-collaboration sites for Victims' Legal Counsel/Legal Assistance/Disability Evaluation System counsel and Joint Service Victims' Legal Counsel/Special Victims' Counsel;
- Initiated migration of Reserve JAG information to the JAG Portal;
- Redeployment of Ethics Grams, SJA Grams, and current detailing information to the JAG Portal; and
- Piloting a SharePoint-based NLSC command dashboard and common operating picture.