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New Chief Legalmen

Anchor Up

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JAG MAGAZINE

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THE JUDGE ADVOCATE GENERAL

Looking Ahead

We serve at an incredible time. For over four decades, the JAG Corps has provided superior legal services to commanders at sea and ashore, to our shipmates and to our Navy family. However, with more forces forward-deployed than ever before, our judge advocates, legalmen, and civilians answer today's call to serve in environments more diverse, more challenging, and more rewarding than ever before.

RADM DeRenzi, RDML Talson, the AJAGs, and I have spent considerable time and effort since August in taking stock of our community's future. In November, more than 200 of our JAG Corps captains, chief petty officers, and senior civilians offered critical insight on what the Corps needs to focus on over the next year. Our Corps' accomplishments are impressive and have kept us relevant to our clients; however, we must continue to look ahead.

JAG Corps 2020, our vision for the years ahead, is the foundation, guiding us on how we will continue to provide effective and efficient legal support for the naval, joint, and combined force of the future. At the same time, we must be mindful of accomplishing our immediate mission and do it all within a framework of constrained resources. To ensure our success, the recently released JAG Guidance 2010 details our strategy for balancing the goals of our current mission and investing in our future across the four focus areas during this next year.

As the cover page of this issue reflects, the JAG Corps has selected 18 new chief legalmen. RADM DeRenzi and I offer them all our heartiest congratulations on this landmark accomplishment in their careers.

Also in this issue is a feature on the JAG Corps' first ever National Moot Court Competition, which was hosted by RLSO Southeast. The competition brought together twenty-three teams, representing a cross-section of the highest caliber and most diverse law schools in the nation, and it was a resounding success story for the JAG Corps.

LCDR Dave Lee shares reflections on his and other judge advocates' deployment to Iraq with II MEF. In Afghanistan, other judge advocates are helping to train a new cadre of Afghan National Army and Ministry of Defense legal offi-

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COMMAND MASTER CHIEF

Chief petty officer transition

The Navy's Goatlocker recently inducted the latest group of fine Sailors into the ranks of the chief petty officer mess. I wanted to pause for a moment to reflect on the guiding principles of the chief petty officer. These principles may focus on chiefs but they hold true to the tone that should be set by every leader in our Navy, regardless of paygrade, duty assignment, or command mission. The degree of personal dedication required to excel in today's Navy is truly humbling. Gone are the days when average men and women could promote through the ranks and achieve retirement through just getting by. Our JAG Corps is filled with professional experts who set the highest standards of excellence ever realized in our fine Navy. Yet some days we focus so much on mission accomplishment that we lose sight of the basic leadership principles that make us the best law firm in the world. By employing these basic principles in our everyday operations, we will enjoy a stronger JAG Corps and a better Navy.

There are seven guiding principles for the chief petty officer. Here is a list and short description of each one.

Deckplate Leadership: Chiefs are visible leaders who set the tone. We know the mission, know our Sailors, and develop them beyond their expectations as a team and as individuals.

Institutional and Technical Expertise: Chiefs are the experts in their field. We will use experience and technical knowledge to produce a well-trained enlisted and officer team.

Professionalism: Chiefs will actively teach, uphold, and enforce standards. We will measure ourselves by the success of our Sailors. We will remain invested in the Navy through self-motivated military and academic education and training, and will provide proactive solutions that are well founded, thoroughly considered, and linked to mission accomplishment.

Character: Chiefs abide by an uncompromising code of integrity, take full responsibility for their actions, and keep their word. This will set a positive tone for the command, unify the Mess, and create *esprit de corps*.

Loyalty: Chiefs remember that loyalty must be demonstrated to seniors, peers and subordinates alike, and that it must never be blind. Few things are more important than people who have the moral courage to question the appropriate direction in

Chief petty officer transition continued on page 5

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cers. And LCDR Heather Partridge describes judge advocates' efforts in Guam to ensure the smooth transition to a Department of Defense "joint region" in Joint Region Marianas.

Elsewhere, young judge advocates, often less than a year from law school, are representing wounded Sailors and Marines and fighting for their continuing care and compensation. In 2008, the National Defense Authorization Act increased the rights of wounded, ill, and injured service members during the disability evaluation process. LT Dayton Krigbaum and CDR Elizabeth Moores of NLSO NC discuss new developments in the disability process in their piece. Additionally, LN1 Harrold Henck discusses Reserve CDR Nicholas Murphy's years of experience working with wounded Sailors and Marines.

LN1 Sigurdsson recounts her experience serving as the sole legalman on a team that conducted a rather unique JAGMAN investigation. CMC Christopher Browning and LNC Ursula Brown offer words of wisdom to our new chiefs, who are no doubt already learning the meaning of the phrase, "Ask the Chief."

Lastly, every edition of the JAG Magazine is filled with stories, perspectives, and news that provide outstanding exemplars of legal expertise, leadership in action, and professional development. This publication is the living history of your JAG Corps, so please take ownership of it. As the Navy legal community continues to evolve, the JAG Magazine is more dependent than ever on your articles and photographs. Keep watch for any items of note, so we may publish them in your community magazine. RADM DeRenzi and I thank you for your commitment to serving our Navy and our Nation.

JAMES W. HOUCK
Vice Admiral, JAGC, U.S. Navy

Chief petty officer transition continued from page 4

which an organization is headed and then the strength to support whatever final decisions are made.

Active Communication: Chiefs encourage open and frank dialogue, listen to Sailors, and energize the communication flow up and down the chain of command. This will increase unit efficiency, mission readiness, and mutual respect.

Sense of Heritage: Our heritage defines our past and guides our future. Chiefs will use heritage to connect Sailors to their past, teach values and enhance their pride in serving to our country.

For our new chief legalman, the days of observing set "working hours" are long gone. Some chiefs must do command work all day long, then start their "chief work" at 1700 as their Sailors are going home for the night. Your dedication to the care and development of your Sailors cannot be understated. You must focus every day on meeting this expectation the Navy has of you.

From here on out, your success in the Navy will be realized through the success of your Sailors and your team. You will no longer be measured by your personal accomplishments, but through your ability to lead your team into battle success, whatever the specific mission may entail. Please do not settle into a comfort zone - get out of your comfort zone! The JAG Corps is too small a community to accept professional "comfort," and you will be called out to lead by the dedicated chiefs that surround you in our Mess.

You must do everything possible to make your Sailors and junior officers the best they can be. You owe it to them. Just like that old chief who saw something special in you all those years ago, now you're the "old salt" who must exercise patience and compassion while mentoring and growing our young legalmen and judge advocates.

You must always do the things that chiefs must do. It's not enough to do things without being told – now you have to think up those things to do. You alone must realize, analyze, prioritize, improvise, exercise and supervise everything your Sailors will accomplish. You cannot be concerned with popularity. If you are, you will not succeed as "The Chief." Someone has to make the difficult decisions. By virtue of being difficult, those decisions are rarely popular with your Sailors.

I challenge every officer, legalman and civilian employee to strive to make a positive difference every single day. Take the hard jobs, get out of your comfort zone, stay involved, and communicate up and down the chain of command. Please accept my sincere thanks and gratitude for all you do! Good luck, chiefs - it's time to Anchor Up!

CHRISTOPHER J. BROWNING
LNCM (SW/AW), U.S. Navy

Legalman on the case

Investigating the collision between USS Hartford and USS New Orleans

By LN1 Karyn Sigurdsson
Region Legal Service Office Europe and Southwest Asia, Det Rota

I recently had the opportunity to be a part of an incredible legal team investigating the collision between USS *Hartford* (SSN 768) and USS *New Orleans* (LPD 18) in the Strait of Hormuz on March 19, 2009. The investigative team was comprised of a diverse group of people who stretched from all reaches of the Navy: San Diego, Groton, Spain, and Bahrain.

This was my first investigation of an incident of this magnitude: *Hartford* rolled nearly 85 degrees when it collided with *New Orleans*' hull, causing her mast to be severely damaged and ripping into the fuel and ballast tanks on *New Orleans*. Almost miraculously, and a credit to the submarine crew's meticulous stowage for sea, there were only a handful of minor injuries - the most severe being a broken finger. *New Orleans* was able to control flooding almost immediately and the only noticeable problem when I visited her three weeks after the collision was a slight list while she waited to undergo repairs in dry dock.

As with any investigation of this size, a legalman's work is primarily administrative in nature, but as enlisted members we are called upon to provide "fleet" knowledge and experience. A commodore was assigned as the investigating officer (IO), assisted by a post-command submarine officer and a three-person legal team. Although the IO was the primary person responsible for most of the questioning, analysis, and writing, all of us were involved as valuable members of this team. Each of us was responsible for parts of the investigation and we were all asked to provide input, corrections, feedback, and critiques, which the IO took on board as the report moved forward. As the investigation wound down, I reflected on our valuable and rewarding month of work and some ideas on how legalmen can make a great contribution to the success of any investigation. Here are some areas to focus on.

USS *Hartford* (SSN 768) at Mina Salman pier in Bahrain where U.S. Navy engineers and inspection teams assessed the damage that resulted from the collision with USS *New Orleans* (LPD 18).

Be informed

Seek out news articles when you hear of a major incident that involves an investigation. If you have the opportunity to work on an investigation, brush up on the investigation process before you show up on your first day. Read investigations into prior incidents if they are available.

Be assertive

If you have an idea, or if you believe something isn't there that should be, speak up. Many investigating officers will be receptive to your input.

Be attentive

Attention to detail is critical when working on an investigation. Read through everything that crosses your desk! It may seem obvious but knowing the smallest details in a large document will save time rummaging through hundreds of pages.

Be flexible

Working long days and odd hours is common when you're working on a complicated investigation with a relatively short deadline. Be ready for anything!

Be resourceful

Set up a supporting network immediately. Making contact with communications and supply departments will help you locate, access, and utilize resources that will be necessary for your investigation.

Be organized

When you work on an investigation where there are many enclosures and references, organization is absolutely key.

Most of all, be positive

The most valuable part of my experience was how intimately involved I was with this complex investigation. Participating in and observing the interview process, conducting research, gathering supporting documentation, writing the report, and organizing it all into a final product was an invaluable experience. As a legalman, this kind of opportunity is what provides us with the experience in assisting a future IO through his or her first investigation.

Anchors of leadership

By LNC Ursula Brown
Naval Legal Service Office Central

As the end of another Chief Induction period comes to a close, I reminisce on my own experience during this time-honored tradition. This is a once-in-a-lifetime experience for the new chiefs and one that I hold very close to my heart. Each of these new chiefs will embark upon a new Navy. Our new chiefs will be looked upon as experts on the legalman rate, as well as Navy experts on traditions and history.

Being "chief" is about the junior Sailors and helping them achieve their goals. It's about those junior officers just coming in the Navy and acquainting them with how the Navy runs. The word "Sailor" is all inclusive; officers and enlisted. We, as chiefs, must impress upon all Sailors that we are one team, working together to achieve the command's mission, the Navy's mission. Once selected as a chief, we must change the way we do business. "Ask the chief" isn't just a catchy phrase.

Like most Sailors joining the Navy, I'd heard the word "chief" before, but reporting to my first command and seeing one in action was a whole different story. My first chief was a chief aviation structural mechanic and I was a yeoman working in student control at a helicopter squadron. This chief explained the Navy to me so I would succeed.

I'm sure we all have stories such as this where a chief has made a significant impact in our lives and career. That, of course, illustrates even more why it's important that these new chiefs continue to carry the torch. In doing so, they must ensure that we provide adequate training and guidance to our junior officers, preparing them for fleet billets. "Sailorization" isn't limited to the enlisted ranks; it is paramount that it continues through the officer ranks. Exposing our officers to special programs, Career Development Boards, Perform to Serve and other career-defining programs and information is essential to making them well-rounded division officers and department heads. When a lieutenant from our command had the chance to be assigned TAD to the USS *Makin Island* for a couple of months, the only advice he received from his chief was to make contact with the command master chief and use the Chief's Mess. That's how important CPO leadership is.

The role and responsibility of the chief were described well by Commodore Felkins, Commander, Fleet Training Group, Guantanamo Bay, Cuba, during a pinning ceremony in 1982.

> "You will, no doubt, encounter the prototypical 'Salty' ensign. He will be your nemesis. He will assert his authority. And you will support him. But after quarters is done, you will seek him out and attempt to set him right. If he is potentially a good naval officer, he will listen to you. If he is wise, he will seek your council. If he is none of these things it is your responsibility… indeed, it is your duty to confront him, and the consequences be damned. You must, when the time comes, be willing to put everything on the line.
>
> The role of the chief petty officer has been the same since the establishment of the chief petty officer rank in 1893, chiefs are charged with being the backbone of the Navy. Our call is to lead and train. In leading, we represent the anchors that hang from the bow of the ship. HELMSMAN, Full speed ahead! Hooyah!"

Congratulations
to the New Chief Legalmen

LNC Melissa Adams
LNC Richard Burgess
LNC Lesli Collazo
LNC Tawanica Davis
LNC Anthony Hernandez
LNC Marie Lewis
LNC Jeremy Lloyd
LNC Veda May
LNC Paul McCarthy
LNC Wanda Miller
LNC Lourdie Powell
LNC Marie Roman-Cardona
LNC Shawn Sargent
LNC Eric Smart
LNC Jacqueline Thompson
LNC Sandy Veit
LNC Bonnie Vermillion
LNC Sally Webster

Joint Region Marianas
A Challenge and an Opportunity

By LCDR Heather Partridge
Naval Legal Service Office Pacific, Detachment Guam

In October 2009, the Department of Defense officially stood up the first "joint region". The transition from Navy Region Marianas to Joint Region Marianas (JRM) has been no small feat, and there are lessons to be learned for all judge advocates as joint basing spreads Navy-wide.

Base Realignment and Closure (BRAC) 2005 required that joint basing be implemented by Sept. 15, 2011. It should be noted that joint basing is separate and distinct from joint combatant commands, created by statute under Title 10. Joint basing authority is granted by agreements between the services embodied in a interservice Memoranda of Agreement (MOA).

BRAC 2005 noted that separate military departments were providing similar installation services in close proximity and identified 26 bases ripe for consolidation to gain efficiencies and eliminate redundancy. At each location, one military department is assigned the lead. Joint Basing Implementation Guidance was signed in January 2008 by the Deputy Secretary of Defense, identifying the consolidation of U.S. Naval Base Guam (NBG) and Andersen Air Force Base (AAFB) into JRM as one of several Phase I Joint Basing efforts.

JRM combines the oversight of Navy and Air Force installations on Guam under one command, Region Commander, RDML Douglass T. Biesel. Prior to the creation of JRM, NBG reported via Commander, Navy Region Marianas to Commander, Naval Installations Command (CNIC), but AAFB reported along its own service lines. Now, both NBG and AAFB report via Commander, Joint Region Marianas to CNIC. Therefore, the Air Force's 36th Wing Commander now also has two Navy hats: Deputy Commander, JRM, and Commanding Officer (CO), AAFB.

The MOA for JRM was signed in January 2009 by the Navy's Vice Chief of Naval Operations and the Air Force's Vice Chief of Staff. Per that MOA, the Navy is designated as the "supporting component" for installations on Guam and the Air Force is designated as the "supported component." The supporting component is the lead military department responsible for the provision of installation management services to the supported component, who in turn is responsible for ensuring that the supporting component understands the assistance required.

In January 2009, the Air Force began to transfer installation management functions to the Navy. The last milestone on the path to jointness occurred in August 2009 when OPNAVNOTE 5400 officially changed the name of Navy Region Marianas to Joint Region Marianas.

Joint Region Marianas headquarters is located on Guam and is the first Department of Defense joint region on Guam.

Shredding old letterhead is not the main implication for judge advocates during the transition. Staying abreast of legal developments during the creation of JRM has been and will remain critical to providing appropriate advice to the region commander. So far, most of the legal functions for the joint region implementation have been transferred to the Region Office of General Counsel (OGC) for fiscal, contracting and civilian personnel law functional practice areas. However, the uniformed judge advocates on Guam – the region staff judge advocate (SJA), base SJA and Naval Legal Service Office (NLSO) officer-in-charge – are increasingly involved to ensure an easy transition.

The Air Force legal command structure resembles a region with a Region Legal Service Office (RLSO) and a Trial Defense Command. The 36th Wing's legal office is comprised of all but one of the Air Force judge advocates on Guam – the lone judge advocate being the designated defense counsel. The other judge advocates are overseen by the 36th Wing's SJA and provide services in seven sections: administrative law, adverse actions, military justice, environmental law/real property, labor law, contracts, and civilian prosecutions. Their administrative law section alone covers legal assistance, claims, ethics, health care issues and many other services typically covered by a Navy installation SJA.

The Air Force does not have an OGC. By contrast, the Navy's contracting, fiscal and environmental law functions are largely tasked to Navy OGC. On Guam, OGC has two more offices in addition to that at JRM – Region, Naval Facilities Engineering Command Marianas and the Joint Guam Planning Office. Each is heavily involved in the proposed military buildup on Guam. Thus Navy judge advocates and OGC attorneys should be cognizant of the Air Force's organization and communicate and coordinate with their Air Force counterparts in their respective functional areas.

The Air Force and Navy are similarly structured for UCMJ prosecutorial purposes. The 36th Wing legal office provides command services, trial counsel for courts-martial, and SJA advice to the GCMCA from one office as the Navy does from a RLSO. For Guam, those services are provided through RLSO Japan.

One question considered was whether military justice services should be consolidated in areas affected by Joint Basing. For Guam especially, Joint Basing raises the question of whether the rules governing the provision of military justice need to be changed or whether the services should implement military justice MOAs. For now, it has been agreed that military justice issues will proceed along service lines. There are some authorities, however, that provide for joint military justice.

Rule for Courts-Martial 201(e)(2)(B) delegates to the Secretary of Defense the authority to empower commanding officers of a joint command or joint task force to convene courts-martial for the trial of members of any of the armed forces assigned or attached to a combatant or joint command. However, since a joint base or joint region is not truly a "joint command," these authorities do not apply. If authority was created by statue or interservice memoranda for joint military cases, appellate review would remain service-specific in accordance with Article 17 of the Uniform Code of Military Justice (UCMJ), which states that review "shall be carried out by the department that includes the armed force of which the accused is a member."

Navy judge advocates are assigned as trial counsel, defense counsel and military judges to Marine Corps cases and as defense counsel to some Coast Guard cases. In this sense, the Navy is familiar with doing joint military justice cases. However, the Air Force has no similar experience. Given that Guam is 3,300 miles west of Hawaii and 1,600 miles southeast of Japan, the Navy and the Air Force may cooperate further in the use of defense counsel, judicial assets and possibly prosecutorial services. Legal assistance services is another area ripe for consolidation and cooperation between the services on Guam.

Now that the 36th Wing Commander also wears two Navy hats, he will need legal guidance specific to the Navy for JRM or AAFB matters. The JRM MOA specifies that the 36th Wing SJA will continue to provide his legal support, but that it will be coordinated with the appropriate "supporting component" legal office on any matter having potential precedential value or region-wide impact. Thus, it will be essential for the JRM SJA to be engaged with the various "supported component" (Air Force) and "supporting component" (Navy) legal offices to ensure consistent advice is provided to Guam's flag officers and base COs.

Coordinating legal services is not limited to those provided to flag officers. The Air Force typically provides more narrow legal assistance services by attorneys who may also act as trial counsel, SJAs or special assistant U.S. attorneys. On the other hand, the Navy has three attorneys on Guam dedicated to legal assistance, personnel support and defense services. The Air Force normally provides a full-service tax center managed by a civilian hired temporarily for that specific function. The Navy normally provides a tax center that emphasizes self-service and that is managed by NLSO Pacific detachment Guam (PAC DET GUAM) and staffed entirely by volunteers. JRM may fund a civilian tax center manager for the 2010 tax season to manage both installations centers.

Air Force personnel can receive legal assistance at the NLSO PAC DET GUAM; likewise, Navy members receive some services from the Air Force legal office. In the past, few Sailors or Airmen ventured from the installation where they were stationed for legal assistance. Although the installations on Guam are just over 20 miles apart, travel time is often more than one hour. However, legal assistance is more likely to cross service boundaries with the integration of installation support services and the opening of the new JRM headquarters building (situated mid-way between NBG and AAFB) in the summer of 2010.

Phase II of the joint basing initiative includes consolidation of Naval Station Pearl Harbor and Hickam Air Force Base, which becomes effective in October 2010. Those installations share a fenceline, so legal assistance services for both the Navy and Air Force will be consolidated. There, the tentative agreement calls for the Air Force to cease legal assistance and instead to provide additional funding to NLSO Pacific Detachment Pearl Harbor to maintain a consistent level of legal assistance services to Air Force personnel.

As the officer-in-charge for NLSO PAC DET GUAM and having served as the interim SJA for JRM from May to August 2009, I have had a unique perspective on how the joint basing initiative will affect the JAG community. Right now, with Phase I of BRAC 2005 still underway, perhaps there are more questions than answers. But how those questions are answered will affect each and every one of us in our ever-evolving role as advisors in the Department of Defense. Lessons learned from joint basing on Guam need to be analyzed and implemented throughout our community to ensure that the change takes place smoothly for the commands and personnel who depend on our advice and service to achieve their respective missions.

Guam

Law students sharpen skills at JAG Corps moot court competition

Law students competed in the Navy JAG Corps moot court competition at Naval Air Station Jacksonville. The competition allowed the students to sharpen their legal skills before experienced judges. Front row: CAPT Bruce MacKenzie, Chief Judge of the Navy-Marine Corps Trial Judiciary; CAPT Paul Kiamos, Commanding Officer of Region Legal Service Office Southeast; James Gardner, Judge of the U.S. District Court for the Eastern District of Pennsylvania; Andrew Effron, Chief Judge of the U.S. Court of Appeals for the Armed Forces (CAAF); Charles Erdman, Judge of the CAAF; H. F. Gierke, Senior Judge of the CAAF; and CAPT Daniel O'Toole, Chief Judge of the Department of the Navy.

By Jen Zeldis
Public Affairs Officer

Teams from the best and most diverse law schools in the country argued over military justice in the Navy Judge Advocate General's Corps inaugural National Moot Court Competition Nov. 12-14 at Naval Air Station Jacksonville, Fla.

The overall winner of the competition was Stetson University College of Law. Duke University School of Law received the best brief award. Additionally, Nicholas Mahrt of The University of Denver was recognized for best oral argument.

"The caliber of the competitors was just outstanding, and being able to interact with the JAG officers and learn about what they do on a day to day basis has been very exciting," said Virginia Branham, a George Washington University law school student.

Twenty-three teams, representing a cross-section of the highest caliber and most diverse law schools, according to U.S. News and World Report, were selected to participate in the competition.

"The unique thing about this competition is its national scope and its focus on military justice – there is not another competition like this in the country," said the Deputy Judge Advocate General of the Navy, RADM Nanette DeRenzi. "Also, the thing that makes it truly a premiere event is the opportunity for the competitors to argue before sitting judges, because most moot competitions don't offer that chance."

"The unique thing about this competition is its national scope and its focus on military justice – there is not another competition like this in the country," said the Deputy Judge Advocate General of the Navy, RADM Nanette DeRenzi.

To prepare for the competition, each team was given a record of appeal and tasked with writing an argument for the Navy-Marine Corps Court of Criminal Appeals. The problem was developed by LTJG Ian Maclean, Region Legal Service Office Southeast (RLSO SE), and featured the conviction of a Navy lieutenant commander for violations of Uniform Code of Military Justice article 106a (attempted espionage), article 95 (flight from apprehension), and article 112a (wrongful possession of a controlled substance). He was sentenced to a dishonorable discharge from the military, 53 years of confinement, and total forfeitures. The basis for the appeal were evidentiary rulings by the military judge suppressing physical evidence seized from a accused's residence, refusing to suppress physical evidence seized from the vehicle, and refusing to suppress statements made by the accused to the Naval Criminal Investigative Service.

"The problem that has been given to them is one that, although a military law specific topic, involves general constitutional principals of self incrimination and search and seizure," said the Chief Judge for the United States Court of Appeals for the Armed Forces, Andrew Effron. "So they get to apply the legal skills they have learned in law school, have those skills tested in competition with other students, and have experienced judges ask them tough questions and evaluate them in oral arguments."

The competition consisted of four full rounds and three final elimination rounds, with students arguing in front of a distinguished panel of judges, including a sitting federal district court judge, three sitting CAAF judges, and the Chief Judge of the Department of the Navy.

North Carolina Central University School of Law student Matt Reeder argues before a panel of military judges during the Navy's Judge Advocate General's Corps 2009 National Moot Court Competition

In all, more than 27 judges, both civilian and military, judged the oral arguments. They scored each round and provided substantive feedback to the students after every round.

Participating students also had the opportunity to learn about life in the Navy during visits to Patrol and Reconnaissance Squadron Five (VP-5) and USS *The Sullivans* (DDG 68). Students interested in applying to the Navy JAG Corps had the chance to be formally interviewed and to network with judge advocates to learn more about the practice.

"I would definitely recommend this competition to other law students because I believe the additional preparation required for this competition is a great experience for anyone in law school, whether they are interested in becoming a JAG officer or not," said Robert Williams, a Texas Southern University law school student.

Several months ago, the Navy JAG Corps' RLSO SE hosted the first-ever Military Justice Regional Moot Court Competition. Six schools from within the Southeast Region competed and based on the success of that event, the JAG Corps decided to develop a national competition.

"Building upon the overwhelming success of that event, the Navy JAG Corps strove to expand the breadth and scope of this inaugural competition by planning and conducting an event to attract students and competitors from the finest and most diverse legal institutions from across the country," said RLSO SE Commanding Officer, CAPT Paul Kiamos. "What was accomplished was an event punctuated by an unparalleled assembly of practitioners and scholars in military jurisprudence. By balancing hospitality, professionalism, and logistical execution, RLSO SE hosted an event universally acclaimed as the premier military justice moot court competition ever undertaken. I could not be more proud of the RLSO SE team which planned, coordinated, and executed the 2009 Navy JAG Corps National Moot Court Competition with the utmost style and grace."

The winning Stetson University College of Law team consisted of Joseph Etter, Amie Patty, Brice Zoechklein and team coach, Larry Miccolis. Duke University School of Law's team included Andrew Shadoff and Greg Dixon.

Eight schools advanced to quarter-final rounds including Barry University, Duke Law, Florida A&M, University of Florida Levin College of Law, University of Houston Law Center, The John Marshall Law School, Southern University Law Center, and Stetson University College of Law.

Other school participating included Benjamin N. Cardozo School of Law; Florida Coastal School of Law; George Washington University Law School; Georgetown University Law School; Georgia State University College of Law; Harvard Law School; North Carolina Central University - School of Law; South Texas College of Law; Texas Southern University Thurgood Marshall School of Law; University of Alabama School of Law; University of California Berkeley Law; University of Denver College of Law; University of Georgia Law; University of Southern California Law School; and Yale Law School.

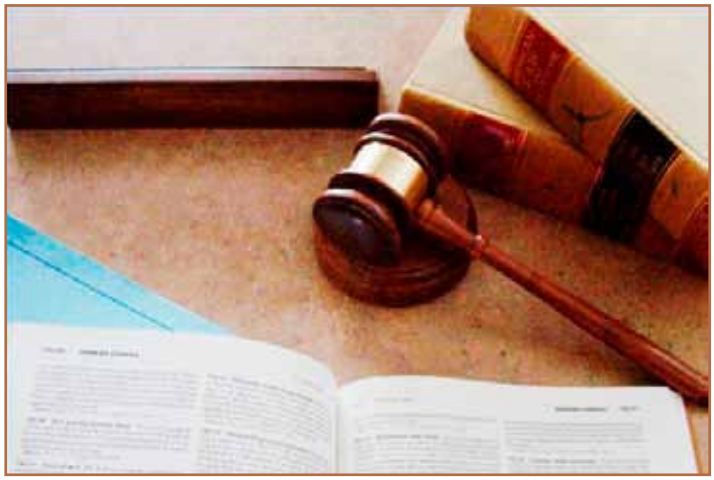
For more information about the competition, please visit the website at www.jag.navy.mil/nationalmootcourtcompetition.htm.

Military Rules of Evidence 609

Change to MRE 609 explained

By LCDR Stacia Gawronski
Military Law (Code 20)

MRE 609 may conjure images of Meal Ready to Eat Number 609 - carnitas with black beans, rice and flan for desert, but today the topic is the other MRE, Military Rule of Evidence 609. In April 2006, Federal Rule of Evidence 609 was amended. That is not a misprint, we changed gears and brought up a distant cousin, the Federal Rules. We bring up the Federal Rules because of Military Rule of Evidence 1102. Yes, we changed gears again and are back to the Military Rules, but not 609 just yet - please read on, it will all make sense . . . promise! Military Rule of Evidence 1102 provides that whenever a change to a Federal rule is implemented, the President must determine if the military rule should mirror the new Federal rule, whether it should remain the same, or adopt a variant of the new Federal rule. If 18 months pass and the President takes no action, the change to the Federal rule automatically applies to the military rule. The April 2006 change to Federal Rule of Evidence 609 is now in effect with Military Rule of Evidence 609.



Somewhere out there is a scholar well studied in ancient Mayan calendars wondering why a Federal change in 2006 that automatically applied to the military rules in the fall of 2007 is news in 2009. The Federal Register watchers out there know that the Joint Service Committee on Military Justice held the annual public meeting on Oct. 29 where proposed changes to the Manual for Courts-Martial, including the new MRE 609, were open for public comment. Yes, the process from actual change to one that will appear in the Manual for Courts-Martial is slow, but the new rule will soon become part of the manual.

Military Rule of Evidence 609 governs the admissibility of prior convictions for impeachment purposes. The amendment substitutes "character for truthfulness" for "credibility" in the first sentence of MRE 609(a). There is not a lot of guidance out there on what exactly the difference would be between credibility and character for truthfulness, although the case law presents some interesting fact patterns. In particular, we recommend reading United States v. Quoc Nguyen, 542 F.3d 275

Is there such a thing as a "No-Punishment NJP?"

Practice Tips

Is there an ATM without a machine . . . a BLT without tomato . . . a TV without a vision? Well it should come as no surprise that there is no such thing as nonjudicial punishment without awarded punishment. We frequently receive calls from the field inquiring whether it is permissible for a commanding officer to administer nonjudicial punishment at Captain's mast in accordance with the Uniform Code of Military Justice, Article 15, and find a Sailor committed the charged offense, but award no punishment. So, here's the simple answer to that question: No.

If a command attempts to record a Captain's Mast in a Sailor's official record that resulted in no punishment, the Bureau of Naval Personnel will send it back to the parent command as a defective mast. Unlike at court-martial, "no punishment" is not an authorized punishment under Article 15. Accordingly, the Bureau of Naval personnel will not acknowledge a "no punishment" Captain's Mast under any circumstances. If a commander wishes to hold mast, but decides not to award any punishment, the commander must dismiss the charges.

When a commander already held Captain's mast and did not award any punishment, can the mast be redone? There is no statutory prohibition, but we advise against it because it will not be an effective solution. A rehearing of a defective mast cannot result in the imposition of more punishment than was awarded at the first mast. If no punishment was awarded, a rehearing will be of no use because the commander will have no option but to award no punishment again - and another defective mast.

(1st Cir. 2008) as one of the more interesting fact patterns. A practice point for counsel, however, is that if the conviction is to be used for some purpose other than attacking "character for truthfulness," it may come in under MRE 404(b), subject, of course, to the MRE 403 balancing test. Convictions need not comply with MRE 609 to be admissible to show a witness's bias, prejudice, or ulterior motive. Also, prior convictions that might not otherwise be admissible may be admitted if the witness's testimony opens the door to the evidence.

Military Rule of Evidence 609(a)(2) and Crimes of Dishonesty

The 2006 amendment was intended to limit the convictions that are to be automatically admitted under 609(a)(2). Rule 609(a)(2) mandates the admission of evidence of a conviction only when the elements of the crime charged required proof or admission of an act of dishonesty or false statement. Evidence that a witness was convicted for a crime of violence, such as murder, is likely not going to be admissible under Rule 609(a)(2), even if the witness acted deceitfully in the course of committing the crime. As previously noted, however, the evidence may be admissible under another rule. "Dishonesty or false statement" is commonly understood to mean "crimes such as perjury or subordination of perjury, false statement, criminal fraud, embezzlement, or false pretenses, or any other offense in the nature of crimen falsi, the commission of which involves some element of deceit, untruthfulness, or falsification bearing on the accused's propensity to testify truthfully." United States v. Noble, 754 F.2d 1324 (7th Cir. 1985), cert denied, 474 U.S. 818 (1985). If a conviction fits within the category of crimen falsi, it must be admitted under Rule 609(a)(2), regardless of how the crime was actually charged.

The amendment requires that the proponent have proof of the conviction such that it can readily be determined that the factfinder was required to find, or the defendant to admit, an act of dishonesty or false statement. In most instances, the statutory elements of the crime should indicate whether it is one of dishonesty or false statement. Where the dishonest nature of the crime is not apparent from the statute and the face of the judgment, a proponent may offer information such as an indictment/charge sheet, a statement of admitted facts, or jury instructions to show that the fact-finder had to find, or the defendant had to admit, an act of dishonesty or false statement in order for the witness to have been convicted. A more detailed analysis of this article can be found on the Code 20 web portal at Navy Knowledge Online.

60th anniversary of the Geneva Conventions stresses importance of Rule of Law

By Jen Zeldis
Public Affairs Officer

The Judge Advocate General of the Navy was one of three U.S. representatives at the 60th anniversary of the Geneva Conventions Sept. 26 at the United Nations Headquarters in New York.

VADM James W. Houck addressed dignitaries from around the world on behalf of the U.S. alongside State Department Legal Adviser Harold Koh and DoD General Counsel Jeh Johnson at the event hosted by Switzerland.

U.N. Secretary-General Ban Ki-moon focused on the Geneva Conventions as landmark principles written to protect individuals in time of war. He said they were a major advance in human rights, but the challenge today is to ensure they are respected and enforced.

"The adoption of the Geneva Conventions in 1949 was an attempt to defend our common humanity amid the inhumanity of war," said Secretary General Ban Ki-moon. "Our challenge, as ever, is to translate those principles into real-time protection. Protection is vital."

VADM Houck explained to those in attendance that he was there to speak for all U.S. military attorneys.

"Our U.S. military attorneys, and those from many other nations as well, are fulfilling the spirit and letter of the Geneva Conventions every day in some of the most dangerous places in the world," he said.

Noting the strong partnership the Department of Defense shares with other agencies in the U.S. government, VADM Houck said, "We are absolutely committed to fulfilling and implementing the Common Article III prohibitions on torture, as well as cruel, inhumane, and degrading treatment."

International Committee of the Red Cross President Jakob Kellenberger said that the lack of political will was the single most important reason for ongoing unpunished violations in the many conflicts around the world.

"On the 60th anniversary of the Geneva Conventions, I make a heartfelt plea to States and non-state armed groups who are also bound by their provisions, to show the requisite political will to turn legal provisions into a meaningful reality. I urge them to show good faith in protecting the victims of armed conflicts," said Kellenberger.

He added that political will remained a decisive factor with whatever compliance mechanism was invented within the Geneva Conventions, or any other system.

This was the first in a series of meetings scheduled for the coming year intended to explore ways to strengthen implementation of the Conventions.

Afghan National Army *Legal Development Training*

By LCDR Theron Korsak
Center for Law and Military Operations

The overall purpose of the Afghan National Army (ANA) Legal Development Training Team (LDTT) project was to develop capacity within the ANA to provide consistent, self-sustained, and accurate legal instruction. The long-term intent of the project was to have the Afghans use the baseline course to develop future instruction for Afghan legal officers, field commanders and soldiers. The target audience of the ANA LDTT training was primarily Afghan legal officers (Afghan lawyers and non-lawyers). Combined Security Transition Command – Afghanistan (CSTC-A) oversees a Rule of Law project within the Afghan National Army/Ministry of Defense (ANA/MOD) to develop a comprehensive legal officer training plan. The plan envisions covering many subjects of Afghan law. The execution plan consists of breaking the project into critical tasks. Outside consultants, both military and civilian, staffed the project and CSTC-A provided financial support to the project.

All of the command project members had at least ten years of individual military experience. Command team members consisted of judge advocates from the U.S. Navy, U.S. Marines, and Canadian Forces (Navy). In addition to legally trained personnel, Canadian Forces (Air Force) also provided a "training development officer" to round out the team. The sponsoring command temporarily assigned a junior reserve Army judge advocate to act as the project liaison.

The development of an ANA basic legal officer course (BLOC) was the first significant step towards execution of the comprehensive legal officer training plan. The BLOC consisted of general Afghan legal principles, international and operational law, basic military justice, and administrative law. North American legal development training team (LDTT) members outlined courses based on Afghan legal principles. The Afghans further developed the course material for use in training. The BLOC occurred in several phases.

Project Planning

CSTC-A initiated and planned the project. However, the project execution fell primarily to the Canadian Forces Military Law Center, the Defense Institute of International Legal Studies, and an individual augmentee from the Center for Law and Military Operations (CLAMO).

Site Visit

The purpose of the site visit was to introduce the comprehensive legal officer training plan concept to legal officers from the ANA and the Ministry of Defense. During the visit, North American LDTT military lawyers also evaluated the knowledge, skills and abilities of their Afghan partners.

All LDTT members identified and agreed upon the subjects forming the BLOC. The BLOC list of subjects comported with the basic skill set required of an ANA legal officer to become minimally competent to perform his duties. Finally, during the site visit, LDTT organized team-building activities to build trust and unit cohesion.

Course Material Development

The intent of the project planners was for LDTT team members to develop course material through independent effort from a distance. Project planners wanted team members to communicate and share ideas using Share Point computer software. LDTT members first gathered in Kingston, Ontario in August 2008 to plan the division of labor. A second site visit to Kabul occurred in October 2008. The primary purpose of this visit was to evaluate the course curriculum development. A third site visit to Kabul occurred in December 2008 to resolve issues related to the BLOC.

The length of the BLOC course is four weeks with no less than four hours of instruction per day. Development of the course material was primarily the responsibility of the Afghans. North American members of the LDTT helped spur the development of the lessons and provided mentoring and instruction to "Train the Trainer."

Course Preparation and Implementation

In January 2009, Canadian forces arrived in Kabul to prepare the Afghan LDTT to deliver the ANA BLOC. The CLAMO representative arrived in February 2009. In March 2009, more than 60 ANA and Ministry of Defense legal officers attended the first ANA BLOC in Kabul. Eight Afghan instructors delivered over 225 hours of instruction. In total, the course took 30 calendar days to complete. The ANA Air Corps training center in Kabul hosted the training. The Afghan LDTT organized and coordinated significant events to include: opening and closing sessions, guest speakers, public affairs coverage, class schedule, lodging, meals, transportation, a final exam, graduation certificates, assembly of course books, and classroom facilities.

Post Basic Legal Officer Course

CSTC-A arranged for the Afghan LDDT to visit the U.S. Army Judge Advocate General's Legal Center and School.

The first class of the Afghan National Army Basic Legal Officer course was a significant step in the overall legal officer training plan.

While in Charlottesville, Va., the Afghans attended actual classroom sessions and seminars, and received a lesson in teaching methods. Additionally, the CLAMO individual augmentee and the Afghan team conducted a post-course analysis of the ANA basic legal officer course. Afghan LDTT members traveled to Charlottesville to conduct a post-course analysis, reinforce learning and teaching material and to develop an action list for the next BLOC.

The LDTT conducted analysis of each of the functional areas for which the ANA legal officers performed in the course of their duties. As a result, the LDTT identified the job requirements ANA legal officers and defined the requisite duties, tasks, skills and knowledge. They selected the BLOC lessons from general legal subjects, military justice principles and concepts, duties and functions of the ANA Command Investigation Division, and duties and functions of a staff judge advocate.

The Afghan National Army, CSTC-A and its coalition partners plan to use the BLOC as the training cornerstone for the ANA legal corps. The plan is for all ANA and MOD legal officers to attend the BLOC. A ANA Legal Training Directorate (LTD) may be stood up in 2010. The LTD hopes to affiliate itself with a U.S. or foreign military legal center for continued mentoring. The long-term goal is to create an ANA Military Law Center and School from the ANA LTD.

The graduating class of the first Afghan National Army Basic Legal Officer class consisted of more than 60 Afghan National Army and Ministry of Defense legal officers.

Letters from the field

In December 2008, LCDR David T. Lee reported to Camp Lejeune. N.C., with three other Navy judge advocates. LCDR Joshua Nauman, LT Jared Edgar, and LT Sean Thompson. He joined II Marine Expeditionary Force (MEF) as an individual augmentee (IA) in support of its staff judge advocate, Col Dan Lecce. After initial training at Camp Lejeune, LCDR Lee accompanied the Command Element to Al Anbar Province, Iraq, where he provided legal support to the Commanding General, Multi National Force – West (MNF-W) from January to July 2009. Over the course of the deployment, he sent four e-mails to senior leadership, describing some of his experiences. The following is an edited summary of those e-mails:

December 5, 2008
Camp Lejeune

Upon learning that I was deploying with the Marines to Iraq, several people suggested that I periodically send updates on my experiences and those of the three other Navy IAs supporting II MEF in their upcoming deployment to Iraq. This is the first such report.

As you may recall, I volunteered for this IA while serving as the civil law department head at the Naval Justice School in Newport, R.I. The three Navy judge advocates serving with me are LCDR Joshua Nauman, Administrative Law (Code 13), LT Jared Edgar, Region Legal Service Office Southwest (RLSO), and LT Sean Thompson, RLSO Mid-Atlantic. Except for LT Thompson, we all spent several weeks prior to the formal commencement of our IA working with the Marines. In August, we attended a preliminary one-week legal conference with the prospective Multi-National Corps - Iraq (MNC-I) legal team. In October, we participated in a week-long mission rehearsal exercise, which is akin to a command and control exercise or joint task force exercise handling a river of legal issues in the midst of a kinetic war in Iraq. This past Monday, we formally reported on our IA, and have begun incorporating ourselves into the II MEF Forward legal team.

LCDR Josh Nauman, LCDR Dave Lee, LT Jared Edgar, and LT Sean Thompson at Al Asad Air Base, Iraq.

LCDR Nauman, LT Edgar, and I will be working directly on the II MEF forward staff judge advocate staff, under Col Dan Lecce and LtCol George Cadwalader.

February 20, 2009
Al Asad, Iraq

We keep a full schedule, generally working from 7:30 a.m. to around 9:00 p.m., but with generous time allotted to PT, laundry, and chow. The good food at the chow hall helps give us the energy to work on our daily pull-ups in preparation for the upcoming Marine physical fitness test as we work towards Fleet Marine Force pin qualifications.

LCDR Nauman is our chief of operational law and has two main collateral duties: assistant chief of detainee operations and Rule of Law attorney. These duties have him attending various planning meetings, providing operational law training, providing Rule of Law information up and down the chain of command, reviewing fragmentation orders and answering requests for information, and assisting with the release and reintegration of hundreds of legacy detainees in accordance with the new bilateral security agreement with Iraq.

LT Edgar is our primary watch stander in the MNF-W command operations center. He also has been serving as the MNF-W claims officer and assistant operational law attorney. As the staff judge advocate representative in the command operations center, LT Edgar is plugged into nearly every facet of MNF-W operations. LT Edgar is enjoying the professional challenge of the billet, as well as the opportunity to serve with the members of our sister service.

LT Thompson is serving as the senior trial counsel and military justice officer at the legal services support team. He has also become the point of contact for all requests for and processing of passports inside MNF-W in conjunction with the State Department. LT Thompson's duty as senior trial counsel has called for him to undertake extensive travel to forward operating bases in Al Anbar Province, including a recent successful prosecution of a court-martial on board Camp Ramadi, resulting in a bad conduct discharge. LT Thompson is taking on the challenges that prosecuting courts-martial in a combat zone present, as well as soaking in the culture of the Marine Corps.

I am the chief of civil law, with a standard staff judge advocate's practice of ethics, command services (summary court-martial reviews, regulatory interpretation of base instructions and general orders, etc.) and investigations. My most significant and challenging work has been with fiscal law on the proper use of the commanders's emergency response program, Iraqi commander's emergency response program, Iraqi security forces, and operations and maintenance funds.

April 30, 2009
Al Asad, Iraq

We have hit our stride. We are tackling legal issues of which the focus is to maintain the substantial progress that has been made here in Anbar, and to support the Marines' transition out of Iraq. The chow is still good, and we are all fully engaged in the Fleet Marine Force pin requirements, including successful Marine physical fitness tests by each of us (with an exceptional 285 score by LCDR Nauman).

LCDR Nauman remains busy with operational law training briefs and attendance at various boards and working groups, such as the weekly targeting board, the future operations planner's meeting, and the operational planning team formed to re-write the MNF-W operations order. LCDR Nauman also formed and chaired a cross-discipline working group to develop a contingency plan for the unlikely but serious event that an Iraqi police official attempts to arrest a service member or Department of Defense civilian. As the resident expert on Rule of Law, LCDR Nauman attended a regional Rule of Law conference and initiated a weekly video teleconference to synchronize the efforts of subordinate judge advocates with the Department of State's Provincial Reconstruction Team efforts -- a difficult interagency task. Finally, LCDR Nauman is heavily involved in a rewriting of the MNF-W rules of engagement and providing advice on implementation of the bilateral security agreement.

LT Edgar continues to remain plugged into nearly every aspect of legal issues under review by the MNF-W office of the staff judge advocate. LT Edgar recently traveled to a remote Iraqi village to pay several claims under the Foreign Claims Act. It was a great opportunity to interact with local Iraqis, while at the same time positively representing U.S. Forces. As the MNF-W assistant operational law attorney, LT Edgar's unique background has enabled him to provide substantive guidance in the drafting of contingency plans and operational guidance in a post-security agreement Iraq.

LT Thompson has prosecuted four courts-martial, two of which have resulted in bad conduct discharges. Just recently, LT Thompson successfully prosecuted a contested special court-martial which included members with enlisted representation. The charges involved an enlisted Marine assaulting a commissioned officer and using disrespectful language. LT Thompson secured convictions on both charges. In addition to his duties as trial counsel, LT Thompson continues to serve as a passport acceptance agent for the U.S. Embassy in Baghdad. The program has become a huge success on board Al-Asad and affords Marines the opportunity to take their R&R abroad while on deployment.

LT Tim French joined us in March as an embedded attorney from TF-134. LT French has seamlessly integrated himself into the MNF-W battle rhythm. He has completed legal reviews for all high value legacy detainees that were captured in MNF-W in support of the TF-134 mission.

June 23, 2009
Al Asad, Iraq

We continue to tackle challenging issues across the legal spectrum, and have become fully integrated members of the staff. The four of us attached directly to MNF-W are redeploying shortly, each of us having earned the Fleet Marine Force Qualified Officer designation. LT French and LT Ben Robertson, as our TF-134 representatives, will continue working here with MNF-W, and expect to redeploy later this summer.

LCDR Nauman, has focused on interpretation and implementation of the U.S./Iraq Security Agreement. These efforts included review of fragmentary orders, revision of policy letters, participation in working groups, and provision of training to combat forces. LCDR Nauman was also instrumental in the revision and publication of updated rules of engagement for MNF-W.

LT Edgar remained actively engaged in providing both operational and claims advice to MNF-W assets. As a member of the MNF-W combat operations center, LT Edgar continued to serve as the focal point for receiving and distributing information to the MNF-W staff and office of the staff judge advocate. LT Edgar recently attended an engagement with Iraqi officials at the Anbar operations center in Ramadi, Iraq to discuss the resolution of foreign claims as MNF-W continues to drawdown. LT Edgar's guidance has been instrumental in the preparation of Coalition Forces as several key deadlines contained in the U.S./Iraq Security Agreement draw near.

LT Sean Thompson, LCDR Dave Lee, LT Jared Edgar, LT Tim French, and LCDR Josh Nauman at Al Asad Air Base, Iraq.

LT Thompson continued to serve as the senior trial counsel and military justice officer for MNF-W. He recently secured a conviction at general court-martial involving possession of child pornography in theater. As military justice officer, he organized a base-wide training symposium for command legal officers, adjutants, and their staffs.

LT French continued to provide crucial support of the Rule of Law mission as an

***Letters** continued on page 18*

One Reserve judge advocate's experience with SOFA in JAPAN

By CDR Carrie Stephens
Navy Reserve Southwest

Sailors in Japan are subject to Japanese law during liberty hours spent off-base. However, the U.S.-Japan Status of Forces Agreement (SOFA) ensures service members are afforded certain due process rights if they run afoul of the Japanese legal system. The duty to protect the SOFA rights of our forward-deployed Sailors in Okinawa falls on the staff judge advocate (SJA)'s office for Commander, Fleet Activities, Okinawa (CFAO). The CFAO SJA's office is comprised of a JAG Corps officer, a legalman chief, and two Japanese legal advisors (JLA).

During my five-week Reserve duty as the staff judge advocate for CFAO in the summer of 2009, I had the privilege of working with the excellent legal professionals there to ensure our Sailors' SOFA rights are protected. In a foreign criminal jurisdiction case, the CFAO SJA acts as the advisor to the command and interfaces with the military side. The JLA serves as the local subject matter expert and a bridge to the local authorities. The partnership between the American and Japanese legal professionals in the SJA's office is key to our success.

The CFAO JLA responsible for foreign criminal jurisdiction is Mr. Akira Nonobe. A veteran JLA, Mr. Nonobe has been with CFAO since 1997. Prior to his tenure at CFAO, Mr. Nonobe worked at Naha District Public Prosecutor's Office. An expert in Japanese criminal procedures and SOFA, Mr. Nonobe has handled numerous foreign criminal jurisdiction cases involving U.S. personnel during his tenure with CFAO.

A good example of this partnership in action is an incident that occurred in the early morning of July 4, 2009. Around 0400 that day, a Sailor was arrested and detained by Okinawa police for drunken destruction of public property. Allegedly, the Sailor broke an exit gate at a public garage owned by the City of Okinawa and refused a breathalyzer test after arrest.

Once the CFAO SJA's office was notified of the arrest and detention, it swung into action. The command representative and I visited the Sailor at the Okinawa City police station within hours of his arrest and advised him of his SOFA rights. The Sailor told us that he simply lifted the garage door exit bar so he didn't have to duck under it. And although he did break the gate, it was an accident. As for refusing breathalyzer, he merely requested a lawyer after the Japanese authorities arrested him. Thus, this looked like a case that could be resolved quickly.

While I was busy working with the Sailor's chain of command, Mr. Nonobe contacted the Okinawa police and prosecutor's office. He quickly learned that while this was a minor case, the local authorities were taking it seriously because they expect the highest standards of behavior from our service members. It appeared that the Sailor was going to stay in detention until the cost to repair the property damage had been paid. In light of this, Mr. Nonobe quickly reached the appropriate city official and secured a fair settlement proposal.

With the proposal in hand, the CFAO SJA's office was able to work with the Sailor and his command to accept and effectuate the settlement quickly. Once the settlement had been paid, the Okinawa city police promptly released the Sailor. The prosecutor's office indicated that they would no longer pursue the matter. The entire process from initial detention to resolution and release took seven days. While not as quick as we preferred, it was still significantly less than the maximum amount of time a Sailor can be detained without charges, which is twenty-three days.

While every Sailor should strive to be a model ambassador to our host country, service members should rest assured that they are never alone in the exercise of their rights under the SOFA.

Letters *continued from page 17*

embedded attorney from TF-134. His efforts to scour the criminal files of high value legacy detainees for prosecution within the Iraqi criminal justice system have grown more prominent as the Marine Corps scales back its forces, operations, and presence in Iraq. LT French has also worked hand-in-hand with the Chief of Detention Operations and U.S. State Department Provincial Reconstruction Team on key Rule of Law issues in Al Anbar province. LT French will return to Naval Legal Service Office Europe and Southwest Asia later this summer.

LT Robertson arrived in May 2009 as the TF-134 offensive counterinformation liaison to the Joint Prosecution and Exploitation Team and the MNF-W staff judge advocate. He has completed legal reviews for those detainees designated as enduring security threats or dangerous radicals. Additionally, LT Robertson has worked directly with the Joint Prosecution and Exploitation investigators, helping them identify evidence for Iraqi court and develop case leads for Iraqi law enforcement.

I have also been fully engaged in base closure and retrograde efforts which have included real estate, environmental, and property disposition issues. Lastly, no staff judge advocate practice is complete without a full supply of ethics issues involving gifts, fundraising, endorsements, and commander's coins.

I have no doubt that Navy judge advocates coming to relieve us will do well and have a rewarding experience.

Editors note: LCDR David Lee returned to the Naval Justice School in July 2009.

Wounded warriors get legal advice earlier in the process

By LT Dayton Krigbaum, and CDR Elizabeth C. Moores
Naval Legal Service Office North Central

The 2008 National Defense Authorization Act (NDAA) significantly increased the rights of wounded, ill, and injured service members (wounded warriors) during the disability evaluation process. Prior to the 2008 NDAA, wounded warriors were provided legal counsel only at the final stage of the Disability Evaluation System (DES) when they reached the formal Physical Evaluation Board (PEB). The most important of these new rights is providing wounded warriors access to consult with a certified attorney at the earliest stages of the DES, well before the formal PEB hearing. Per the NDAA, attorneys who practice in this area must receive specialized training and must be certified by their service Judge Advocate General. This fall, Naval Legal Service Office North Central (NLSO NC) hosted its second training symposium on the DES, resulting in the certification of additional counsel.

During the DES process, a service member's case goes before several boards. The sequence of events in the DES process is the Medical Evaluation Board (MEB), the informal PEB, and the formal PEB. A Sailor or Marine who does not agree with the informal PEB's decision may request a formal hearing before the PEB. Judge advocates at NLSO NC in Washington, DC are assigned to represent the wounded warrior before the PEB at a formal hearing held onboard the Washington Navy Yard.

In February 2009, NLSO NC organized and provided the first training and certification program for 15 Navy and Marine Corps Reserve judge advocates who were activated for this specific mission. Most of the initial group of judge advocates have agreed to remain on active duty to continue serving in this vital role.

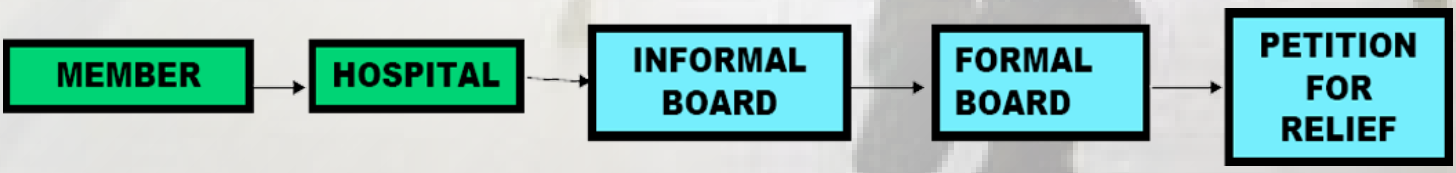
Currently, activated Navy and Marine Corps judge advocates are serving at multiple NLSOs throughout the U.S. as Regional Advice and Assistance Counsel (RAAC). These Reserve judge advocates are providing invaluable representation to wounded warriors facing MEBs and IPEBs by assisting with hearing preparations, rebuttals, reconsiderations, and obtaining independent reviews.

The Commanding Officer of NLSO NC, CAPT Rob Sanders, believes that representation by qualified attorneys at the earliest stages of the disability system is crucial to ensuring wounded warriors receive all the benefits that they are entitled to under both the military DES and the Veteran's Administration process. CAPT Sanders ascribes the success of the program to the outstanding cooperation between RAACs and formal PEB counsel as wounded warriors progress through the DES process.

The second four-day training symposium for the next group of activated reserve judge advocates consisted of presentations by over 20 experts with experience in various aspects of the DES. The presenters at this training symposium were from many organizations and agencies including the Bureau of Medicine and Surgery, U.S. Office of Personnel Management, the Social Security Administration, Navy Safe Harbor, the Wounded Warrior Regiment, the Veteran's Administration, Navy PEB, the Office of the Judge Advocate General, the Council of Review Boards, and the Board for Correction of Naval Records.

> *"Representation by qualified attorneys at the earliest stages of the disability system is crucial to ensuring Wounded Warriors receive all the benefits that they are entitled to under both the military DES and the Veteran's Administration process."*

At the conclusion of the first training symposium in February 2009, then-RADM Houck reminded the attendees of the significance of their new role as RAACs by reciting the statement by Secretary of Defense Robert Gates on the importance of caring for wounded warriors: "Apart from the war itself, we have no higher priority." The second training symposium again emphasized this priority by preparing more judge advocates for the role of guiding wounded warriors through the disability process.



Reserve judge advocate guiding wounded warriors through disability evaluations

By LN1 Harrold Henck,
OJAG Reserve Public Affairs

Navigating the morass of paperwork establishing a veteran's disability status can be a daunting task for a wounded warrior. Baffling terms and overwhelming bureaucracy have often left many veterans without the benefits they are entitled to.

"The disability determination process is both confusing and challenging," according to reservist CDR Nicholas Murphy. "Obtaining evidence and understanding one's legal rights are much easier when working with a qualified legal counsel," he added.

CDR Murphy is the Regional Advice and Assistance Counsel at Portsmouth Naval Medical Center in Virginia and is one of 14 Reserve judge advocates currently serving on active duty to assist the Navy's wounded warriors. He and his colleagues are part of a specialized team devoted to shepherding the wounded, ill and injured through the disability decision gauntlet.

"Because the evaluation process is both legal and medical, it can become confusing quickly. Having lawyers involved on the ground floor, literally embedded in the hospitals, to clarify and advocate, is a major asset for a service member," said CDR Murphy.

The Physical Evaluation Board (PEB) is a fact-finding process comprised of two levels of boards, one informal and one formal, which review medical evidence and determine a person's fitness for continued naval service. They evaluate all cases of physical disability in accordance with Secretary of the Navy Instruction 1850.4E (Disability Evaluation Manual) and provide a full and fair hearing as required by § 1214, Title 10 United States Code (10 U.S.C 1214). On average, the Navy's Physical Evaluation Boards process over 5,000 cases a year.

Congressional Mandate

Authority to provide legal assistance to the Navy's Wounded Warriors began with the 2008 National Defense Authorization Act. The Act, now known as Public Law 110-181, specifically addressed the care and treatment of wounded, ill, or injured (WII) and was intended to establish uniform legal support standards and procedures for the physical disability evaluation system (PDES). These new standards include counsel training, limits on caseload, and earlier involvement by counsel in the process.

Last October, Under Secretary of Defense for Personnel and Readiness, Dr. David Chu, signed a policy memorandum entitling WII service members to the advice and advocacy of trained legal counsel earlier in the PDES process than previously permitted. The Navy then responded by recalling Reserve Component judge advocates to staff the billets needed to handle this additional counseling and assistance requirement.

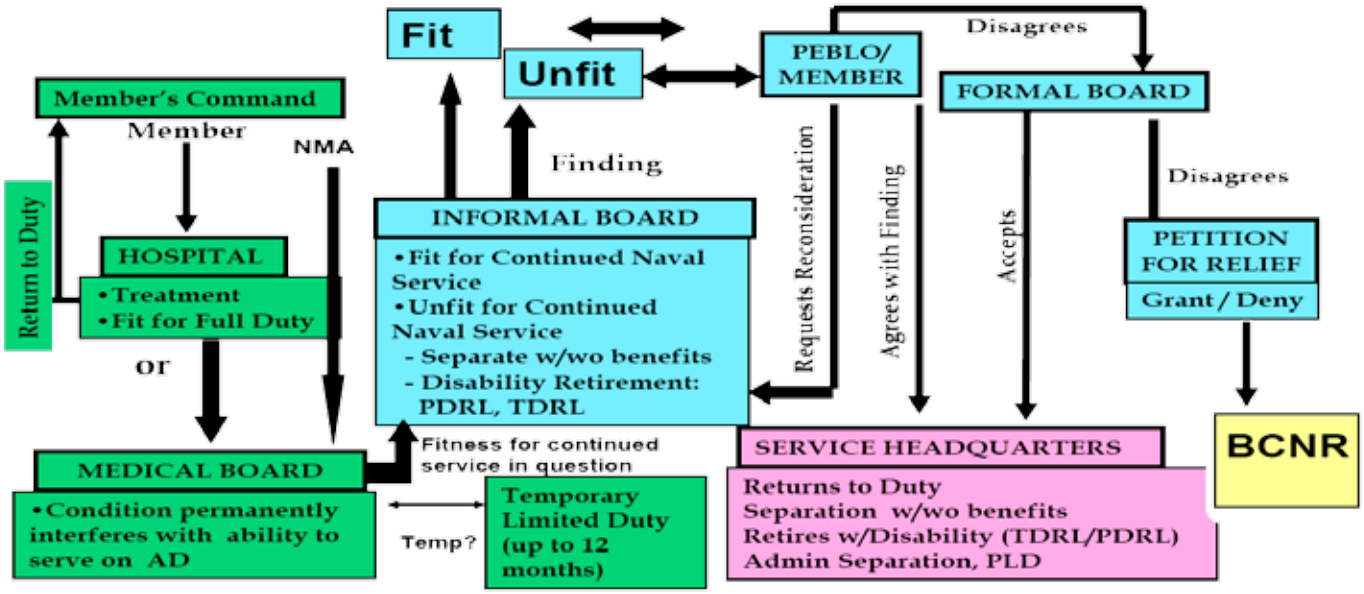
"At that time, there was a perception that many disability cases were not being evaluated fairly or efficiently - a typical Navy case can take up to 300 days and involve at least four appeals or requests for reconsideration," CDR Murphy explained.

The 2008 Act now requires that lawyers be available early in the process, not just near the end during the Formal Physical Evaluation Board phase.

"This is an improvement over prior regulations because service members can have counsel at their informal PEB and can weigh whether their case should go through the formal PEB process," said CDR Murphy.

The Mission

Helping wounded warriors navigate the disability system results in one of two outcomes: treatment and return to service or discharge and transition to veteran status. The seminal question becomes: is the Sailor or



Marine fit for continued naval service? The possible answers: reintegrate, separate, or compensate.

"It starts with a detailed application and is followed by complex appeals," CDR Murphy said. "The assistance of an attorney in the process can be critical to ensuring the right determination and benefits, especially when dealing with Physical Evaluation Boards."

Disability compensation is based on a scale that ranges from zero to 100 percent. The greater the disability rating, the more compensation the veteran receives. If the PEB determines a member is unfit to continue naval service, and finds them eligible for disability benefits, the same board can also determine the percentage of disability compensation.

"Because so much is at stake, advocacy matters: for a young Sailor, over a lifetime, a rating over 30 percent in a disability case can equate to over a million dollars in pay and health care benefits for him and his family," CDR Murphy explained.

The Process

In a perfect case, lawyers can review medical records and point out what the Navy considers a disability. They can also work with doctors to explore possible additional diagnoses. Getting a second opinion or working with a doctor to use words that have meaning under Veterans' Administration Schedule of Disability Ratings (VASRD) is helpful. The process can sometimes be adversarial but is always in the best interest of the service member.

"All disability evaluation cases start in the hospital with medical boards and lawyers can be helpful at this stage as well. As patient advocates, we lawyers are generally not too concerned with staying popular with doctors and commands when it comes to the rights of individual service members," said CDR Murphy.

For example, service members going through the process have the right to ask for an impartial medical review and file a rebuttal to findings made by their doctors. This can occur as early as five days into the process.

"We help with rebuttals at the informal boards and, if necessary, help educate commands on how to write a non-medical assessment," CDR Murphy explained. "Our ultimate goal is to create and implement a plan to maximize the Sailor's desired outcome (e.g., fit for duty, higher disability rating, service connection, combat-related designation, etc.) at the PEB."

Cases not resolved through the informal process can be appealed. Members found unfit to continue naval service by the informal PEB, can demand a formal hearing with a personal appearance. Such hearings are held before the formal PEB at the Washington Navy Yard, DC. If desired, Reserve judge advocates can help determine whether an appeal would be effective and assist the Sailor in gathering evidence and writing their plea.

"The formal PEB is the member's opportunity, with the assistance of legal counsel, to present evidence, testimony, and documents in support of their case," CDR Murphy explained. "Sometimes the job entails managing expectations. Formal PEB findings are binding and we will provide candid advice to our clients regarding possible outcomes. If it goes to hearing, another judge advocate from Naval Legal Service Office North Central will zealously advocate before the PEB on their behalf."

The Results

Advancements in medical technology and treatment have resulted in higher survival rates for those injured in combat. With fatalities down, however, the need for treatment, care and advocacy has increased. A large number of warriors are returning with significant mental health issues, including post traumatic stress disorder (PTSD) and substance abuse disorders. Since assuming his role as a disability advisory counsel, CDR Murphy has seen a variety of such cases – and successfully advocated for them all. His mere presence has made a major difference in the patient's outcome more often than not.

CDR Murphy recalled the case of a Marine with a hole in his skull that was initially rated for bone injury, but in fact had all the symptoms of traumatic brain injury (TBI) and the Marine couldn't remember dates:

"He had just 15 days to file an appeal to the informal findings and get the TBI rated. But for me tracking him down on the 15th day, he would have missed the deadline and been stuck with a low rating."

Other cases are more complex. CDR Murphy recounts the case of a combat-hardened bronze-star recipient dog handler (Master-at-Arms) out of Iraq who started self-medicating with cocaine for post traumatic stress disorder.

"He attempted suicide by slitting his wrists, but happily, was not successful," CDR Murphy recounted. "We were able to undo the disciplinary actions and have him honorably separated with a high rating and continued treatment for PTSD. It would have been a travesty if he was drummed out of the Navy with no benefits and no treatment."

Cases such as these are clear examples of how Reserve judge advocates are improving outcomes for the Navy's Wounded Warriors. While many agencies and personnel are also working on the warrior's behalf, the difference achieved here directly impacts the livelihood of those represented.

"This is what makes this work is so rewarding, because we win so many cases," said CDR Murphy. "By win, I mean achieve a better result for the member than they were initially offered."

Although his active duty orders are coming to an end, CDR Murphy is critically aware of the need and obligation for continued assistance to the Navy's wounded, ill, or injured.

"Anyone being evaluated through the PEB process is well-served by having an attorney at their side; someone who can advocate for deserved healthcare and monetary benefits," said CDR Murphy. "I hope that efforts like these to support our wounded warriors will continue to be funded. Because, as (Defense) Secretary Robert Gates has stated, 'apart from the war itself, we have no higher priority,' and I couldn't agree more."

NLSO SW participates in Operation Stand Down

By CDR Peter Galindez
Naval Legal Service Office Southwest

Naval Legal Service Office Southwest (NLSO SW) regularly volunteers at the annual San Diego County Vietnam Veterans Stand Down. This year, eight officers, sixteen enlisted and four civilian personnel from NLSO SW, along with nine legalmen from the fleet, participated in the twenty-first annual event in San Diego, Calif.

Twenty-one years ago, San Diego County developed Vietnam Veterans Stand Down, a program that works to resolve problems faced by homeless Vietnam veterans. The program has spread across the nation and now serves homeless veterans of all wars. In 1989, San Diego instituted the first Homeless Court Program in the nation, a special Superior Court session held at local shelters for homeless defendants to resolve outstanding misdemeanor criminal cases.

NLSO SW participated in 2009 by assisting veterans with their pending misdemeanor cases, working to get the charges either reduced or dismissed by on-sight San Diego Superior Court judges. NLSO SW volunteers were heavily involved with the client interview process. Volunteers reviewed veterans' pending charges, discussed the facts and circumstances of the cases with the veterans and worked to find persuasive arguments to get their charges reduced or dismissed.

"Participating at stand down was a very humbling and gratifying experience. I enjoyed listening to the veterans' stories of their service," said LTJG Julie Sherman-Dumais, a legal assistance attorney at NLSO SW.

NLSO SW volunteers helped 140 homeless defendants resolve over 580 cases this year.

"NLSO SW is a can-do command who made it happen and got the job done. I am so grateful for their participation," said Jude Litzenberger, an organizer of the court at Operation Stand Down. NLSO SW's participation was not only beneficial for the veterans, but also rewarding for the volunteers.

RLSO Southwest takes on Lean Six Sigma

By LTJG Jenny Myers
Region Legal Service Office Southwest

For four days, select members of Region Legal Service Office Southwest participated in a Lean Six Sigma project to answer the question "Do we know our customer and what our customer needs?" Mr. Bill Whitacre from the Office of the Judge Advocate General's Division of Management and Plans (Code 63) facilitated the project.

Lean Six Sigma is a tool for process improvement. It is a blend of "lean" meaning high speed and low cost, and "six sigma," which addresses culture and quality.

Applying Lean Six Sigma to courts-martial, the team had to drill down to every step in the process from preferral of charges to disposition of a general court-martial. The team used a wall in the conference room to lay out the process. Each member of the team contributed by explaining another step or option.

Once the court-martial process was laid out the team focused on the Damage, Measure, Analyze, Improve, Control (DMAIC) project process. DMAIC helped the team analyze every step of the court-martial process and consider contingencies.

LT Tracy Kirby and LTJG Jasmine Scott discuss the court-martial process.

After the four-day process, the trial shop implemented new procedures to streamline the submission of cases to Navy Region Southwest for referral to general court-martial. These procedures included case plans of action and elements charts that will assist the staff judge advocates at the Region to understand the case from the trial counsel's point of view.

U.S. 7th Fleet participates in Ulchi Freedom Guardian

By LCDR Dustin Wallace
7th Fleet

The 7th Fleet (C7F) staff traveled to Busan, South Korea in August to participate in the 2009 Ulchi Freedom Guardian (UFG), an annual U.S./Republic of Korea (ROK) exercise. UFG enables U.S. and ROK forces to train, evaluate, and enhance procedures and plans for conducting combined contingency operations in defense of the ROK. UFG was the second exercise in which the U.S. began to transition operational control (OPCON) of forces to the ROK military in preparation for complete OPCON transition in 2012. UFG allows U.S. and ROK forces to exercise new command and control structures and the attendant responsibilities of U.S. and ROK commanders under these new and innovative command relationships.

Participants of the annual U.S./Republic of Korea exercise in Busan, South Korea.

The legal team provided VADM John M. Bird, Commander, U.S. 7th Fleet, and his subordinate operational commanders, with time-critical legal support in areas such as rules of engagement, targeting, law of the sea, and the law of armed conflict. UFG is a unique and rewarding exercise because it affords U.S. judge advocates an opportunity to mentor and train our ROK counterparts directly. While ROK judge advocates have traditionally played only a nominal role in operational law, one of the goals of the C7F legal team during UFG was to facilitate the integration of ROK judge advocates into the operational commanders' decision-making process. Specifically, CDR Mark Myers served as the C7F legal liaison to the ROK Fleet Commander to assist the ROK judge advocates with any operational law issues that arose during the exercise. CDR Myers' work with the ROK judge advocates was a pivotal part of this combined exercise, as he not only mentored ROK judge advocates but also ensured synchronization of effort between C7F and the ROK Fleet.

In addition, UFG 09 showcased the ability of the JAG Corps to execute coalition and joint operations, Reserve integration, and augmentation of forces (including judge advocates from Naval Legal Service Command, the Reserve community, and from other services) for worldwide contingency operations. The JAG Corps' ability to respond to the needs of operational commanders is the hallmark of our salient support to the fleet.

The legal team included CDR Chris French, CDR Mark Myers, CDR Shannon Kopplin, LCDR Dustin E. Wallace, LCDR Elysia Ng, LCDR Tahmika Jackson, LT Kevin Mejeur, LT Elizabeth Josephson, LT Brad Parker, LT John Battisti, LCDR Peter Bradford, LT Emily Dewey, and CPT Luke Tillman.

A lesson in history for Navy-Marine Corps Appellate Review Activity

By LT Gregory Manz
Office of the Judge Advocate General (Code 45)

On April 29th, a group from the Navy-Marine Corps Appellate Review Activity visited Gettysburg National Military Park, led by a historian from the Center for Military History.

Upon arrival at the battlefield, the historian provided illuminating background information. He explained that after achieving a major victory at the Battle of Chancellorsville, Virginia, in May 1863, General Robert E. Lee led his Army of Northern Virginia into Pennsylvania, with the objective of achieving a decisive military victory that would end the war. In hot pursuit of Lee's forces was the Union Army of the Potomac, commanded by General George Meade. The two armies ultimately collided northwest of the town of Gettysburg, and engaged in brutal fighting over the first three days of July 1863.

The JAG Corps group began the tour of the battlefield at the three ridges northwest of town — the site of the first day's fighting. In great detail, the historian described the troop movements and clashes that occurred there, and how the fighting concluded with Union forces retreating through the streets of Gettysburg to take up defensive formations south of town.

Gettysburg National Military Park

The group then travelled to Little Round Top, the hill which marked the southern edge of the Union forces on the second day of the battle. From that vantage point, everyone could look north and truly appreciate the scope and scale of the entire battlefield. The judge advocates also stood atop the wooded hill where, after resisting several Confederate attacks, Colonel Joshua Chamberlain led the 20th Maine Volunteer Infantry Regiment on a daring bayonet charge, saving the vulnerable left Union flank.

Moving down from Little Round Top, the group travelled to where the center of the Union army was positioned on the third and final day of the battle. At that location, the Union had successfully repelled General George Pickett's Charge, which was a concentrated advance by 12,500 Confederate soldiers. In doing so, the Union achieved victory, and forced Lee to retreat south of the Potomac for good. Both sides suffered greatly, as the combined casualty total was upwards of 50,000 soldiers.

The final stop of the tour was Gettysburg National Cemetery and the site where President Abraham Lincoln delivered his Gettysburg Address.

The trip to Gettysburg was an extraordinary experience, and everyone came away with a new appreciation for the bravery, heroism, and sacrifice of the soldiers who fought in the pivotal battle of the war.

Gettysburg National Military Park

JAG Corps hosts Legal Studies Internship Program for local high school students

Naval Legal Service Office Mid-Atlantic hosted a legal internship program for local high school students. Pictured from left to right, CAPT David Wagner, Nicholas Waddell, Debra Parker, Thomas Wright, Josh Preoutnik, Clay Jones, Nicholas Astin, CDR Tracy Riker, LNC(SW/AW) Craig Lyons, and LNCS(AW/SW) Warren Canady.

By Debra Parker
Naval Legal Service Office Mid-Alantic

For the fifth year in a row, Naval Legal Service Office Mid-Atlantic (NLSO Midlant) hosted the Legal Studies Internship Program for students attending First Colonial High School who are interested in pursuing a career in law. The four-week program began in July and ended with a graduation ceremony.

The students were required to work 50 hours in a legal environment as part of their unpaid internship. During their time at NLSO Midlant, the students received instruction in the areas of wills and estate planning, court reporting, prosecution and defense case preparation and court-martial procedures. The interns also observed a pretrial hearing, a general court-martial, toured an aircraft carrier (USS *Harry S. Truman* (CVN 75)), and visited the Naval Criminal Investigative Service (NCIS), where they learned about criminal forensics. They were also required to read *The Caine Mutiny* and discussed ethics with the Executive Officer CDR Tracy Riker.

This year's participants, led by their First Colonial instructor Mr. Ron Hopkins, were: Nicholas Waddell, Clay Jones, Thomas Wright, Nicholas Astin, and Josh Preputnik.

When asked what he learned during his internship at NLSO, Clay Jones stated, "The Navy opened my eyes to the importance of being a good leader."

Josh Preputnik noted that, "LNC Lyons leads by example."

Nicholas Waddell stated, "Ethics and law go hand in hand. If you go with the law you are in good moral standing."

Thomas Wright stated he was "impressed with the way the attorneys are dedicated to the rights and privacy of their clients."

All of the students were particularly impressed with the Navy's structure and rank system.

CAPT David Wagner, NLSO Midlant commanding officer, was honored to welcome the legal studies internship students and hopes this command will continue this program next summer.

Life/Work Balance

LN1 Shenika Mayes selected for the Career Intermission Program

By CDR Jean Kilker
Navy Reserve 108

LN1 Shenika Mayes

LN1 Shenika Mayes is one of the first Sailors and the first member of the JAG Corps community selected to participate in the Career Intermission Pilot Program. In the program's inaugural year, LN1 Mayes joins 18 other selectees as they affiliate with the Navy Reserve and embark on the Navy's "career off-ramp" for a period up to thirty-six months. LN1 Mayes has a packed agenda planned for her time away from active-duty commitments. Having already earned her Bachelor of Arts degree in Paralegal Studies from Roger Williams University, LN1 Mayes plans to fulfill a lifetime interest in forensic science by pursuing a forensics certificate, with plans to continue on to obtain a Master's Degree.

What attracted LN1 Mayes to the Career Intermission Program? As a single mother of an infant with medical issues, LN1 Mayes was reluctant to leave the Washington, DC area and her child's health care providers. She was also determined to be by her child's side for required surgeries. LN1 Mayes was in the midst of planning a way ahead when she learned about the Career Intermission Program.

Describing the program as a "godsend," LN1 Mayes will have the opportunity to ensure her child is healthy prior to returning to sea duty, while at the same time advancing her studies and pursuing a lifelong fascination with crime scene forensics.

For more information about the JAG Corps' Task Force Life Work Balance, contact: OJAG_ALL_TFLWB@navy.mil

Legal interns spend the Summer in San Diego

By Anne Siders
Legal Intern, Region Legal Service Office Southwest

Region Legal Service Office Southwest (RLSO SW) and Naval Legal Service Office Southwest (NLSO SW) hosted six law school students as part of the JAG Corps Summer Internship Program this summer. Throughout the summer the interns were exposed to a vide variety of experiences typical to the Navy judge advocates and legalmen. CAPT James Ryan, commanding officer NLSO SW, and CAPT Kirk Foster, commanding officer RLSO SW, encouraged the interns to learn about both the daily professional responsibilities of JAG Corps officers and the operational side of the Navy.

The Student Internship Program places law students in JAG Corps commands in order to give them the opportunity to see first-hand the inner workings of the organization and to assist them in making an informed decision about whether the JAG Corps community is the place for them.

RLSO SW hosted Tedmund Wan, a second year law student at Notre Dame; Wendy Gannon, a third year student at Thomas Jefferson School of Law; and Anne Siders, a third year student at Harvard Law School. The interns supported the prosecutors, local staff judge advocates (SJAs), and command services attorneys both at RLSO headquarters and surrounding San Diego bases. The students observed court proceedings, drafted legal pleadings, and provided research support.

NLSO SW hosted Jessica Stone, a third year student at California Western School of Law; Benedict Valliere, a third year student at Villanova University School of Law; and Clay Shorrock, a third year student at Seton Hall University School of Law. The NLSO interns divided their time between assisting defense counsel in the trial shop and the attorneys in the legal assistance office. NLSO SW also hosted LTJG Todd Hutchins and LTJG Jessica Metcalf, surface warfare officers who have been accepted into the Legal Education Program. Before attending law school these officers were given the chance to experience the JAG Corps community.

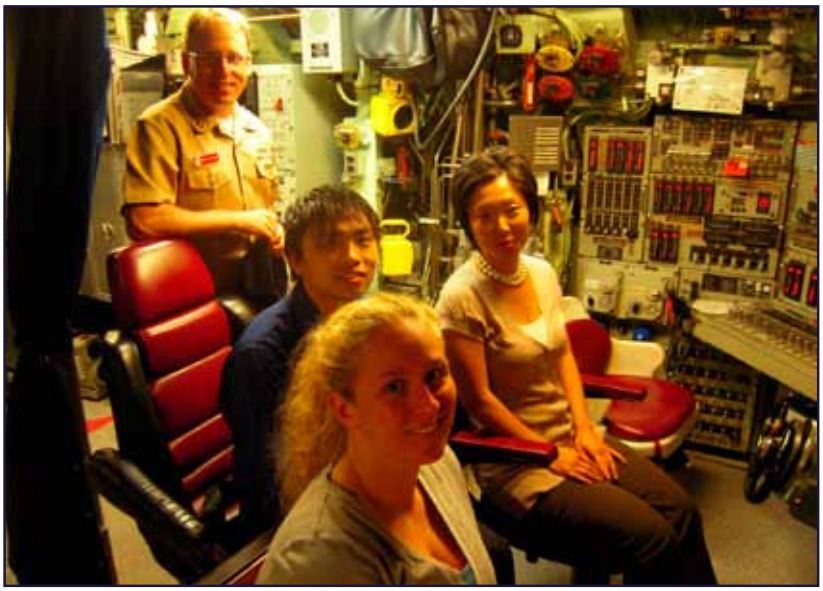
In addition to every day legal work, interns were invited on several "field trips" designed to expose them to various aspects of the Navy. Interns were given an up-close and personal look at the nuts and bolts of the military justice process during tours of the Miramar Consolidated Brig and Navy Drug Screening Lab at the Naval Medical Center.

The interns became more familiar with the mission of the Navy through other field trips. They toured the submarine USS *Jefferson City* (SSN 759) where they learned about the capabilities and mission of the submarine, and the every day lives of its crew. While underway on USS *Bonhomme Richard* (LHD 6) for a Family Fun Day, the interns got to experience sea and anchor detail. While on board, they observed demonstrations of fire fighting, helicopter rescue, and hover crafts used for landing Marines. On another field trip, the interns got a feel for the special operations branch of the Navy with a tour of the Basic Underwater Demolition/SEAL training facilities and Naval Special Warfare Group THREE at Naval Amphibious Base Coronado. Observing the Navy Seals training left a particular impression on Clay Shorrock. "Just seeing the obstacle course was impressive. And it reminds me why the JAG Corps is here; to help and support those troops."

For some, the experience has only reaffirmed their determination to join the Navy JAG Corps. Jessica Stone describes her summer as, "the most exciting internship I've ever had. It has made me want to be a part of the Navy more than ever. It's been awesome!"

For others, the internship represents a more exploratory step. Tedmund Wan had never considered joining the military until a school tour of public service jobs in San Diego, Calif., last winter suggested the possibility, "A summer internship with Navy JAG represents a chance to learn about the JAG Corps more in-depth, to compare the culture between the branches, and to dispel all the myths raised by popular television shows on the subject."

The JAG Corps may have six more applicants for the student accessions boards, but more importantly, there are six law school students who have a little better understanding of what it means to be a lawyer and an officer in the U.S. Navy.



Interns Anne Siders, Tedmund Wan, and Wendy Gannon tour USS *Jefferson City* (SSN 759) with LCDR Brian Ellis.

RLSO SW helps Sailors become U.S. citizens

By LN1 Jennifer Bailey, Navy Region Southwest and
Jessica Leas, Region Legal Service Office Southwest Student Intern

Since former President George W. Bush signed the Expedited Naturalization Executive Order in July 2002, any service member who has served honorably in the U.S. Armed Forces during periods of military hostilities is eligible for expedited naturalization. Lengthy residency requirements and citizenship filing fees are currently waived; however, the process can still take a few months to complete.

Region Legal Service Office Southwest (RLSO SW) has managed the naturalization program since its inception in October 2005 and, working in partnership with U.S. Citizenship and Immigration Services (USCIS), expedites the naturalization process for service members in the Navy Region Southwest area of responsibility.

Working together, USCIS and RLSO SW have conducted 16 military-specific naturalization ceremonies for more than 1,000 service members. RLSO SW has helped thousands of others who have been naturalized through the normal ceremonial process as well. Vicki Alba, RLSO SW's citizenship program director, attributes their success to a proactive naturalization program, which is responsible for training 754 command citizenship representatives since 2001.

RLSO SW's latest naturalization ceremony was held for 66 service members. The ceremony was held at Cabrillo National Monument, hosted by U.S. Citizenship and Immigration Services (USCIS). Cabrillo National Monument is situated in Point Loma, with panoramic views of the San Diego Bay and Pacific Ocean.

The applicants for citizenship hailed from 24 countries throughout the world, and currently serve in four branches of the U.S. Armed Services. The greatest numbers were from the Philippines and Mexico. Many of the new citizens have been sacrificing for the United States for years with multiple deployments around the world.

RADM "Gar" Wright, deputy commander, Navy Region Southwest, offered inspiring remarks to the new citizens. Along with his personal congratulations, RADM Wright expressed his amazement at the dedication of the Sailors, Soldiers, Airmen and Marines who served the U.S. even before becoming citizens.

"The men and women of RLSO SW are proud to play an instrumental role in helping our dedicated Sailors achieve the honor and privilege of American citizenship," said CAPT Kirk Foster, commanding officer, RLSO SW.

A naturalization ceremony was held for 66 service members at Cabrillo National Monument in San Diego, Calif.

Diversity

U.S. citizenship training via VTC

By CAPT Ted Yamada
Region Legal Service Office Southwest

Throughout the armed forces, Sailors, Marines Airmen, and Soldiers have become U.S. citizens through military service. Service members who become U.S. citizens enhance readiness by ensuring that undermanned rates requiring citizenship can be filled while maintaining diversity in the ranks. Diversity of thought, experience, background, and skill is essential to meeting mission readiness.

In the forefront of helping Sailors become U.S. citizens, Region Legal Service Office Southwest (RLSO SW) oversees the naturalization program within Navy Region Southwest (COMNAVREG SW). With nearly 356 commands represented by over 383 Command Citizenship Representatives (CCR) needing training, RLSO SW's Naturalization Division staff is constantly expanding training offered to CCR's at installations throughout the Southwest region.

In August, RLSO SW successfully provided training by video teleconference (VTC) from COMNAVREG SW's conference room to three CCRs at NAS Fallon and three CCRs at Naval Base Ventura in addition to the eleven local CCR's in attendance. By using VTC, RLSO SW has increased the efficiency of meeting the training needs of CCRs in outlying areas.

To learn more and how you can get involved visit the JAG Corps Task Force Diversity NKO website, or contact OJAG_TF_Diversity@navy.mil

JAG leaders

LNC (SCW) Sally Webster

Epitomizing the Navy ethos, reservist LNC (SCW) Sally Webster is a standout leader at Region Legal Service Office Northwest. LNC Webster's meteoric rise to chief petty officer is based upon her outstanding legal acumen, dedication to her shipmates, and leadership skills.

Since affiliating with the Reserves in 2003, LNC Webster has accomplished great things, graduating first in her legalman course, graduating with high honors from the Legal Officer Course where she was the only enlisted student, receiving the Rear Admiral Hugh Howell Award of Excellence as the top Reserve legalman for 2008, and being selected for chief in only six years. Additionally, she earned significant praise and respect from her seniors, peers, and subordinates during a 15-month IA assignment with Naval Mobile Construction Battalion (NMCB) 18 to Iraq, where she was awarded her Seabee Combat Warfare qualification.

In her civilian capacity, LNC Webster is a supervising attorney with Microsoft Corporation practicing contract, international, and intellectual property law. She also volunteers with the Volunteer Advocates for Immigrant Justice, providing pro bono representation to indigent immigrants.

LCDR Mei-Ling Amoy Marshall

LCDR Mei-Ling Amoy Marshall is currently assigned as the deputy staff judge advocate Commander, Navy Region Southwest and civil law department head at Region Legal Service Office Southwest, and was recently recognized by the Federal Asian Pacific American Council for outstanding military service.

A natural leader and gifted mentor, LCDR Marshall is always available to address professional concerns and issues associated with striking a proper work-life balance, as well as merging cultural considerations with professional requirements. She demonstrates a deep sense of responsibility to set a positive example for others who desire to serve their country – including women, Pacific Americans, and Asians. Throughout her career, LCDR Marshall has actively mentored and advised young Sailors, junior officers, and civilians interested in joining the Navy. As an active duty female officer, wife of an active-duty naval officer, and mother; LCDR Marshall is specifically sought after by many junior Sailors and junior officers for guidance on how to "do it all" while serving in the United States Navy.

Would you like to recognize an exceptional shipmate? Submit your command's outstanding member and photos to natalie.morehouse@navy.mil

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A new approach to evaluating JAG Corps applicants

By Special Assistant for Transformation Staff

How many times have you heard a leader of an organization say, "our people are our most important asset?" Well, in the JAG Corps, our leaders say it, they mean it, and they're willing to do something about it. However, as you would expect from seasoned lawyers, there is an important caveat -- it's not just that people are important, it's having the "right" people in our organization. The logic behind this statement is simple yet profound. As a Corps that exists to provide superb legal solutions to its clients, we can never be any better than the collective abilities of our personnel. This is why our efforts to recruit and retain the very best people and, more specifically, our leadership's decision to develop and implement the new structured interview process are so important.

As a service organization that provides legal solutions wherever and whenever required, our success or failure in the future will hinge on the ability and performance of the personnel we attract and select to join our Corps. Currently, attracting judge advocate applicants is most certainly not a problem, thanks to the hard work of all of our recruiting efforts. Recruiting has become an all hands effort within our community and these efforts have definitely translated into tangible results. According to the numbers provided by LCDR Megan Smith, our accessions detailer at PERS-4416 in Millington, Tenn. applications are up from 460 in FY08 to 923 in FY09. That's right, roughly a 101% increase over the past year alone.

However, attracting applicants is only half the battle. An equally important part of the formula that will drive our success in the future is selecting the "right" candidates from the increasing number of impressive applications we receive. This is where the decision to transition from our previous senior JAG appraisal process to the new structured interview process fits in.

Many of you can probably recall your opportunity to sit down with a senior member of the JAG Corps for a Senior Appraiser interview. What you may not be aware of, unless you have been a member of our Corps for a while and have conducted these appraisals, is the tremendous amount of work that followed each of these seemingly informal interviews. In fact, even at our lower application levels of the past, the work was almost overwhelming. Each senior appraiser had to carefully craft a unique write-up that highlighted key aspects of each candidate for the Accessions Board. Accessions Board members would, as they still do, comb the complete application package, and carefully read the appraisal write-up to select the very best candidates. In addition to crafting these unique assessments to describe each applicant for the Accessions Board, the senior appraiser had to rank each of the applicants. This was a difficult and time consuming process. More importantly, it was a rather inconsistent process because even though there were recommended topics the conversation during each interview was free to go in any direction. Ultimately, there was not an equitable or consistent way for the Accessions Board to know how the applicants of different interviewers actually ranked against each other.

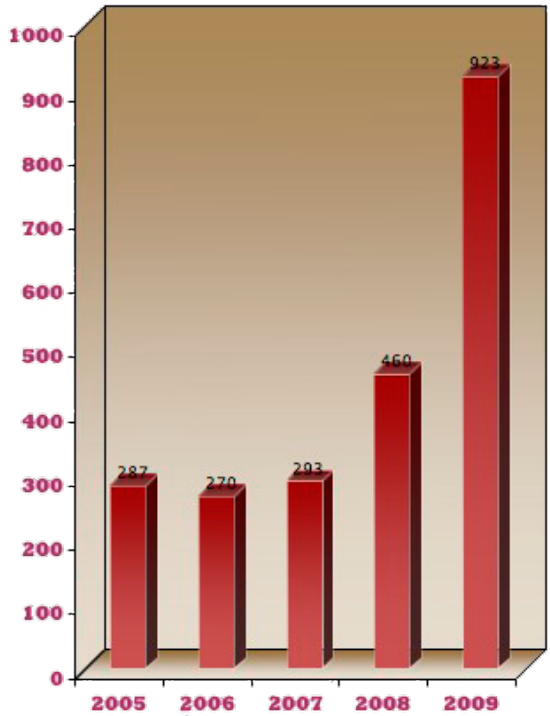
In order to establish a more effective process, our leadership decided to make a bold change. With the help of a human resources expert, the JAG Corps explored innovative ways to increase the quality, fairness, and efficiency of applicant interviews. Under the new structured interview process, all applicants are asked a consistent set of job-related questions and their responses get evaluated against the same pre-determined answers, creating a systematic and standardized interview approach. Our leadership was very meticulous and careful to make sure we developed these questions and answers the right way. The responsibility of identifying the essential competencies and key behaviors of successful judge advocates was given to a working group composed of senior and junior judge advocates. Once these key behaviors were identified and fully vetted, the working group created questions and answers that provide each applicant a fair and uniform

> "Even though it's only one facet of what we look at when reviewing an applicant, the structured interview was extremely helpful and definitely a more efficient and objective way to compare applicants. It was also very useful to get the perspective of more junior officers because in some respects they are more closely situated to the applicants."
> --CAPT Stacy Pedrozo

opportunity to demonstrate whether he or she possesses the qualities our Corps needs and our clients value.

Current research proves structured interviews are a more reliable and effective tool in evaluating and comparing applicants. The uniformity of our new structured interview process ensures applicants are evaluated consistently regardless of who conducts the interview. But our leadership did not stop there – they also changed who in our community is eligible to conduct these structured interviews. Their desire for increased participation led to the inclusion of trained and certified active-duty judge advocates with at least two years in the Navy, and Reserve judge advocates (O-5 and above) who are selected and approved by the Judge Advocate General, Commander Naval Legal Service Command, and the Deputy Judge Advocate General for Reserve Affairs and Operations. Broadening the range of interviewers and requiring a team of interviewers is important because we now benefit from more hands on deck to handle the increased demand for interviews and growing interest in our Corps. Research shows that multiple interviewers minimize the risk of bias and provide better overall assessments. As a result, the new policy is that two certified interviewers will assess each applicant, and at least one of the interviewers must be an active-duty captain or commander (or lieutenant commander serving in a CO/XO billet). The second interviewer may be active duty, ranging in rank from captain to lieutenant, or a Reserve captain or commander. Given our operational demands and schedules, only one interviewer must observe the applicant while the other interviewer may participate by telephone. Ultimately, through these innovative changes and the new structured interview process, more judge advocates have the opportunity to help shape the future JAG Corps while increasing the quality, fairness and efficiency of how we assess new judge advocates.

"...through these innovative changes and the new structured interview process, more judge advocates have the opportunity to help shape the future JAG Corps while increasing the quality, fairness and efficiency in how we assess new judge advocates."



Just recently, the new structured interview process proved to be extremely effective and was preferred over the old senior appraisal method by members a recent accession board in October 2009. At the October board, the members had the difficult task of selecting only 16 applicants from a highly qualified pool of 176 applicants. That's right, a selection rate of 9%. According to CAPT Stacy Pedrozo, one of the board members, "Even though it's only one facet of what we look at when reviewing an applicant, the structured interview was extremely helpful and definitely a more efficient and objective way to compare applicants." CAPT Pedrozo also noted, "it was also very useful to get the perspective of more junior officers because in some respects they are more closely situated to the applicants." CAPT Pedrozo's point that the structured interview was only one factor the board used to evaluate each candidate should not be overlooked. Selection boards use the "whole-person" standard to find the best qualified applicants. While strong academic credentials are important, other factors including demonstrated leadership, motivation, personal integrity, and physical fitness are also considered.

The structured interview process definitely played a role in selecting a very impressive group of applicants. However, we are still in the early stages of this new process. We are also exploring where we can go next. Perhaps our successful use of this process should not be limited to the officer community. We are already exploring the potential for a structured interview process to enhance our process for screening new civilian hires and legalman conversion candidates. Like everything else we do, we will improve with time and our leadership stands committed to monitor and study the results for potential enhancements as we go forward.

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Find out what they are doing now!

Alumni of the JAG Corps describe their current positions and what they did in the JAG Corps.

Spotlight On

CDR Ingrid M. Turner

One could never accuse CDR(Ret.) Ingrid Turner of lacking ambition. Just days after CDR Turner's JAG Corps retirement, she was running for public office and three months later she was sworn into public office.

In December 2006, CDR Turner became the first African-American representative for Maryland's District Four on the Prince George's County Council.

CDR Turner is a graduate of the U.S. Naval Academy and she received an MBA from Golden Gate University in 1989. Then she completed her Juris Doctorate from Catholic University of America, Columbus School of Law in 1993.

CDR Turner's first assignment after completing Naval Justice School was at Naval Legal Service Office Southwest, where she served as the legal assistance department head and then senior trial counsel. She ended her 20 years of military service at the Washington Navy Yard where she served as director of Reserve and Retired Personnel Programs (Code 62) at the Office of the Judge Advocate General.

CDR Turner served as a judge advocate from 1993 to 2006, and during that time she witnessed the evolution of the role of women in the Navy and in the Navy JAG Corps. "I left a Navy that was more integrated and had greater opportunities for female advancement," said CDR Turner.

As for alumni advice, CDR Turner recommends, "To those who have decided to make the JAG Corps their career, take advantage of all the JAG Corps has to offer. Try to enjoy every moment of your time. It truly is the ride of a lifetime."

For judge advocates who have not yet decided on whether they will make a full career in the JAG Corps, CDR Turner advises, "Take advantage of the mentoring and camaraderie the JAG Corps offers."

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A Man for All Seasons

By Robert Bolt

Book review provided by Natalie Morehouse

"Be true to what you believe"

A Man for All Seasons, a play by Robert Bolt, takes place between the years 1529 to 1535, during the reign of the Tudors. The historical drama explores the struggles between lawyer Sir Thomas More and his king, Henry VIII and the religious and personal ethics that led to Sir Thomas More's beheading in 1535.

Background

Henry became heir to the British throne upon his brother Arthur's untimely death in 1502. Just months before his death, Arthur had married the Spanish princess Catherine of Aragon. In order to keep Catherine's dowry, a marriage between Catherine and Henry was arranged. However, in order for Henry to marry Catherine (which defied biblical law in that she was his brother's widow), a special dispensation to allow to them to marry had to be granted by the Pope. The dispensation was granted and Catherine and Henry were married in 1509.

The Man

A Man for All Seasons reflects Bolt's portrayal of More as the ultimate man of conscience. As one who remains true to himself and his beliefs at all times, despite external pressure, More represents "a man for all seasons".

Bolt's More is a man who gives up his life because he cannot sacrifice his own commitment to his conscience, which dictates that he not turn his back on what he believes is right. More refuses to betray his own conscience even when threatened with financial ruin and finally death. According to Bolt, the law held an important place in More's conscience. Throughout the play More is trying to balance his respect for the law with his own personal beliefs.

Act One

It's 1529 and after 20 years of marriage, Henry had come to believe that his marriage to Catherine was sinful and that his not having obtained a male heir by her was evidence of Gods displeasure with the match. In order to marry Anne Boleyn, the young woman who would replace Catherine as his Queen, Henry appealed to the Pope for a dispensation of his former dispensation in order to annul his first marriage so he would be free to marry. By 1532, Henry had grown tired of waiting for the Pope to grant a dispensation and married Anne.

Soon after the marriage, Henry with the help of his advisor Thomas Cromwell began the process of breaking ties with the Catholic Church. In order to officially move away from papal rule, a number of acts that recognized Royal Supremacy over the church were declared by Parliament. The Act of Succession was passed, which required anyone called upon to take an oath acknowledging the children of Henry and Anne as legitimate heirs to the throne. The Act of Supremacy placed Henry at the head of the reformed Church of England, which made it possible to annul his marriage to Catherine and validate his marriage to Anne.

Act Two

Two years passed between act one and act two. The act opens with More's decision to resign as Lord Chancellor. More could not accept the Act of Supremacy or Act of Succession. As far as More was concerned, the Act of Supremacy was not valid, nor was Henry's marriage to Anne.

Even though More was no longer a public official, he was called to swear an oath to the Act of Succession. More accepted Parliament's right to declare Anne the legitimate queen of England, but refused to take the oath or recognize the annulment of Henry's and Catherine's marriage.

More was well known and respected which made his affirmation of Henry's marriage and annulment critical to public support. When More asked Henry why his support was so important, Henry replied: "*Because you're honest... and what is more to the purpose, you're KNOWN to be honest.... there's a mass that follows me because it follows anything that moves. And then there's you...*"

More's refusal to take the oath infuriated Henry, so much that More was indicted for treason. Unable to find a way to take the oath, More chose to remain silent regarding the Acts. According to More, English law interpreted silence as consent. Legally, as long as he never denied the oath, he could not be found guilty of treason. More's silence was his way to avoid self-incrimination, in a way invoking the fifth amendment. In the end, he was found guilty of treason and beheaded.

More held onto his convictions in the face of ruin and death. As an experienced judge and lawyer, More used his experience to defend not only himself and his family, but also his country and his church.

Read any good books lately? Tell us about it!
Submit a book review to
natalie.morehouse@navy.mil.

Mr. Kyle Guess, an attorney for the Tort Claims Unit, Norfolk, was recognized by the Jacksonville Division of the Middle District of Florida as the Outstanding Civil Client Attorney for 2008. This award recognizes work done by agents and agency counsel in supporting the efforts of the U.S. Attorney's Office. Mr. Guess was recognized for his assistance to the Jacksonville civil division in the defense of numerous complex Federal Tort Claims Act suits. He provided comprehensive litigation reports at the beginning of the cases that addressed the pertinent factual and legal issues. He then worked closely with the responsible Assistant United States Attorney to develop case strategy, respond to discovery requests, and evaluate cases for settlement. The U.S. Attorney for the Middle District of Florida, A. Brian Albritton, presided over the ceremony.

CAPT Kevin Brew reenlisted **LN1 Sherrell Reed** in the ceremonial Red Room of the U.S. Embassy Rome in front of a joint audience including officers and enlisted from the Air Force, Army, Navy and Marine Corps plus numerous Italian and U.S. civilian employees. LN1 Reed is assigned as the independent duty paralegal to the U.S. Sending State Office supporting the Office of Defense Cooperation, the Defense Attache Office, and our State Department colleagues.

Commodore, Maritime Expeditionary Security Group ONE, CAPT Gene Harr, presented **LN1(SW) Edward Holland** a plaque recognizing his selection as the Sailor of the Quarter for Maritime Expeditionary Security Group ONE. Maritime Expeditionary Security's primary mission is force protection conducted through fleet support with operations around the world.

Reserve judge advocate **CDR John Han** received the 2009 Honor Award from the Bureau of Alcohol, Tobacco, Firearms, and Explosives for successfully prosecuting 14 members and associates of the violent international criminal organization known as MS-13. All 14 defendants pleaded guilty to racketeer, influenced, and corrupt organizations (RICO) conspiracy and received lengthy prison sentences ranging from four years to life sentences. In his civilian capacity, CDR Han is a trial attorney for the Organized Crime & Racketeering section of the Department of Justice. To date, this case represented the most significant prosecution by the Department of Justice against the dangerous infiltration of violent organized crime groups into the heartland of United States.

VADM Mel Williams, Jr., Commander, U.S. 2nd Fleet and Director of Combined Joint Operations for the Sea Center of Excellence; Jimmy E. Love, acting director of Military Equal Opportunity; and VADM Jeffrey L. Fowler, Superintendent of the U.S. Naval Academy presented **CAPT Robert A. Sanders** with the NAACP Roy Wilkins Award at the NAACP centennial celebration. The Roy Wilkins Award recognizes measures service members take to procure civil and human rights for African Americans serving in the military.

LCDR Eric McDonald obtained the Master of Arts in National Security and Strategic Studies and the Diploma from the College of Naval Command and Staff in Newport, R.I.

Carrier Strike Group SEVEN flag legalman, **LN1(SW) Kendra Walter,** was awarded her Enlisted Surface Warfare Specialist (ESWS) pin on Sept. 30, onboard USS *Ronald Reagan* (CVN 76). As part of the Strike Group's recent deployment, the ship spent more than two months in the U.S. 5th Fleet AOR supporting Operation Enduring Freedom, counterpiracy operations off the coast of Somalia and the Horn of Africa, and Maritime Security Operations.

RADM Steven Talson, the Deputy Judge Advocate General for Reserve Affairs and Operations, presented **CAPT Joseph Twining** with the Legion of Merit at the Military Law Training Symposium in San Diego, Calif. The award was a tribute to CAPT Twining's performance during his six-year tenure as Reserve Law Program Manager and recognizes his major accomplishments throughout his career.

Commanding Officer, Naval Justice School, CAPT Michael Boock, presented **Jim McFarland** and **Amit Shah** with Federal Government Service Awards. Mr. McFarland has been a federal employee for 35 years with 19 of those years working at the Naval Justice School. Mr. Shah has been a federal employee for 15 years with 11 of those years working at the Naval Justice School.

LT Chad Temple from Region Legal Service Office Northwest was selected as the 2009 Outstanding Navy Professional by the Kitsap County Bar Association and the Navy League. Among his many achievements while stationed in the Northwest, LT Temple provided outstanding services as both a defense attorney and prosecutor in numerous courts-martial, mentored young attorneys, and provided valuable legal advice as the staff judge advocate for Naval Base Kitsap.

See your name in print!

Submit your awards or achievements to
natalie.morehouse@navy.mil

Judge advocates attended training at Ft. Jackson, SC and Camp Virginia, Kuwait en route to Iraq and Afghanistan. Front Row (L-R) CAPT Ken O'Rourke (TF134), CDR Scott Thompson (CSTC-A); Back Row (L-R) Navy Chief (non-JAG), LT Bryan Tiley (USCG; TF134), LT Ben Robertson (TF134), LT Lauren Faust (TF134), LT Mike Johnson (TF134).

LT John Butler (NLSO SW, deployed to Afghanistan, assigned to RC SOUTH) with Secretary Mabus.

LNC Michael Stephens, LT Justin Boyd, LCDR Todd Kline, and LT Liam Connel after they ran in the 20th edition of the "Recorrido Atletico" on the Costilla beach in Rota, Spain.

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LNC Michael Stephens, LN1 Karyn Sigurdsson (front row/left), LN2 Alexandria Scardino (back row/left) and LN2 Debra Glaspie (back row/right) all members of Region Legal Service Office Europe and Southwest Asia Detachment Rota, Spain, on board the USCGC EAGLE during their port visit here in Rota, Spain.