

JAG

Official Magazine of the United States Navy Judge Advocate General's Corps

2012
Vol. 15

ALSO INSIDE:

IN THE AFTERMATH
OF THE F/A 18 CRASH

IRAQ: THE FIRST &
LAST CHAPTERS OF
THE LEGAL MISSION



DEFENSE SERVICE
OFFICE WEST

REGION LEGAL SERVICE
OFFICE SOUTHWEST
LEGAL ASSISTANCE

Naval Legal Service Command

Adapts to Best Serve Navy, Clients

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Naval Legal Service Command Adapts to Best Serve Navy, Clients: To prepare the JAG Corps to meet the challenges that lie ahead, Naval Legal Service Offices (NLSOs) were replaced with Defense Service Offices (DSOs). There were eight NLSOs headquartered in Pensacola, Norfolk, Bremerton, Jacksonville, San Diego, Washington, D.C., Naples, Italy, and Yokosuka, Japan. These eight NLSOs realigned to become four DSOs, and are headquartered in San Diego, Washington, D.C., Norfolk, and Yokosuka. The DSOs' mission is to defend service members in military justice proceedings, represent them at administrative boards, and provide other representational services, including advice on non-judicial punishment and adverse personnel actions.



The *JAG Magazine* is an authorized publication for members of the DoD. Comments are not necessarily endorsed by the U.S. Government, DoD, or U.S. Navy. This magazine is prepared by the public affairs staff of the Office of the Judge Advocate General of the U.S. Navy.

Submissions are welcome on all Navy JAG Corps-related topics and, if published, are subject to editing for length and clarity. Written and photographic submissions that show active and Reserve judge advocates and legalmen are strongly encouraged. We prefer to receive all written and photographic submissions by e-mail to natalie.morehouse@navy.mil. Images should include captions and be unmodified; digital files should measure at least 300dpi at 5x7 inches. All submissions must include the author's full name, rank, duty contact telephone number and e-mail address. Feature articles should be 750 to 1000 words. Accompanying photos should show emotion or action if possible.

If necessary, send submissions by regular postal mail to: Office of the Judge Advocate General, Attn: Public Affairs Office, 1322 Patterson Avenue, S.E., Bldg. 33, Suite 3000, Washington Navy Yard, DC 20374-5066. Telephone inquiries should be made to (202) 685-5394.

JUDGE ADVOCATE GENERAL

Welcome to the annual issue of the JAG Magazine, a showcase of photos and stories from 2012. The content provided in the JAG Magazine, as well as that provided on our website and social networking sites, are collaborative efforts by all members of the JAG Corps community. We depend on your submissions, and I would like to express my sincere appreciation to those who contributed to this issue and online throughout the year.

In July, it was my honor to relieve Vice Adm. Houck and assume duties as the 42nd Judge Advocate General of the Navy. I'm extremely proud to be leading you. I'll continue to give you my very best every day and will strive to lead with integrity, honesty, compassion, and grace. We also welcomed a superb lawyer, extraordinary officer, and selfless leader as our new Deputy JAG and Commander, Naval Legal Service Command, Rear Adm. Jim Crawford.

This past year, Rear Adm. Janet R. Donovan assumed duty as the Deputy JAG for Reserve Affairs and Operations and Deputy Commander, Naval Legal Service Command; Master Chief Legalman Karen Colaiacovo assumed duty as the Reserve Senior Enlisted Advisor to the JAG and Reserve Command Master Chief, Naval Legal Service Command; and Master Chief Legalman Paul St. Sauver assumed duty as the Senior Enlisted Advisor to the JAG and Command Master Chief, Naval Legal Service Command. The Navy and the JAG Corps community simply could not ask for a better team of proven leaders.

As we look to the future, traditional legal missions remain, but an increasingly complex legal landscape calls for even greater ingenuity and imagination across the board. We must embrace difficult fiscal realities, emerging technologies, and evolving capabilities that will present new and changing needs for legal solutions. We must continue to bring to bear hard work, common sense, creativity, and tenacity to find solutions to our clients' problems.

This edition of the JAG Magazine highlights examples of that kind of ingenuity and hard work in action. The JAG Corps Public Affairs Officer outlines the reorganization of Naval Legal Service Command to meet the Navy's demands for expeditionary services while continuing to provide the Navy with quality military justice services. Cmdr. Tom Leary and Cmdr. Jim Lucci discuss the first and last chapters of the U.S. legal mission in Iraq. Lt. Eileen Joy highlights the collaborative effort to support four special courts-martial held aboard USS Nimitz (CVN 68). Cmdr. Doug Velvel outlines the challenges in the evolving area of Cyber Law. The Special Assistant for Strategic Planning discusses the development of JAG Guidance 2013.

The JAG Magazine remains a wonderful resource. However, concentrating on social media sites has allowed the JAG Corps community to improve dialogue among our members, our clients, our alumni, and potential applicants interested in a career with our community. You can keep up with the latest JAG Corps news via the following social media sites:

1. Facebook (www.facebook.com/navyjag)
2. Twitter (www.twitter.com/Navy_JAG)
3. YouTube (www.youtube.com/NavyJAGCorps)
4. Wordpress (www.usnavyjagcorps.wordpress.com/)
5. Flickr (www.flickr.com/photos/navyjagcorps/)



Thank you for everything you do for the Navy, our clients, and each other. Keep up the terrific work!



Nanette M. DeRenzi
Vice Adm. JAG Corps, U.S. Navy

JAG MAGAZINE

JUDGE ADVOCATE GENERAL
Vice Adm. Nanette M. DeRenzi

**DEPUTY JUDGE ADVOCATE GENERAL,
COMMANDER, NAVAL LEGAL SERVICE COMMAND**
Rear Adm. James W. Crawford, III

**DEPUTY JUDGE ADVOCATE GENERAL,
RESERVE AFFAIRS & OPERATIONS
DEPUTY COMMANDER,
NAVAL LEGAL SERVICE COMMAND**
Rear Adm. Janet R. Donovan

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OFFICE OF THE JUDGE ADVOCATE GENERAL,
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New Leadership Takes Helm of Navy Judge Advocate General's Corps

From JAG Corps Public Affairs

This past year, the Navy JAG Corps welcomed all new leaders at the top of our global law firm, including Vice Adm. Nanette M. DeRenzi, Rear Adm. James W. Crawford, III, Rear Adm. Janet R. Donovan, Master Chief Legalman Karen Colaiacovo and Master Chief Legalman Paul St. Sauver.

"The Navy and the JAG Corps could not ask for a better team of qualified officers and proven leaders to guide our Corps into the future," said Vice Adm. James W. Houck, the former Judge Advocate General of the Navy.

DeRenzi became the 42nd Judge Advocate General of the Navy during a ceremony at the Washington Navy Yard July 20. She had previously served as the Deputy Judge Advocate General and Commander, Naval Legal Service Command. DeRenzi will serve as the Navy JAG for three years.

"Today is a day for the men and women of the JAG Corps to recommit ourselves to service, to each other, and to those we serve," said DeRenzi during the ceremony. "Some may look back and long for the time when resources were abundant and challenges were traditional and predictable. Not me. This is our time and we will embrace the challenges that come with it."

During the same ceremony, Crawford became the Deputy Judge Advocate General and Commander, Naval Legal Service Command. He previously served as Commander, Rule of Law Field Force-Afghanistan.

"It is a distinct honor to be standing here today. I'm mindful of the honor bestowed upon me today and trust given" said Crawford during the ceremony. "[Trust] is the belief in two old fashion qualities - consistency and integrity. It is these two words that will guide me as I begin my watch today."

In November 2012, Donovan assumed her new duties as Deputy Judge Advocate General (Reserve Affairs and Operations). Donovan has served in a variety of active duty, reserve duty, and active duty for special work assignments. She most recently served as the Navy Reserve Law Program Manager and Force Judge Advocate on the staff of Commander, Navy Reserve Forces Command.

"The Navy legal community is privileged to have the

benefit of Rear Adm. Donovan's talent and experience to fill this important position," said DeRenzi.

St. Sauver took the reins as the Senior Enlisted Advisor to the Judge Advocate General of the Navy and Command Master Chief, Naval Legal Service Command following a July 2 ceremony at the Washington Navy Yard.

"Master Chief St. Sauver is uniquely qualified to lead the legalman community into the future," said Houck. "[He] knows the Navy and the JAG Corps community. Most importantly, he knows legalmen. He is a leader who will help us continue to shape the future of the legalman community."

Colaiacovo became the Command Master Chief for the reserve component JAG Law Program in December 2012.

"Master Chief Colaiacovo is the best-qualified candidate to build upon the past accomplishments of the Reserve Legalman program," said Rear Adm. Steven M. Talson, the former Deputy Judge Advocate General (Reserve Affairs and Operations) and Deputy Commander, Naval Legal Service Command. "She brings 28 years of experience to the job, including both sea and shore operational time. While on active duty, she served three years aboard USS Cape Cod (AD-43) and more recently, deployed to Kandahar, Afghanistan for a year as an individual augmentee with the Third Naval Construction Regiment."

Also this year, the JAG Corps said farewell to Houck, Talson, Master Chief Legalman Jeffery N. Luthi, and Master Chief Legalman Christopher J. Browning.

During these leaders' tenures, the Corps provided counsel on a number of important issues, including the repeal of "Don't Ask, Don't Tell," Military Commissions,

protection of navigational rights and freedoms, combating sexual assault, and support to Wounded, Ill, and Injured Sailors and Marines.

Houck retired after 32 years of service during a traditional change of office ceremony, presided over by the Chief of Naval Operations, Adm. Jonathan W. Greenert, in July 2012.

"As his deputy JAG, I had the privilege of working with Vice Adm. Houck every day," said DeRenzi during the change

“Today is a day for the men and women of the JAG Corps to recommit ourselves to service, to each other, and to those we serve. Some may look back and long for the time when resources were abundant and challenges were traditional and predictable. Not me. This is our time and we will embrace the challenges that come with it.”

-- Vice Adm. Nanette DeRenzi,
Judge Advocate General



Vice Adm. Nanette M. DeRenzi assumed the office of the Judge Advocate General of the Navy from Vice Adm. James W. Houck after he retired from the position. Rear Adm. James W. Crawford, III relieved DeRenzi as the Deputy Judge Advocate General of the Navy and assumed command of Naval Legal Service Command. (U.S. Navy photo by Mass Communication Specialist 1st Class Peter D. Lawlor)

of office ceremony. “He was the most visionary leader the JAG Corps has ever known. He understood the changing nature of warfare, the world’s politics, and the law. He was a man of tremendous ambition - not for himself, but for the organization he led. He recognized that each member of the JAG Corps community provides a vital service, linked directly to the success of our Navy and Nation. He worked tirelessly to ensure that we had the right people, the right training, and the best processes to deliver superb legal solutions to our clients wherever and whenever they needed us.”

After 32 years, Talson retired from the Navy during a formal ceremony at the Washington Navy Yard in November 2012. He spent more than seven years on active duty, followed by 25 years of Reserve service.

“Admiral Talson’s future vision of the Reserve forces was essential during our JAG Corps realignment and improved the seamless integration of the Reserves’ support to the active duty,” said DeRenzi.

Browning retired after more than 25 years of service in the Navy. He most recently served as the Senior Enlisted Advisor to the Judge Advocate General of the Navy and Command Master Chief, Naval Legal Service Command.

“As the senior enlisted advisor for our community, Master Chief Browning demonstrated unparalleled strategic vision and leadership,” said Houck. “His direct involvement in the day-to-day operations of the legalman community positively impacted recruitment, training, integration, and operational support.”

Luthi spent more than 20 years in the Reserves, the last four as Reserve Command Master Chief.

“Master Chief Luthi worked tirelessly throughout his entire career to take care of Sailors and the JAG Corps,” said Talson. “Through his leadership of the reserve component – Master Chief provided wise guidance and hands-on assistance to make sure we were best serving our clients.”

The Judge Advocate General of the Navy provides legal and policy advice to the Secretary of the Navy and the Chief of Naval Operations on all legal matters from military justice to environmental law. The Judge Advocate General also directs a worldwide law firm of more than 2,300 attorneys, paralegals and support staff.

Naval Legal Service Command provides prosecution, defense, personal representation, legal assistance, and other command services to shore and afloat commands throughout the world. 🌐

Naval Legal Service Command Adapts to Best Serve Navy, Clients

From JAG Corps Public Affairs

In October, the Judge Advocate General's Corps reorganized the Naval Legal Service Command (NLSC) to meet the Navy's evolving demands for expeditionary legal services support while continuing to provide quality military justice services.

"The demand for Navy JAG Corps' services is greater than ever, but the nature of our practice has changed significantly over the past several years," said Vice Adm. Nanette DeRenzi, the Judge Advocate General of the Navy. "The Department of the Navy and joint forces operate in an increasingly complex legal and policy environment and expect more from our community than ever before."

To prepare the JAG Corps to meet the challenges that lie ahead, Naval Legal Service Offices (NLSOs) were replaced with Defense Service Offices (DSOs). There were eight

NLSOs headquartered in Pensacola, Norfolk, Bremerton, Jacksonville, San Diego, Washington, D.C., Naples, Italy, and Yokosuka, Japan. These eight NLSOs realigned to become four DSOs, and are headquartered in San Diego, Washington, D.C., Norfolk, and Yokosuka. The DSOs' mission is to defend service members in military justice proceedings, represent them at administrative boards, and provide other representational services, including advice on non-judicial punishment and adverse personnel actions.

NLSOs also transferred the mission of providing legal assistance services to the nine Region Legal Service Offices (RLSOs). Legal assistance services include wills and powers of attorney, and matters involving consumer, family, landlord-tenant, and predatory lending law.

"Sailors and their families will continue to receive legal assistance, but those services will now be

provided by the RLSOs," said Rear Adm. James Crawford, Commander, Naval Legal Service Command. "On most bases, the locations where legal assistance services are provided remain the same."

The realignment changed the way Sailors receive defense services in 12 locations around the fleet. These 12 locations are Everett, Whidbey Island, Port Hueneme, Lemoore, Corpus Christi, New Orleans, Millington, Kings Bay, Guantanamo Bay, Newport, Earle, and Sigonella. Similar to the way Sailors receive personal defense services when they are at sea, Sailors requesting defense services such as representation for courts-martial or administrative boards will make initial contact with an attorney by telephone or other remote communication technology, with subsequent in-person consultation arranged, if necessary.

Navy commands retained their current staff judge advocate support. RLSOs will continue to provide court-martial prosecution and command legal advice to Navy region and installation commanders, and tenant commands such as ships and squadrons.

As part of the realignment, the JAG Corps will refocus on the first two years of all new judge advocates' careers by beginning a comprehensive training program in prosecuting and defending cases, providing legal assistance, and advising Navy commands.

"This realignment will improve the JAG Corps' training for new accession judge advocates by more thoroughly preparing them to meet the Navy's legal needs," said DeRenzi.

For a complete list of services and contact information of the closest legal office, visit www.jag.navy.mil. 🌐



Defense Service Office West provides legal advice and representation to eligible service members at courts-martial and administrative proceedings, including enlisted administrative separation boards and officer boards of inquiry, in addition to providing advice to service members on defense-related topics such as nonjudicial punishment.

Mentoring Law Students in Afghanistan

By Lt. Megan Romigh,
Region Legal Service Office Mid-Atlantic

In my short time as a Navy judge advocate, I have had many interesting experiences on land and at sea. One of my most rewarding experiences has been mentoring a group of young Afghan law students as they prepared for the Philip C. Jessup Moot Court Competition, commonly referred to as “Jessup.” Jessup is a prestigious worldwide moot court competition based on a fictitious international law case designed to prepare future lawyers for oral advocacy in the appellate courtroom.

While I was on deployment in northern Afghanistan, I advised high-level U.S. officers on issues of operational, fiscal, administrative, disciplinary, and human rights law. My days were spent reviewing project files, briefing my clients, preparing legal briefs for other staffers, and liaising with the police and other entities in the U.S. and NATO contingents.

In addition to my uniformed judge advocate work, advising the Balkh University Law School students allowed me to think creatively and make an additional impact on the local community. It was incredibly rewarding to work with these local students who are, without a doubt, the bright future of their country.

Jessup tests important contemporary international law issues, such as state responsibility and the preservation of cultural property. It questions areas in which the law does not provide definite answers.

First, law school teams from around the world prepare written briefs. The Balkh Law School team submitted a



Lt. Megan Romigh and Hamayoun Rahimi pose with the Jessup Cup after the 2012 Jessup Moot Court Competition at the Supreme Court in Kabul, Afghanistan. Romigh mentored and Rahimi was the advisor to the team from Balkh University, which won the competition in Kabul. (Photo by U.S Embassy Kabul)

brief and then we held practice moot sessions in which the students got on their feet to argue in front of judicial panels comprised of other attorneys. In these rounds, we talked about the basics of public international law, the generalities of their case (advisors are not allowed to give substantive assistance), and oral advocacy tips. My colleagues and I were blown away by how polished and knowledgeable the students already were. They embraced any critique or suggestion and never repeated mistakes.

In January 2012, I had the pleasure of attending the Afghanistan National Jessup Competition. Four teams from around the country met in the vibrant capital city of Kabul. The law school students from Balkh were phenomenal. They carried themselves as seasoned international attorneys, not the fourth-year law students they were. I especially liked that they wore matching black suits and similar ties. To me, they already looked the part of national champions.

Balkh and Al-Birouni University advanced to the final round, held at the Afghan Supreme Court. After a lively two-hour round, it was announced that Balkh had won the competition. My heart swelled with pride. They were going to Washington!

After the judges and VIPs left the room, three of the students asked if I could take a photo of them sitting in the Supreme Court justices’ chairs, where the Afghan justices sit in sessions of court. I gladly obliged. Then I told the students, “Turn around, and look at those chairs—and think of this moment twenty years from now when you return here as Supreme Court justices or government officials.” They laughed, but I know my words will ring true someday.

Of all the conversations I had during my seven months in Afghanistan, one sticks out to me. The day the competition started, one of the competitors approached me and asked how long I had been in country. He then asked “What did you expect when you came to Afghanistan?” I thought about it, and I said I really had no idea. Hauling my gear across the tarmac upon arrival at Kandahar Air Field last summer, I was a little excited, a little scared, and unsure of what exactly I would do there. Now, looking back, my experience with the law school students from Balkh was the most rewarding of my deployment, and it created relationships that I know will last a lifetime. 🌟

IRAQ:

The First and Last Chapters of the U.S. Legal Mission

Launching the Legal Mission in Iraq

*By Cmdr. Thomas Leary,
International & Operational Law Division*

On April 9, 2003, as the world watched ecstatic Iraqis tear down the statue of Saddam Hussein in Baghdad's Firdos Square, I got word that my flight into Baghdad was set for that night. At that time I was serving as the staff judge advocate for a Special Operations Task Force that was supporting the initial phases of *Operation Iraqi Freedom*. The Task Force had already conducted numerous missions into Iraq from our forward staging base, weathered the "mother of all sandstorms," and just hours earlier, had established a command-and-control node in Baghdad. Now we were moving the enablers into a better position to support what was expected to be a series of direct action missions against strategic targets in and around Baghdad.

The nighttime approach into Baghdad International Airport was disorienting. To minimize the risk of enemy rocket attacks, the airfield was completely dark. I felt a curious sense of anxiety and helplessness as I realized that, despite the sophisticated helmet, top-of-the-line body armor, and the M-4 slung across my chest, my fate was in the hands of an



Air Force flight crew, whom I had never met. I heaved a tremendous sigh of relief when that crew landed safely, only to be further disoriented moments later when my comrades and I were hustled into the back of a windowless box-truck and quickly whisked to an unknown destination. Only after we disembarked at an abandoned hangar was I able to acquire any sense of spatial awareness.

The conditions at Baghdad International Airport were spartan, to say the least. During the first three weeks of the campaign we had become accustomed to the lack of running water, showers, and hot food. However, the abandoned hangar added another unplanned challenge: pigeon droppings. We lined the floor with row upon row of Army green cots, did our best to keep the pigeon droppings out of our gear, and were thankful for a quick move to the relative luxury of Baghdad International Airport's main terminal. There, I worked in the baggage claim area – which had been converted into the Joint Operations Center – and made Gate 23 my home. The hours were long, the missions were frequent, my sleep schedule was irregular, and the legal issues were plentiful. Questions regarding the rules of engagement, detention and interrogation, fiscal law,

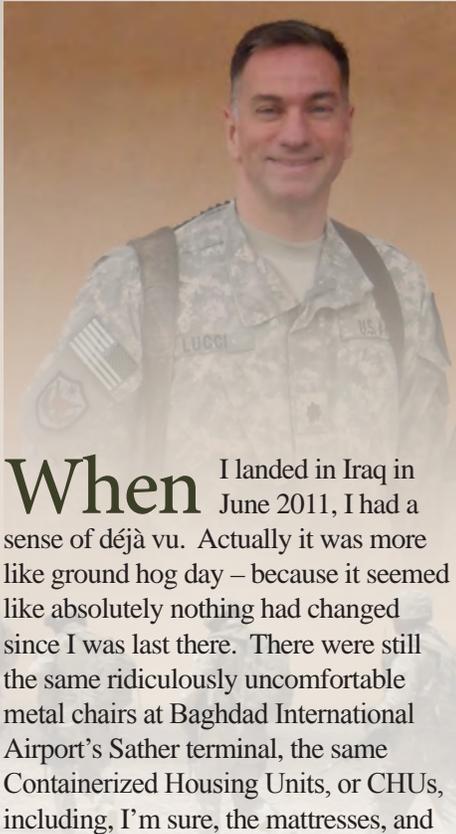
and the role of civilians and contractors on the battlefield served as welcome distractions from the fact that none of us had showered in weeks! Despite the austerity, our morale remained high.

My fondest memory of Iraq remains the hopeful eyes of a child. One of our operations damaged civilian property and resulted in detainees who required repatriation. Due to the uncertain operational and legal environment, the team wanted me along to ensure the repatriation and humanitarian support were effectuated within the appropriate legal authorities. We arrived in daylight in a quiet Baghdad neighborhood, dismounted our Humvees, and proceeded cautiously down a street lined with modest homes. Soon several young children appeared in the doorways and bravely approached the heavily armed men patrolling their street. A young girl, perhaps 8 years old, approached me with a purple flower in her hand. She looked up at me with a look of trust and optimism, and offered me the flower. We had been assured we would be "greeted as liberators," and at that moment, it seemed as though that promise might be realized.

As I left the neighborhood that sunny April day and departed Baghdad some weeks later, there was widespread confidence that our Task Force had accomplished its mission, and that the rest of our forces would soon follow with a similar sense of optimism and achievement. I sometimes wonder what became of that young girl – whether she endured the years of insurgency and sectarian conflict – and how premature my sense of optimism was. That purple flower retains its flourish today, and I hope the sacrifices of so many of our comrades and shipmates helped that girl hold on to her spirit during the difficult months that followed.

Ending the Legal Mission in Iraq

By Cmdr. Jim Lucci,
Region Legal Service Office Europe, Africa,
& Southwest Asia



When I landed in Iraq in June 2011, I had a sense of déjà vu. Actually it was more like ground hog day – because it seemed like absolutely nothing had changed since I was last there. There were still the same ridiculously uncomfortable metal chairs at Baghdad International Airport’s Sather terminal, the same Containerized Housing Units, or CHUs, including, I’m sure, the mattresses, and the 25 pound dumbbells were exactly where I left them 4 years earlier. It gave me a reassuring feeling that I knew what to expect.

It didn’t take long though to realize that while everything looked the same, much had changed. The last time I was in Iraq was 2007-2008. It was the height of the surge and we were operating under various United Nations Security Council Resolutions that gave us broad authorities. Now, from a legal perspective, things were very different. U.S. Forces were now operating under the Security Agreement as the legal basis for our presence, which was a much narrower authority than the United Nations Security Council Resolutions. We had to ask permission from the Government of Iraq to do many of the

things that we once routinely did.

An example of this significant change involved detention operations. In 2008, we had 25,000 detainees held in the large internment facility in Camp Bucca. A huge majority of the detainees were “security internees” that Coalition Forces had captured on the battlefield during unilaterally conducted operations and who were being held for security reasons. However, now Camp Bucca was gone, there were only 206 detainees, all of whom were being held at the request of the Government of Iraq pursuant to Iraqi arrest warrants. Operations to capture insurgents required the consent of the Government of Iraq and usually required joint U.S. and Iraqi forces. These constraints proved challenging, especially when attacks increased in the fall of 2011. Due to the tremendous efforts from the legal office, U.S. Forces had the requisite authorities they needed to ultimately transfer responsibility for all the detainees to the Government of Iraq or to release them within the terms of the Security Agreement.

On October 21, when President Obama announced that the US Military would completely withdraw from Iraq by the year’s end, we still had over 41,000 troops in country, including 17 lawyers on the USF-I staff. We were still a fully functioning legal staff providing legal support across the spectrum. We had to quickly downsize our own office while, at the same time, continuing to provide legal support to ongoing operations, end of mission ceremonies, and to one of the biggest operational maneuvers in the history of the military. Our Rule of Law section was handed over to the DoJ, who continued the mission of engaging Iraqis. Military justice matters were sent to US Army Central Command, and many of the non-mission specific ethics and administrative law issues went

back CONUS with the respective units. We also set up a rear command post in Kuwait with two army lawyers who provided legal support to force protection operations that continued until all troops were safely out of Iraq. By December 2011, there were just three attorneys left on staff, Col. Kevan “Jake” Jacobson, the USF-I staff judge advocate, me as the deputy and one detainee operations attorney who was working on the final transfer of our remaining detainees to the Government of Iraq. At the end, Col. Jacobson and I focused mainly on the disposing of all the excess property under the Foreign Excess Personal Property rules, or FEPP, and the administrative law requirements associated with disestablishing a Combatant Command created Task Force.

Serving as a deputy staff judge advocate at the end of *Operation New Dawn* had some very distinct advantages. I had the good fortune to inherit the corporate knowledge and processes that had been built up over the years from the numerous JAGs who had come before me. However, most importantly, it gave me the opportunity to serve with some tremendous judge advocates and to be able to see how other services viewed the Navy JAG Corps’ contributions to the mission. Whether supporting operations, establishing the rule of law in Iraq, or ensuring that our forces had the administrative law support they needed, so many Navy judge advocates toiled countless hours for months on end to help make Iraq a better place. And in that regard I can proudly say well done to every Navy judge advocate who served in Iraq.

I am honored that I was one of the last representatives of the Navy JAG Corps to serve in Iraq. In the end, as we turned over the last of the detainees, the last of the equipment through FEPP, and even the last of the bases, to the Government of Iraq, it was clear to me that, thanks to the many contributions of the judge advocates who had served there over the years, the legal mission was complete. The only thing left to do was fly home. 🇺🇸

In the Aftermath of the F/A-18D Crash

From JAG Corps Public Affairs

At approximately 12:05 p.m. on April 6, 2012, an F/A-18D assigned to the Naval Air Station Oceana-based Strike Fighter Squadron (VFA) 106 crashed into an apartment complex in Virginia Beach, Va.

The plane landed in the Mayfair Mews apartment complex leaving a fiery scene of destruction. Almost half of the 64 units in the apartment complex were totally destroyed; however, not a single human life was lost.

Both aircrew ejected safely and were transported to a local hospital. Five others were also taken to the hospital where they were treated and released.

With national headlines touting the lack of fatalities as a miracle, there were still many lives drastically affected by the property damage left behind. The crash and subsequent fire caused significant property damage and displaced more than 130 residents.

Residents who resided in 27 of the apartment units were permanently displaced and forced to find new homes.

Rear Adm. Tim Alexander, Commander of the Navy's Mid-Atlantic Region, immediately responded and explained to residents, "We are committed to doing the right thing to address the needs of these families, who through no fault of their own have endured an incredible hardship. We owe it to everyone affected by [the] accident to help them get their lives back together."

It was the JAG Corps' role to ensure affected residents were promptly and fairly compensated so they could return to a normal life.

Mr. Hal Dronberger, deputy director for the Office of the Judge Advocate General's (OJAG) Claims and Tort Litigation Division (Code 15), arrived on scene within 24 hours of the crash. He mobilized the JAG Corps Disaster Response Team consisting of Code 15 staff and Region Legal Service Office (RLSO) and Naval Legal Service Office (NLSO) MIDLANT attorneys and paralegals.

"Our response team consisted of seasoned military and civilian attorneys and legal staff," said Dronberger. "Due to the coordinated efforts of this diverse group of professionals, we were able to immediately respond to the concerns of Mayfair Mews residents and members of the community. Without the hard work and expertise of these individuals, we would not have been able to provide this extensive level of support and assistance to those affected by the crash."

On the day after the crash, the disaster response team held a community meeting for residents with a number of local government officials and police, fire, and human services representatives in attendance. There, Navy personnel met individually with displaced residents, handed out claims packages, and

gathered information necessary to provide emergency financial support for food and temporary lodging.

"Following the crash on Good Friday, we recognized there was going to be a need to provide immediate resources - money for food, shelter, and clothing - to the affected residents," said Cmdr. Frank D. Hutchison, staff judge advocate for Commander, Navy Region Mid-Atlantic (CNRMA). "Within hours, we had asked for and received authority from the Secretary of the Navy to expend up to \$150,000 in Emergency and Extraordinary Expense (EEE) funds."

With the assistance of the CNRMA Comptrollers and Personnel Support Detachment, checks were issued to displaced residents to cover the cost of lodging and meals for two weeks within two days after the crash.

As it became evident that resettling most of the displaced residents was going to take over a month, CNRMA arranged for additional EEE funds for the residents. For those whose residences were totally destroyed, the Tort Claims Unit Norfolk made advance payments on the claims to be filed. In total, over \$450,000 was paid to residents to assist them with immediate expenses.

In the days following the crash, the team met with affected residents, sometimes multiple times, to explain the available resources and start the claims process.

"In situations such as this, it is important to establish a personal connection with those who have just gone through the most traumatizing event in their lives," said Ms. Virginia Eilmus, head of the Personnel Claims Unit, Norfolk Disaster Response Team. "[They] needed someone to spend time with them and explain how to navigate the claims process."

It was this extra effort that made the process work.

"We appreciated that the residents were still reeling from the disruption of their lives and the narrow, but miraculous, escape from physical injury many had experienced," said Dronberger. "It was so important to us that everyone was receiving accurate information on the claims process and the way forward so that they would be able to start returning to their normal lives."

Being able to keep the residents informed was a top priority. A special cell set-up by CNRMA and manned by Norfolk NLSO and RLSO personnel was established at the Resident Assistance Center. There, residents could obtain claims forms, apply for additional EEE funds, and discuss the recovery process. Another group of NLSO/RLSO personnel manned a Region operated call center. Each resident who reported damages was given direct contact information to reach a Department of the Navy claims official.

"The Mayfair Mews residents appreciated the team's personal dedication to each of them, from answering simple questions to calling local landlords to help find a new apartment that met the financial and personal needs



Hal Dronberger, deputy director of Claims & Tort Litigation for the Office of Judge Advocate General (OJAG) briefs affected residents about aide services offered by the Navy. The Navy set up a meeting for affected residents April 7, 2012 at Virginia Beach Law Enforcement Training Academy to provide claims forms for personal injury or property damage resulting from the crash of an F/A-18D Hornet on April 6, 2012. (U.S. Navy photo by Mass Communication Specialist 3rd Class Antonio P. Turretto Ramos)

of residents,” said Lt. Jean-Marc Chanoine, a member of the Disaster Response Team from NLSO MIDLANT. “Our team’s enthusiasm, empathy and tireless support were appreciated in this time of unexpected challenge.”

The claims team had multiple follow-on communications with residents to assist them with filing and processing their claims.

“We had to get creative in helping the claimants establish their claims for proof of ownership and value of lost property. Their receipts for purchase of furniture and everyday household items like pots and pans and sweaters burned up in their apartments,” said Mr. Robert Thomas, the Navy tort claims attorney responsible for the adjudication process. “We looked at photographs taken by children at Thanksgiving. We sat down with interior decorators who had worked with the claimants fifteen years earlier. We called area furniture and electronics stores to see how long they kept sales records. We scrutinized videos and pictures taken by fire fighters and remediation workers of burned apartments. We personally walked through the ruins and stood in units about to be torn down.”

To date, over 60 claims have been filed and 35 have been settled. “We aren’t rushing the claimants” said Thomas, adding “this has been a very difficult experience

for the residents, and we are working at their pace.”

Coordination between the Navy, Virginia Beach officials and the remediation contractor was a continuous effort. In this regard, Lt. Rob Singer, staff judge advocate for NAS Oceana (NASO) excelled. He was NASO's sole point of contact to City of Virginia Beach departments including Fire, Sheriff's Office, Police, Housing, etc., and supported the emergency claim and distribution process

“Lt. Singer’s personal involvement with each resident was singled out numerous times and he gracefully transitioned from task to task and from one facet of recovery to another,” according to Capt. “Goose” Geiss, commanding officer, NASO. “He ran the effort for Oceana so I could continue to run these installations. He was on autopilot - never requiring ‘recalibration’ on my long-term desired effects.”

Executing the CNLSC plan to support disaster relief, Norfolk based judge advocates and OJAG personnel responded quickly and professionally to provide support to those numerous personnel impacted by the crash. While it was a miracle that there was no loss of life; the hard work, long hours and dedication by the entire Navy and local community team helped the affected residents return to a normal life. 🌟

Questions About Living Donor Program Lead to More Than Legal Support for Sailors, Family

By Lt. Candice Albright, Naval Legal Service Office Europe, Africa, & Southwest Asia with contributions by Information Systems Technician 1st Class Christopher Cookson

It was the end of my first week at the Naval Legal Service Office in Naples, Italy, when Information Systems Technician 1st Class Christopher Cookson walked through my door. The day prior, Cookson learned that his father, U.S. Air Force retired Master Sgt. Culinary Specialist Ronald Alden “Cookie” Cookson, had been diagnosed with liver cancer and had only two weeks to live if he did not receive a liver transplant. Without any hesitation, Cookson decided to donate part of his liver in the hope of saving his father’s life. However, he was unsure how this decision would affect his career. So, he came to us.

The first thing Cookson said to me was, “My father is concerned for my career, but of course he gets my liver. He is my dad.” I understood his position, but it was my job to ensure he followed all of the Navy’s rules and regulations in order to get his father the absolute best outcome and protect his Navy career at the same time. After a brief discussion about fitness for duty, I figured there had to be more to this issue. And, since the Naval Justice School taught me not to “shoot from the hip,” I told him I would look into it while he finalized his travel plans.

After a little bit of research, I found BUMEDINST 6300.8A, “Donations, Transplants, and Disposition of Organs and Tissue.” The instruction states that active duty Sailors may serve as living-related or -unrelated organ donors in the absence of better matched volunteer donors. To do so, the Sailor must receive written counseling from his or her immediate commander and a medical officer prior to becoming a living donor. Specifically, the Sailor

must understand that his or her ability to remain in the naval service is contingent upon a favorable medical evaluation after the procedure. In addition, prior approval from the Navy Bureau of Medicine and Surgery (BUMED) is required when a living organ donation is to be performed in a non-Army/Navy Organ Transplant Service Facility.

I discussed the requirements with Cookson when he returned to our office. He understood the risks and maintained his determination to assist his father. After obtaining the required counseling and finalizing his legal documents, the only lingering problem for him was the necessary approval by BUMED. It was a Friday morning in Italy, Cookson was scheduled to fly out on Sunday to New York, where his father was hospitalized, and no one on the east coast of the United States was awake. Phone calls and emails went flying all afternoon between me, the local hospital staff and BUMED staff judge advocate, Cmdr. Salvatore Maida. With Maida’s help, I was finally able to put Cookson in touch with the Living Donor Transplant Coordinator at BUMED, who screened and approved his request right over the phone.

With all necessary approvals and travel plans in place, Cookson left Naples, and arrived safely in New York early on Monday morning. To his pleasant surprise, BUMED staff called him later that morning and offered to move his father, a retiree of the United States Air Force, to Walter Reed National Military Medical Center in Washington, D.C., for screening and treatment. Grateful for the opportunity,

the Cookson family accepted and left the same day for Washington, D.C.

According to Cookson, his father, Cookie, was seen by more physicians and nurses at Walter Reed in the first 60 minutes of his stay than during the entire 30 days he spent in the New York hospital. As a result, and completely out of character for him, Cookie was left speechless by all of the attention. When he was finally able to find his voice, Cookie expressed sincere gratitude for his transfer to Walter Reed. During his stay, the staff at Walter Reed devoted countless hours and resources to his treatment, he was surrounded by family, and a veterans’ organization brought the Buffalo Bills cheerleaders to visit him. Cookson said his father was overjoyed by his positive experience and treatment at Walter Reed.

Sadly, Cookie’s disease had spread from his liver and he was diagnosed with stage four cancer. The staff at Walter Reed determined that the liver transplant was no longer viable, but suggested Cookie undergo chemotherapy in a final attempt to save his life. They moved Cookie back to New York, close to home, to undergo treatment.

On August 22, 2011, Cookson spoke to his father for the last time. His father said to him, “Chris, I am fine. I love you and will see you again soon.” Six hours later, in the early morning of August 23, 2011, Cookie passed away. Despite the circumstances, Cookson told me the assistance his family received from our office and BUMED “meant the world to him” because he was able to be there with his father and see him so happy and cared for during his final days. 🌹

In memory of U.S. Air Force retired Master Sgt. Ronald Alden “Cookie” Cookson.

ABA Military Pro Bono Project & Operation Stand-By

By Dania Bardavid,
Office of the Judge Advocate General of the Navy

The ABA Military Pro Bono Project, established in 2008, is an innovative collaboration between the military and civilian bars designed to expand legal support for active-duty enlisted service members nationwide.

The Project accepts case referrals from military legal assistance attorneys on behalf of junior-enlisted, active-duty military personnel and their families regarding civil legal problems; working to place those cases with qualified civilian attorneys ready to provide free (pro bono) assistance beyond what can ordinarily be provided by military counsel.

The Project is also the platform for Operation Stand-By, an ABA clearinghouse designed to link military attorneys with local civilian attorneys who may provide guidance and expertise in specific subject matters to best serve military clients.

“Active-duty Sailors can only be referred to the Program by a legal assistance attorney and should not contact the Pro Bono Placement Manager directly,” said Cmdr. Andrew R. House, Office of the Judge Advocate General’s Legal Assistance Policy Division (Code 16). Service members seeking legal assistance should first visit a Region Legal Service Office and speak with a military legal assistance attorney, and following that consultation, the military legal assistance attorney may decide to seek Pro Bono Program assistance for the client. The legal assistance attorney may also suggest possible courses of action for the service member prior to seeking a referral.

A Sailor, who preferred to remain anonymous for this story, used the project to resolve a divorce and child custody case. He said, “I am so happy with the legal counsel you found for me. I honestly can’t imagine being paired with a better attorney. [My attorney] was professional in every way, showed a great deal of compassion for my situation, and above all, kept my needs, and those of my children, at the forefront. I feel that the agreement that was negotiated by [my attorney] preserves my rights as a father, and ensures I’ll be able to be an integral part of my children’s lives.”

There are several conditions for project eligibility. The project is designed to assist more junior service members who might have greater difficulty covering civilian legal fees, thus, House clarified that the project is generally intended for Sailors in pay grades E6 and below. However, the servicing military legal assistance attorney may refer personnel of higher ranks to the project in cases of extraordinary circumstances and need.

Additionally, the project is generally designed to assist in certain types of civil law matters, including landlord/tenant law, consumer law (including bankruptcy), family

law, trusts and estates (including probate), guardianship, and employment law. Referrals for other civil matters may be possible, especially where a client can demonstrate significant legal need impacting his or her mission readiness.

Referral is never guaranteed, for any case. “In order to secure a referral, Sailors must demonstrate just cause and meritorious claims” said House. Sailors will not be referred for assistance in matters where no viable claim or action is apparent or inconsequential in nature.

“It’s a very case-specific, fact-specific program,” said House. “The civilian attorneys are volunteers and depending on your geographic area there may or may not be an attorney available with the relevant expertise to assist in the case.” The ABA is working diligently to increase the number of civilian volunteers, and House explained that roughly 45 percent of all cases referred by military legal assistance providers are placed with a participating civilian attorney for assistance.

“As of today, we have placed 514 cases with pro bono attorneys. These referred cases represent over \$2.4 million in billable hours donated by our volunteers to our service members,” said Ms. Mary Meixner, manager of the ABA Pro Bono Placement Program.

“It’s a very user-friendly system,” said House, and without this program, “hundreds of Sailors would have to pay legal fees to get their issue resolved. It is nothing but a win-win.”

In addition to helping military personnel and families through the pro bono placement project, the Military Pro Bono Project created Operation Stand-By to connect military legal assistance attorneys with the expertise of local volunteer civilian attorneys.

“Operation Stand-By is a resource to help legal assistance attorneys get a better understanding of local practices and local law, and how they come together so that we can do better for the clients we serve,” said House.

Volunteer attorneys sign up and agree to take calls or emails from military lawyers seeking attorney-to-attorney advice on state-specific legal issues so that the military attorneys can better serve local clients.

“Military legal assistance attorneys provide invaluable legal help to military families in a range of legal matters, but there are instances when these attorneys may not have the deep substantive expertise or state-specific legal knowledge necessary to fully advise and assist their client,” said Meixner. “Since Operation Stand-By was launched in 2011, over 300 attorneys have specifically registered with Operation Stand-By.”

“The amount of effort going into this program is impressive,” said House, Office of the Judge Advocate General’s Legal Assistance Policy Division (Code 16). “This is done out of the ABA’s genuine desire to do something good for service members.” 🌟

Operating Forward From the Sea

Legalmen Support Carrier Strike Group Operations

By the John C. Stennis Carrier Strike Group Legal Department

The John C. Stennis Carrier Strike Group Three (CSG 3) completed a seven-month deployment in the U.S. 5th and 7th Fleet areas of operations in support of *Operation Enduring Freedom* and *Operation New Dawn*. With the strike group is a legal team comprised of seven legalmen, three judge advocates and a Naval Criminal Investigative Service agent. Each of these men and women is providing expert and essential legal advice to clients ranging from the admiral to the newly reported seaman recruit.

The legal team provides mission-essential support to the strike group to ensure they operate in accordance with international law and maintain good order and discipline

aboard their ships and squadrons. The team also contributes to personnel readiness by providing legal services to over 6,700 Sailors throughout 18 individual commands.

To allow personnel to experience operations aboard different ship platforms, the CSG 3 Commander, Rear Adm. Craig Faller, implemented a ‘cross-deck’ program to exchange personnel between strike group units. An added benefit of this program is that it allows the legal staff to assist Sailors aboard other ships in the strike group and provide legal assistance to crew members who do not have a permanent legal staff on board.

“Legalmen can either provide direct legal support and recommended solutions or seek ‘reach-back’ assistance from other legal personnel at shore commands,” said Legalman 1st Class Erin Crusan.



Members of the Navy JAG Corps John C. Stennis Carrier Strike Group (JCSSG) and USS John C. Stennis (CVN 74) Legal Departments pose for a group photo on the flight deck. Pictured: Lt. Cmdr. David Lee, Legalman 1st Class (SW) Lakisha Baldwin, Chief Legalman (SW/AW) Donald Osborne, Cmdr. Shane Cooper, Legalman 2nd Class Giannina Gutierrez, Lt. Matthew Schultz, Legalman 1st Class (SW/AW) Erin Crusan, Legalman 3rd Class (SW/AW) Melissa Ball, Legalman 3rd Class Kaedi Hunter and Legalman 3rd Class (AW) Gregorio Villalba. (U.S. Navy photo by Mass Communication Specialist 3rd Class Chablis Torrence)

During the work-up cycle and throughout the deployment, there has been significant reach-back support from shore-based legal personnel to keep the strike group's legal readiness intact. Naval Legal Service Offices in San Diego, Bahrain and Sigonella, as well as Region Legal Service Office Southwest, Transient Personnel Unit San Diego, and Naval Hospital San Diego, have been invaluable resources for the CSG 3 legal team.

Being stationed as a legalman on an aircraft carrier or as part of a strike group staff presents myriad career enhancing opportunities. Many use this time to earn enlisted surface warfare specialist and enlisted air warfare specialist qualifications. Additionally, legalmen can make a difference and have a significant impact, not only by providing Sailors with legal support on a larger scale but by seeking out collateral duties such as a Damage Control Training Team member, Command Career Counselor, Command Fitness Leader, Volunteer Income Tax Advisor and Command Sponsor Coordinator.

There are also opportunities to serve as mentors for junior Sailors seeking guidance and advice.

“One of the perks of an operational deployment is getting an opportunity to experience new cultures by making port calls around the world,” said Crusan. “We have had the opportunity to visit Malaysia, Bahrain and Jebel Ali, with other exciting ports of call still to come.”

In addition to the chance for some rest and relaxation, though, liberty in foreign ports is approached as a mission with a purpose. “As ambassadors of the U.S., our legalmen help to ensure Sailors are educated on, and adhere to, the governing policies in the given area

Being stationed as a legalman on an aircraft carrier or as part of a strike group staff presents myriad career enhancing opportunities.

of operation,” said Cmdr. Shane Cooper, staff judge advocate, CSG 3.

Before each port visit, legalmen research reference material needed to draft senior officer present afloat guidance, liberty policies and port briefs.

Legalmen also have the responsibility of assisting the chain of command to identify potential liberty risk personnel

and ensuring the member's chain of command is properly informed of their status.

The current deployment of the CSG 3 included some historic milestones. On Dec. 18, 2011, an E-2C Hawkeye from Carrier Airborne Early Warning Squadron One One Two, operating from USS John C. Stennis, flew the final Navy aviation mission into Iraqi airspace, effectively ending naval aircraft support to *Operation New Dawn*.

“This day was a particularly unique book-end experience to close out support to military operations

in Iraq (from the sea) as four of the CSG 3 legal team members have previously served ‘boots on ground’ individual augmentee deployments to Iraq,” said Cooper.

The mission of the Navy legalmen ranges from direct support to personnel to operational support to deployed units and is an essential element of the overall effectiveness of the Fleet. As U.S. Carrier Strike Groups continue to deploy around the world to protect our freedom and support our coalition partners, Navy legalmen will continue to play an essential role in that process.

CSG 3 is composed of USS John C. Stennis (CVN 74), Carrier Air Wing (CVW) 9 (consisting of eight aviation squadrons), Destroyer Squadron 21 (consisting of four destroyers), and Ticonderoga-class cruisers USS Antietam (CG 54) and USS Mobile Bay (CG 53). 🌟

At the time the story was written, the John C. Stennis Strike Group and USS John C. Stennis (CVN 74) legal department included: Lt. Cmdr. David Lee, Legalman 1st Class Lakisha Baldwin, Legalman Chief Donald Osborne, Cmdr. Shane Cooper, Legalman 2nd Class Giannina Gutierrez, Lt. Matthew Schultz, Legalman 1st Class Erin Crusan, Legalman 3rd Class Melissa Ball, Legalman 3rd Class Kaedi Hunter and Legalman 3rd Class Gregorio Villalba.



The Arleigh Burke-class destroyers USS Kidd (DDG 100), USS Dewey (DDG 105), and USS Pinckney (DDG 91) are underway in the Pacific Ocean with the John C. Stennis Carrier Strike Group. (U.S. Navy photo by Mass Communication Specialist 3rd Class Benjamin Crossley)

Taking Justice to the Fleet

USS Nimitz Holds Courts-martial at Sea

Two defense counsel, one government trial counsel, and a military judge stepped aboard USS Nimitz (CVN 68), ready to get underway from Everett, Wash., to San Diego, Calif., in June. This underway, however, was different.

Lt. Patrick Korody, from Region Legal Service Office Northwest (RLSO NW), Lt. Mike Hanzel, and I, from Naval Legal Service Office Northwest (NLSO NW) were aboard to try four courts-martial before the military judge, Cmdr. Tom Booker, from the Western Judicial Circuit. One case involved an assault and battery, another involved the theft of military property, and the final two cases involved the wrongful use and possession of Spice.

Courts-martial are not typically held aboard a ship. Nimitz Command Judge Advocate Lt. Cmdr. Marc Brewen explained that it has been more than five years since the previous case was held.

“The Navy is an expeditionary force -- we do not accomplish our mission moored to a pier. These trials emphasized the need for thorough preparation, flexibility, and the ability to anticipate issues,” said Booker.

“There are three levels of courts-martial; summary, special, and general,” explained Legalman 1st Class Michael Lightsey. “The four cases to be tried this week are all special courts-martial. A summary court-martial requires only one officer (can be a non-judge advocate) to serve as judge, prosecutor, and defense. A general court-martial, on the other hand, is generally reserved for what would be considered felony offenses. A special court-martial is often compared to a misdemeanor court in the civilian community. Regardless if it is a special or general court-martial, an accused will be represented by an attorney, and other judge advocates will serve as prosecutor and military judge.”

The ability to conduct these courts-martial at sea was crucial, in that the military justice system seamlessly meshed with the ship’s operational schedule in order to accommodate the ship’s operational needs without sacrificing justice.

The Nimitz was en route to San Diego to pick up the air wing. From there it was headed to Hawaii for the joint international exercise, “Rim of the Pacific” or RIMPAC. Because the JAGs involved could provide the necessary legal services while the ship was underway, counsel had ready access to all the necessary witnesses without causing any significant disruptions to the ship’s work schedule. Sailors could be pulled from their work station, testify, and return to work rather than be left behind pier-side to testify while the

By Lt. Eileen Joy, Naval Legal Service Office Northwest with contributions by Mass Communication Specialist Seaman Apprentice Ryan Mayes

ship took part in the exercise. Thus, the crew not involved in the case would not have to pick up the slack and work extra hours to account for their co-workers left behind. Everything went so smoothly that the trials were actually completed before the ship left San Diego for RIMPAC.

“Holding the proceedings aboard the ship resulted in significant exposure of the court-martial system to members of the crew and promoted the twin aims of deterrence and preservation of good order and discipline. In one case, more than 30 members of the crew attended the proceeding,” said Korody, senior trial counsel.

The logistics of preparing and conducting courts-martial at sea presented new challenges to the junior counsel involved, but also unique opportunities. The professional support from the ship’s legal department, led by Brewen, made it all possible.

The military justice system is very robust,” said Brewen. “Behind these four court-martial proceedings was a large production requiring the involvement of several departments and regional commands. The ship now literally possesses a floating federal courtroom. This would not have been possible without the tremendous support from Supply, Security, Combat Systems and Deck Departments. In addition to all the hard work from my legalmen, officers from RLSO



The aircraft carrier USS Nimitz (CVN 68) convened the first of four courts-martial at sea. From left to right: Boatswain’s Mate Elena Goes (striker), Senior Chief Legalman Rob Nail, Lt. Mike Hanzel (NIMITZ Mini Judge), Legalman 1st Class Keiana Dukes, Legalman 1st Class Michael Lightsey.

NW and NLSO NW and at the Western Judicial Circuit are embarked to make these courts-martial at sea possible.”

The wardroom was also a nice change in environment for the shore-based attorneys and the military judge, who were now surrounded by various types of officers who were all more than willing to share their sea stories. Many of the officers also expressed a keen interest in the military justice system, having had little exposure to it during their career. Experiencing daily life aboard the ship was invaluable for counsel in preparing their cases. It enabled them to better understand their clients’ experiences, their jobs, and the collateral effects that offenses under the Uniform Code of Military Justice can have on the ship as a whole.

“From the professional development standpoint, these trials afforded counsel an opportunity to meet their clients on their own turf and to investigate and try their cases in an “unhitched” environment. No longer were quick answers a phone call or keystroke away, but instead counsel had to use their imagination and wits to overcome any obstacles they may have encountered,” said Booker.

After the first court-martial adjourned, the pace did anything but slow down. The next day two trials were docketed, one in the morning and one in the evening. The ship’s work schedule proved to be one of the more distinct changes from the regular day-to-day office life that most judge advocates enjoy. Although starting a trial at 1900 would be anything but normal in most locations,

it fit well with the operational schedule aboard Nimitz.

“The opportunity to do this kind of thing is important because it brings military justice to the fleet, which is a big part of our mission,” said Hanzel, senior defense counsel. “It also offers us the chance to interact with our clients and their commands within their environment and lets us know a little bit about what they do and what their life is like while deployed.

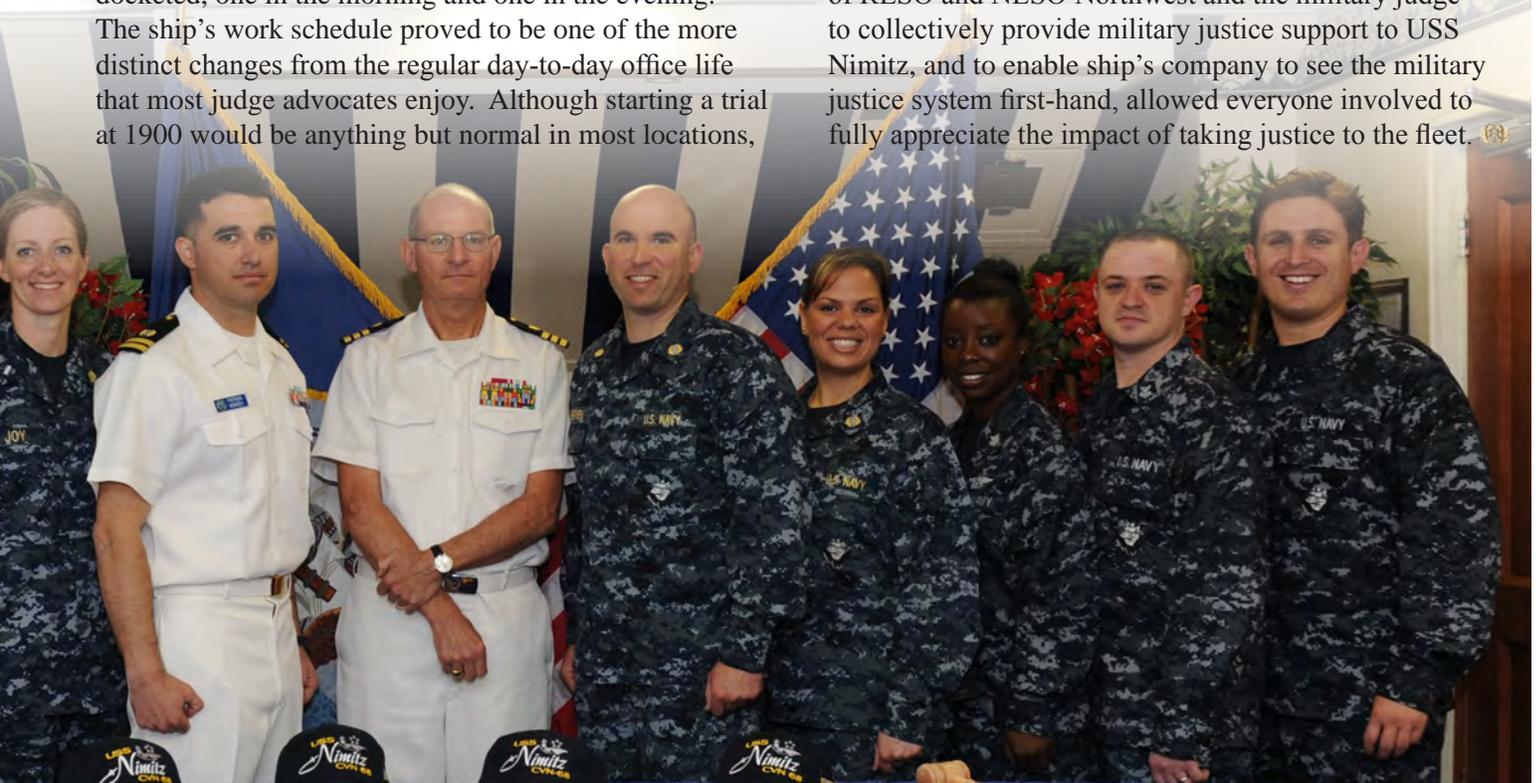
Whether you are a trial counsel, defense counsel, or a military judge, that kind of experience helps you to better understand your cases, the people involved in them, and the impact on their mission.”

“It was unique to practice in front of a packed house in every trial, where the audience was not made up primarily of legal personnel. It created an atmosphere that proved educational to both

sides. The unexpected benefit was that the Sailors watching had the opportunity to experience the military justice system first-hand in a way that most never see unless they are in trouble themselves,” said Hanzel.

The overall experience made a huge impact on all of the counsel involved, and especially me, as my first three court-martial cases as a defense counsel were conducted during a two-day underway span aboard USS Nimitz. The ability of RLSO and NLSO Northwest and the military judge to collectively provide military justice support to USS Nimitz, and to enable ship’s company to see the military justice system first-hand, allowed everyone involved to fully appreciate the impact of taking justice to the fleet. 69

It was unique to practice in front of a packed house in every trial, where the audience was not made up primarily of legal personnel. It created an atmosphere that proved educational to both sides.



June 12. Courts-martial are not typically held on board a ship. The legal team and the judge stood for a photo after the court-martial. From left to right: Aviation Counselor Lt. Eileen Joy, Lt. Patrick Korody, Cmdr. Lewis T. Booker, Jr. (military judge), Lt. Cmdr. Marc Brewen (NIMITZ Command Judge Advocate), Lt. Adrienne Sadosky, Lt. Lightsey, and Legalman 3rd Class Pahl Sayesky. (U.S. Navy photo by Mass Communication Specialist Seaman Apprentice Ryan Mayes)

From the Well to the Helm in Six Weeks

One judge advocate's account of her participation in the Joint Warrior Exercise

By Lt. Carina Podgorski,
Region Legal Service Office Southeast

“MET?”

“I recommend Go, Sir.”

“N2?”

“I recommend Go.”

“OPS?”

“I recommend a Go, Sir.”

“LEGAD?”...

As the chief of staff worked his way around our small group, I waited my turn to give my recommendation of either “go” or “no go” for the planned mission of landing the French marines on the shores of Caledonia.

Recommending a “go” would commence in less than 24 hours, the anticipated amphibious operation to engage and destroy the terrorist forces on Caledonian shores. Recommending a “no go” would mean scratching the mission and returning to the planning room. This was just one of the many difficult decisions I faced while acting as the sole legal advisor for the Combined Task Group (CTG) and its supporting forces during Joint Warrior 11-2.

Joint Warrior is a biannual military exercise in which the U.S. Navy has the opportunity to train and work alongside naval personnel from its NATO allies. The scenario, created by the Joint Training Exercise Planning Staff, started as a territorial dispute between two rival nations—Caledonia and Dragonia—that escalated in hostilities at sea, in the air, and on land.

Led by Commander, United Kingdom Task Group (COUKTG), the CTG included the crew of HMS Bulwark (L15)—the Royal Navy’s newest amphibious assault, command and control ship; Commander, Landing Force (the French marines); British and Danish frigates and destroyers; two submarines; and USS Arleigh Burke (DDG-51). Thirteen nations participated in the two-week exercise in the North Atlantic along the shores of Scotland. The multi-combat training evolutions and warfare exercises included anti-submarine exercises, live fire exercises, boardings, and amphibious landing operations.

My role was to serve as the legal advisor for the CTG, who commanded the multinational joint task force sent to serve as a peacekeeper between the two nations, a protector of the international shipping lanes, and a counterforce to piracy



and smuggling. I devoted a significant amount of time to reviewing rules of engagement and providing implementation guidance to the commanding officer and the battle staff. I also provided direct support to the CTG’s battle staff on matters of international maritime law and law of armed conflict.

The most challenging legal matter was employing NATO rules of engagement in coordination with the different British, French, and American interpretations of “hostile act” and “hostile intent” and their applications of self-defense. This was not a problem of a language barrier among the forces, but rather it was a challenge in working through the different nations’ philosophical differences in the application of rules of engagement to the particular operation. I quickly perceived how small differences in interpretations and in definitions of terms can impact operations at multiple levels, including at the tactical level. Working with the operational staff planners provided me the unique opportunity to learn firsthand the developing and planning stages of a mission. In return, this insight and close involvement assisted me in incorporating the necessary rules of engagement for successful mission accomplishment during the exercise.

Although the battle rhythm on the HMS Bulwark remained fairly consistent for most of the ship’s crew, it changed

daily for me and the rest of the battle staff as the exercise progressed. The Joint Warrior exercise planners quickly eroded the fragile relations among the two nations and the multinational force, escalating tensions by injecting acts of piracy, weapons smuggling, and terrorist acts into the scenario. As these incidents occurred, rules of engagement requests for warning shots, disabling fire, and boardings arrived at a faster pace from our subordinate ships and required a faster response time. I was constantly called upon at all times of the day and night to brief the commanding officer and the battle staff, to monitor “signals” (British term for messages) from our ships for rules of engagement requests, and to draft my own signals to send out to the fleet.

One of the most memorable experiences of Joint Warrior occurred on the last day of the exercise. On the previous day, one of our ships was fired upon by a Dragonian submarine. I was called out of my rack at 0400 to meet with the chief of staff and the rest of the battle staff. I pulled on my coveralls and hustled to the Combat

Information Center where the chief of staff and other staff members were assembled. The chief of staff quickly relayed that due to the prior attack, the captain wanted to engage three Dragonian vessels that appeared to be maneuvering into targeting positions near one of our ships. Fortunately for me

and the rest of the battle staff, the chief of staff recognized our foggy state of mind and suggested we reassemble in the wardroom lounge for tea and to discuss our options before the formal “go/no go” battle brief to the captain. Just as calm and collected as if we were sitting down for the daily 1600 tea and biscuits, the chief of staff asked that infamous question posed to judge advocates in the operational law arena, “JAG, can we shoot?” In that moment, I knew that I was truly out of the courtroom and in the fleet.

During the six weeks at sea, I was given the opportunity to experience, to observe, and to participate in a variety of underway activities. I stood watch with the DESRON 26 staff, monitoring and responding to messages from Sixth Fleet and Second Fleet. I observed replenishment at sea (RAS); visit, board, search, and seizure (VBSS) training; and mock boardings. I learned about combat operation systems and charting ship movement.

The DESRON 26 staff was particularly helpful in teaching me new operational acronyms and ship vocabulary, such as FIAC, CCOI, and PIM. I enjoyed a warm, spicy MRE (meal ready to eat and not military rules of evidence) and modeled the ship’s “battle dress” (British term for flash gear) for a day. I watched in awe as USS Arleigh Burke fired rounds into the cliffs of Cape Wrath. I was deferentially piped on

board HMS Bulwark at the beginning of the exercise, and then airlifted off at the end by the largest helicopter I have ever seen-- a HTUFT, which stands for “helicopter taken up from trade. I watched the French Marines and Royal Marines train on the flood deck for their amphibious operation while I did “phys” (British shorthand for PT) on the open deck above. I hitched a ride on one of the Landing Craft Utilities (LCUs) and caught the sun rise as we maneuvered out of the HMS Bulwark’s flood deck, across the flat water of Loch Eriboll towards shore to drop off an amphibious tank nicknamed “the beast.” With so many French Marines around, it was easy to brush up on my French, mainly “Bonjour” and “enchanté.” Regretfully, I did not have the opportunity to greet any Turkish officers with “Merhaba.”

Any remaining free time was spent either on the bridge watching the seas or in the briefing room chatting with other British officers on the differences in ship life on board British and American vessels.

Although the crews of both HMS Bulwark and USS Arleigh Burke were equally amiable and hospitable, there was quite a contrast in day-to-day living between the American destroyer and the new British flagship. HMS Bulwark’s spacious passageways and ladderwells, roomy staterooms, luxurious

wardroom with adjoining lounge and bar area, and daily tea or coffee and biscuits at 1000 and 1600 offered a completely different underway experience than my prior adventures on USS Arleigh Burke and on a frigate.

Having returned to solid land, sunny Florida, and to my normal routine as a trial counsel, I still marvel at all the accomplishments and experiences from Joint Warrior. I am currently trying to implement the “go/no go” methodology with my co-counsels when determining the prosecutorial merit of cases that our office receives. The transition from the well of the courtroom to the operational setting of Joint Warrior was not as difficult as I had expected. Instead of applying MREs (this time, military rules of evidence), I was applying ROEs; instead of arguing my interpretation of a case’s holding before a military judge, I was briefing the commanding officer of a multinational force task group on the NATO meanings of hostile intent and hostile act; and instead of reviewing rules for courts martial, I was interpreting or deciphering fragmentary orders (FRAGOs) and operation plans (OPLANs).

To all judge advocates who have the opportunity to participate in an exercise like this, my recommendation is the same as my reply to the chief of staff in the briefing room, “I recommend GO!” 🍪

Just as calm and collected as if we were sitting down for the daily 1600 tea and biscuits, the chief of staff asked that infamous question posed to judge advocates in the operational law arena, “JAG, can we shoot?”

DIILS at 20 Years - Advancing the Rule of Law Worldwide

By Lt. Stephen Rosenlund, International Operations Officer, Defense Institute of International Legal Studies

It's 0700 on a steamy Monday, and the sun is rising above Lake Kivu in eastern Congo. Fishermen in dugout canoes ply the lake's waters in pursuit of the first catch of the day. The merchants of Bukavu, the capital of the picturesque South Kivu province, ready their wares to be sold on the streets of the city center. A team of U.S. Navy judge advocates assembles their gear for another day with the Congolese Army. Before the week is through, this team will train over 60 line officers and magistrates of the Armed Forces of the Democratic Republic of the Congo (FARDC) in the rule of law.

They are a mobile training team dispatched by the Defense Institute of International Legal Studies (DIILS). Formed as an offshoot of the Naval Justice School (NJS) in 1992, DIILS has become a joint activity of the Defense Security Cooperation Agency. What started two decades ago with a single officer working out of one office in the NJS building is now a 30-member command occupying its own facility onboard Naval Station Newport, operating under a multi-million dollar budget.

At the helm of DIILS during its first days was then-Cmdr. Rob Kasper, now a retired captain, who took a leave of absence from his civilian law practice to spearhead the initiative. "Congress was looking for a way to condition military aid to foreign countries on law of armed conflict and human rights training," recalls Kasper. The Department of the Navy was up to the task, and NJS took the lead.

Mr. Bill Aseltine, who joined DIILS near the time of its inception, remembers the early years of the organization. Then serving on active duty, Aseltine recalls,

"as an NJS instructor, I became the first 'International Operations Officer' for what was then the International Training Department of NJS. Since the beginning, DIILS focused on knowing our audience. We have always followed a three-phased approach of assessment, planning, and seminar execution." After leaving active duty, Aseltine became the director of DIILS' resident course programs, and has served in that role for the last 15 years.

Although it has come into its own as a command, DIILS consists of a small but capable staff. Each military service is represented by one International Operations Officer, with the exception of the Navy, which has two officers. The director is an O-6; a billet that rotates among the services. The deputy director is always a Navy commander. Civilians and contract personnel complete the staff, including the special assistant for plans, regional program directors, resident program personnel, curriculum developers, program assistants, training specialists, and finance and management technicians.

DIILS could not carry out nearly 150 mobile programs per year relying solely on its permanent staff. The Institute prides itself on tailoring each team for the mission at hand and relies heavily on activated reservists and a pool of over 700 adjunct instructors. A typical mobile training team consists of just one DIILS staff member and two to four adjuncts. Active-duty officers from the service JAG schools and the combatant command staff judge advocate offices are frequent adjuncts, along with a diverse community of reservists, including U.S. and state government civilian attorneys, judges, criminal investigators, inspectors general, and subject matter experts from many other communities.

DIILS' funding is as diverse as its programs. From its inception, DIILS has enjoyed excellent support from the International Military Education and



Training program and has progressively accepted other funding as it expanded its legal curriculum in response to evolving priorities. These include combating terrorism, enhancing the capabilities of NATO Partners for Peace, and supporting United Nations peacekeeping operations in the Democratic Republic of the Congo (DRC) and the Sudan.

In 2008, the Office of the Secretary of Defense (OSD) tasked DIILS to develop curriculum and deliver the human rights and international humanitarian law training that is required for foreign military units



Defense Institute of International Legal Studies (DIILS) instructors presenting a class on Operational Law to the Armed Forces of Liberia, July 2011.

receiving U.S. military assistance under the Global Train and Equip Law.

In 2010, OSD allocated operation and maintenance funds to the Institute. These funds allowed for a strategic leap in an organization that had been accustomed to responding to requests for legal engagement from embassies and combatant commands. DIILS hired a civilian planner to oversee the finance department and develop its own focused annual program objectives. These developments brought sustained and flexible programming to support strategic priorities while adjusting to evolving circumstances.

DIILS is the epitome of a low-density, high-impact resource—a small organization with a global footprint. Notwithstanding its modest resources, DIILS has trained over 37,000 personnel from 118 countries through its mobile programs since 1992. In fiscal year 2011 alone, DIILS conducted 130 mobile programs in 54 countries, reaching some 3,755 personnel. In addition, DIILS runs nine annual resident courses in Newport, which have trained over 1,380 participants from 131 countries. By any measure, DIILS is a dynamic, highly productive, and expeditionary unit.

The resident course programs are DIILS' showcase. These courses address the international law of military operations, military law development, legal aspects of combating corruption and terrorism, rules of engagement, and rules for the use of force in stability operations. Courses vary from two to eleven weeks in length, and participants come from many countries. After spending time in Newport and on field study programs—a combination of educational and cultural activities in Boston, New York City, or Washington, D.C.

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— participants often leave with an improved appreciation for the United States as well as a coveted DIILS certificate. A recent addition to the resident program is a three-week course designed to introduce legal advisors and operational leaders to the principles of the law of armed conflict and human rights.

DIILS has developed into a lead defense security cooperation resource for professional legal education, training, and democratic rule of law programs for international military and related civilian audiences worldwide. From humble beginnings, DIILS now enters its third decade as a key component of U.S. security cooperation and diplomacy. The Institute remains true to its motto “Justice for the Whole World” and continues to engage in a strategic dialogue with U.S. stakeholders and foreign partners to ensure it consistently delivers the highest quality legal training and education.

DIILS instructors are increasingly leaving behind their PowerPoint slides in favor of interactive methodologies and technologies, such as web-based exercises and audience response systems. In addition, the Institute’s curriculum library is not “one-size fits all.” Rather, it is designed in modules that can be assembled in many combinations to accomplish the objectives of each particular mission.

DIILS’ work has always been driven by real-world, real-time events. Its very first mission (in New Guinea) occurred in the midst of the Tailhook scandal, and Kasper recalls the vigorous class discussions generated in response to daily headlines. Since the beginning, “DIILS courses have emphasized best practices and a shared desire to make the world a better place for our grandchildren,” said Kasper. Today’s class discussions often involve the lessons learned from global contingency operations and detention issues.

Back in Bukavu, the beautiful surroundings stand in stark contrast to the ongoing and tragic history of violence in the area. The region, and the country at large, have been wracked by over a decade of war, which has claimed the lives of 5.5 million people — more than any conflict since World War II.

The prevalence of sexual- and gender-based violence (SGBV) as a weapon of warfare has earned the DRC its ugly moniker, the “rape capital of the world.” The victims of SGBV in the DRC are believed to number in the millions, with nearly one person victimized per minute.

With a peacekeeping operations grant from the Department of State, DIILS is helping to roll back this cycle of violence. Since 2007, DIILS teams such as the

one in Bukavu have trained thousands of FARDC personnel in every region of the country on the rule of law, international criminal law, and anti-corruption. The law of command responsibility, which DIILS presents at every class in the DRC, is finally starting to take root. For the first time, the FARDC recently prosecuted a group of senior officers in a military court for the crime of rebellion. The military magistrates who chaired the court and formed the prosecution team in the case were graduates of DIILS programs.

Looking to the future, DIILS Director Capt. Rob Sanders wants to see the organization replicate those results in other parts of the world. Sanders is well-placed to lead DIILS into its third decade, having served as an adjunct instructor on numerous mobile programs over a ten-year period prior to his assignment as the organization’s director.

Sanders recalls, “One day I flew into the rising sun over the Pacific Ocean on a Japanese airline — the same Pacific in which my father once served in combat against Japanese troops. I was leaving a Pacific Command legal operations meeting of over 100 military and civilian members of our partner nations and our peer competitor, China, where we discussed how to address the region’s 2012 legal challenges.” Building partnership capacity to advance the rule of law is as much a necessity of 21st Century security cooperation as our historical alliances to fight conventional wars.

On a personal level, serving as a judge advocate with DIILS is as rewarding as it is challenging. The challenges include the physical toll of a life spent mostly on the road, often in some of the world’s most austere environments; the frustrations of navigating complex bureaucracies; the need to master both academic and operational skills; and having to perpetually balance between planning the next mission while executing the present one. But the rewards of this work are perhaps without equal in a judge advocate’s career — sharing the law with those who yearn for its rule; forging friendships across the globe; unparalleled cultural enrichment; and the fulfillment of building a better world for future generations.

Those who have served with DIILS over the last 20 years have changed the world in a profound way. But the work of this organization has only just begun. Many more judge advocates are destined to blaze trails around the world, on a mission unique in the DoD and the service JAG Corps organizations. They will bear with them one of the most powerful tools in our military arsenal — support for the rule of law. 🌐



Defense Institute of International Legal Studies (DIILS) instructors with members of the Czech Helicopter Squadron at the conclusion of a Human Rights and International Humanitarian Law seminar, January 2012.



Sailors assigned to Navy Cyber Defense Operations Command (NCDOC) monitor, analyze, detect and respond to unauthorized activity within U.S. Navy information systems and computer networks. NCDOC is responsible for around the clock protection of the Navy's computer networks, with more than 700,000 users worldwide. (U.S. Navy photo by Mass Communication Specialist 2nd Class Joshua J. Wahl)

Cyber Law: Challenges, Law, and Billets

By *Cmdr. Doug Velvel,*
Intelligence Operations & Cyber Law Division (Code 18)

How to legally conduct military operations in cyber space has proven to be an enormous challenge. Even the most fundamental issue of law - what body of law applies to cyber space operations – has been debated. Despite the ongoing dialogue among legal scholars and policy makers on the applicable legal structure to apply, cyber threats to U.S. national security or interests continue to mount. The threats are so pervasive, insidious, and full of complex nuances that the nation's long-term health and welfare sometimes requires immediate actions despite the murky water that is cyber law and policy. It is in this perplexing, unresolved, and increasingly crucial operational environment that a Navy judge advocate must operate.

In today's operational environment, cyber operations are seldom stand alone operations from traditional air, land, and sea operations. Cyber operations have become mainstream parts of

most military strategies, fully integrated into operational plans and missions.

Capt. Stu Belt, Director of OJAG's International and Operational law Division, described his recent experience as the Fleet Judge Advocate for Commander, U.S. Pacific Fleet: "For all of our high end war plans in the Pacific, cyber capabilities were always a critical part of the planning process. It became more clear during my tour that I needed operational law JAGs who could not only provide legal advice in the more traditional areas of air and sea operations, but who could also identify the salient issues related to cyber targeting and authorities in any given operation." But what are those issues?

The Body of Law

The starting point is the Law of Armed Conflict (LOAC). Though there are no international treaties or agreements directly on point that regulate military operations in cyber space, in 2011 the U.S. identified its legal position in its "International Strategy for Cyberspace." Specifically,

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Cyber continued from page 23
the U.S. stated that “[t]he development of norms for state conduct in cyberspace does not require a reinvention of customary international law, nor does it render existing international norms obsolete.

Long-standing international norms guiding state behavior—in times of peace and conflict—also apply in cyberspace. Nonetheless, unique attributes of networked technology require additional work to clarify how these norms apply and what additional understandings might be necessary to supplement them.”

While this U.S. position may be a beginning point in the creation of customary international law recognizing the application of the LOAC to military operations in cyber space, the custom and practice of States is still developing. In a September 2012 speech, the State Department Legal Advisor, Mr. Harold Koh, reiterated that “the United States has made clear our view that established principles of international law do apply in cyberspace....in the context of an armed conflict, the law of armed conflict applies to regulate the use of cyber tools in hostilities, just as it does other tools....” He further stated that the “unique attributes of networked technology require additional work to clarify how these norms apply.”

A Horde of Uncertain Legal Issues

The challenge, of course, lies in addressing the “unique attributes.” Most of the legal challenges of cyber operations are linked to the application of the LOAC. Examples include, inter alia: How can one comply with the core LOAC requirement of distinction if cyber effects cannot be sufficiently attributed, or....perhaps the cyber

Cyber operations have become mainstream parts of most military strategies, fully integrated into operational plans and missions.

action is being executed via a server in a third state, putting that state’s sovereignty at issue, or.... while self-defense is always available against an armed attack, what constitutes an armed attack in cyber space? In his recent speech, Mr. Koh provided the U.S. position that “cyber activities that proximately result in death,

injury, or significant destruction would likely be viewed as a use of force” equating to an armed attack. The level of destruction required to be a “use of force” or “armed attack” is still a matter of active debate.

Cyber Law Opportunities

An oft-asked question is “how do I get into cyber law?” The answer is simple - pursue whatever operational law billet is available.

Within the Navy, the only dedicated operational cyber billets are at Fleet Cyber Command/10th Fleet. Navy billets in joint commands/offices that are cyber-specific in nature include CYBERCOM, the National Security Agency and the office of the DoD Deputy General Counsel (Intelligence). The work done by Navy judge advocates at each of these commands/offices is highly classified, meaning little can be discussed here. But the judge advocates at these commands are at the cutting edge of our national defense, supporting operations with some of the most exciting and sophisticated national security legal work in the military. But as exemplified by Belt’s experience, any operational command, whether joint like a Combatant Command or service-specific like Pacific Fleet, either has or will soon have a significant cyber operational element. The judge advocate who is prepared to handle the spectrum of operational legal issues will be the one to whom the commander turns. 🌐



Spotlight On



Rear Adm. (ret.) Hank Molinengo

Since 2009, Hank Molinengo has worked as the Associate Dean for Administrative Affairs with The George Washington University Law School. He is responsible for the day-to-day operations involving planning, budget, facilities, academic integrity, communications, alumni, IT, and career development.

"I'm responsible for all non-academic programs at the law school, either as a supervisor or in providing services for them," said Molinengo.

At the time of his retirement, he was the assistant judge advocate general (AJAG) of the Navy for operations and management. Among other things, he supervised operations at the Naval Justice School and executed recruiting, retention, work-life balance, and other initiatives for the Navy JAG Corps.

"As the AJAG, I was able to help a lot of people. I tried to help Sailors and judge advocates, and I tried to make the JAG Corps better," said Molinengo.

The best part of his current job is a continuation of what he found in the JAG Corps -- a focus on and the ability to mentor those just starting a law career.

As he tells his students now, it takes more than just

academics to become a successful judge advocate. Motivation is a strong factor.

"I wanted to serve my country. I wanted to do something more with my life than try to get a job at a law firm," said Molinengo. "I was not a good law student. I was 94th out of 165 at Catholic University with a C+ average. I was lucky enough to be accepted."

While in the JAG Corps, Molinengo knew that monetary issues could prevent law school students from seeking out the JAG Corps. One of his proudest accomplishments was when he worked on JAG Corps continuation pay in September 1999. This allowed judge advocates to pay off some of the debt they incurred during law school.

Molinengo was born in Washington, D.C., and graduated from St. John's College High School in 1974. He commissioned in the U.S. Navy under the JAG Corps Student Program in 1980. A graduate of both Catholic University and Catholic University Law School, he was awarded an LL.M. in Military Law (subspecialty Criminal Law) from The Judge Advocate General's Legal Center and School in 1992.

with professors Tony Devicco and Tom McMahon, both retired Navy JAG Corps captains.

Hayes had many rewarding experiences in the JAG Corps, but his tour during Desert Shield/Desert Storm at Cruiser-Destroyer Group Eight was one of the most rewarding.

"The legal work involved every aspect of the JAG Corps practice plus I had over 40 ships and 10 squadrons in my legal portfolio. I still get together with the guys from that staff every three months rain or shine," said Hayes.

Hayes continues to mentor active-duty judge advocates. "I believe your obligation to lead and mentor never goes away," said Hayes. "I have kept in contact with many people, and it's not unusual to get a call out of the blue from someone seeking advice or just to talk through a legal issue or personal matter. I have always left an open door for everyone and am happy to help anyway I can."

His advice for junior JAG Corps officers? "Jump in with both feet and take advantage of every opportunity and adventure. Don't play it safe as there always enough time to do the 'safe' things later."

Hayes was born into a Navy family and calls Worcester, Mass., his hometown. He earned his law degree from Suffolk University Law School, and his LL.M. from Georgetown University Law Center.



Capt. (ret.) David Hayes



David Hayes retired in 2010 and currently works as department counsel for the Defense Office of Hearings and Appeals (DOHA), the largest component of the Defense Legal Services Agency.

At DOHA, Hayes gets involved with the litigation and documentation for all phases of the security clearance review process when a military

member or contractor has possible security concerns that may affect his or her clearance.

"My more than 26 years of experience provided excellent background to effectively address day-to-day issues on my desk. Litigation, knowledge of the military and other federal agencies, people skills, and the requisite security clearances are very beneficial to my position," said Hayes.

Hayes joined the JAG Corps in 1984 while at Suffolk University Law School. He met two classmates, Marc Laverdiere and Orlando Ruiz-Roque, who were already commissioned. They "were tremendous influences" along

Virtual Collaboration SASP Style

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As the leaves start to turn their brilliant shades of color this fall season, the Special Assistant for Strategic Planning (SASP) team is hard at work supporting the development of JAG Guidance 2013, the JAG's annual guidance implementing the vision found in Navy *JAG Corps 2020.1*. This year, we are utilizing virtual collaboration to assist in the development of JAG Guidance 2013. As we prepared to conduct virtual collaboration, we learned of resources and tools already available to the Navy military legal community. We are sharing that information so that you can consider how you might be able to utilize those resources for your daily practice.

In years past, the initial drafting for the annual JAG Guidance was by the office of the Special Assistant for Transformation (SAT). The Assistant Judge Advocates General of the Navy then provided their views, consulting with a wide range of stakeholders. The Judge Advocate General approved the final Guidance. This year, the JAG has appointed a Strategic Planning

Working Group (SPWG), made up of 34 members of the JAG Corps Community. They have been tasked with drafting the strategies for implementation in 2013. They met for a two-day meeting at the Washington Navy Yard, and they continue their collaboration in the virtual workspace, primarily through the use of milBook. milBook is one functional area of milSuite, a DoD-funded program developed and funded specifically to enable online collaboration by organizations. milBook operates similarly to Facebook, and is accessible by persons with

a CAC card. We have established a limited access SPWG group on milBook. Within this collaboration space, SPWG members will be able to post ideas, start discussions, comment on other posted material, access all shared reference material, and even host real-time virtual conferences... all within a CAC-protected environment that requires no password each time it is accessed.

How did we find milBook? We owe a debt of gratitude to Capt. (ret.) Steve Barney, the former Naval Legal Service



milBook has made it easy for Region Legal Service Office Southeast command members to share information in an environment that does not allow for a single command shared drive.



Command Inspector General. On his return from the Article 6 inspection of Regional Legal Service Office Southeast (RLSO SE), he came to SASP to ask us if we were aware of RLSO SE's utilization of milBook. We immediately reached out to Capt. Richard Giroux, the commanding officer of RLSO SE to find out more. We discovered RLSO SE has a robust presence on milBook, using it for everything from SJA meeting notes and MilJus tracking to collateral duty folders. Given their geographic dispersion, milBook made it easy for command members to share information in an environment that does not allow for a single command shared drive.

We have also learned that the newly-appointed professional development officers have formed their own milBook group to share best practices— essential for start-up positions that will literally impact every JAG Corps accession in the next two years.

In further preparation for JAG Guidance planning, SASP met with the Army JAG Corps Knowledge Management team to discuss their current use of milBook. The Army JAG Corps Knowledge Management Office was established just a year ago, and we went to harvest some of their experience and insight. We discovered that they have established communities of practice on milBook, covering broad legal practice areas, e.g., administrative law, legal assistance, and international and operational law.

- **Admin Law:** <https://www.milsuite.mil/book/groups/jagconnect-army-administrative-law>
- **Claims:** <https://www.milsuite.mil/book/groups/jagconnect-army-claims>
- **Criminal Law:** <https://www.milsuite.mil/book/groups/jagconnect-army-criminal-law>
- **Environmental Law:** <https://www.milsuite.mil/book/groups/army-environmental-law-community-of-practice>

	milBook Connect, Create, Collaborate
	milBlog Follow, Comment, Broadcast
	milWiki Discover, Learn, Organize
	milTube Watch, Upload, Share
	eureka Suggest, Encourage, Improve

- **International and Operational Law:** <https://www.milsuite.mil/book/groups/international-and-operational-law>
- **Labor and Employment:** <https://www.milsuite.mil/book/groups/jagconnect-labor-and-employment-law>
- **Law Office Leadership and Management:** <https://www.milsuite.mil/book/groups/jagconnect-army-lom>
- **Legal Assistance:** <https://www.milsuite.mil/book/groups/army-legal-assistance>

The communities of practice are open to all legal practitioners in DoD, and they welcome Navy practitioners with open arms. To participate in the community of

practice, you need only to visit the URL below, sign up for a milBook account when prompted, and then request access to each group you would like to peruse. You have the option of having notifications about group activity sent directly to your email inbox, which enables you to maintain situational awareness of ongoing discussions without logging into milBook as part of your work routine, but also alerting you to discussions that are pertinent to your work or to which you feel you can contribute.

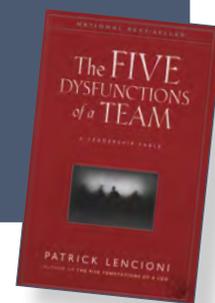
As a DoD-funded initiative, milBook is free for you and your command to use. milBook is only one portion of milSuite, which includes milBlog, milWiki, milTube, and Eureka, so there are many best practices to be learned. An important limitation to note is that milSuite is not approved for personally identifiable information. If you have any questions about milBook or its potential uses, please feel free to contact any member of the SASP team.



The Five Dysfunctions of a Team: A Leadership Fable

Book by Patrick Lencioni

Book review provided by Lt. Cmdr. Jeanine Womble, International Law (Code 10)



In a recent interview with the Miami Heat's Three Kings (LeBron James, Dwayne Wade and Chris Bosh) the basketball superstars made it clear that the secret to their success in capturing the NBA national championship was embracing an approach similar to the one Lencioni explains in this book *The Five Dysfunctions of a Team: A Leadership Fable*. The three men agreed that the difference between their 2011 failure to win the championship and victory was putting aside their need to be the star, being open to each other's critiques and putting the good of the team above their personal glory. This is Lencioni's model in a nutshell: simple, easy to understand, intuitively correct and enormously difficult to implement.

The concept of being a "good team player" is so ingrained in our work culture, that it has become cliché. Why then, are truly functional teams so hard to find?

The author's thesis is that to be an effective team, team members need to overcome natural traits of self-protection, ego, and aversion to conflict with peers. Lencioni believes that only teams that embrace these traits and create an environment in which individuals can overcome their natural tendencies will maximize their effectiveness. Like the Three Kings, members of an effective management team must put aside their egos, make themselves vulnerable to criticism, overcome the discomfort of confronting a peer's failure and commit wholly to a shared goal.

Having been written a decade before the Miami Heat's 2012 run for the National Championship (and to make it more palatable to a business audience), Lencioni illustrates his theory through a fictional leadership fable. The book begins as Kathryn Petersen, an experienced executive, takes over as CEO of an underachieving Silicon Valley technology start-up. The company seemingly has all of the right components for success, a great product, plenty of capital and a talented leadership team, and yet is falling behind its competitors. The CEO quickly realizes that the company's progress has been hampered by ineffective teamwork. The book uses the CEO's efforts to reform her team to introduce the reader to the five dysfunctions.

The fable is an effective device for demonstrating the author's approach to teamwork. As we are introduced to the author's theories, we are also witness to the team members' reactions and over-reactions, their resistance to change and the methods the new CEO uses to address these. The use of the fable as a teaching tool is the most effective element

The concept of being a "good team player" is so ingrained in our work culture, that it has become cliché. Why then, are truly functional teams so hard to find?

of the book. I immediately and painfully empathized with the characters and recognized the dynamics present within this team.

As cliché as it sounds, the solution, whether it be basketball or business, begins with trust. Admitting that "trust" is one of the most overused words in English language, Lencioni demonstrates that his definition differs from conventional usage. Instead of trust as predictability (e.g., I know I can assign you a task and you will do it well and on time because you have demonstrated that capacity before), he advocates for teams to create a deeper trust. In the author's vision, team members believe that their peers have good intentions and that each team member has placed the good of the team before their own personal success. With this foundation, the members can abandon their need to be guarded or dishonest with each other. While this type of statement is easy to dismiss as touchy-feely babble, isn't that what the Three Kings had to do in Miami? They each had to believe that when the other critiqued their play or failed to pass the ball that it was for the good of team not an individual's personal good. Had any one of them not made that leap of faith, ego would have gotten in the way of victory. Likewise, as simple as the notion seems, Lencioni's scenario illustrates that it is just as hard to develop that trust in a professional setting.

Lencioni's book falls a little short when it comes to tips on real-



world application. While the fable itself demonstrates a way to put the author's theory into action, and the last chapter discusses each dysfunction in more detail outside the context of the fable, I was left with more questions than answers. A team that implemented Lencioni's principles would be undeniably effective. But, the teams that are most likely to buy-in to his approach are the ones facing the direst consequences for the failure to do so. In the fable, the company's very survival is at stake. Likewise, in military units where the failure to trust, engage in constructive conflict, and hold each other accountable can result in not only mission failure but death, a teamwork model closer to Lencioni's is often evident.

In naval aviation, by necessity a flight crew must trust each other, engage in constructive conflict, and hold each other accountable for individual failures. The flight crew's goal is not only achievement of a mission objective but a safe return to the ship. In a headquarters setting, where nothing so grim as death, bankruptcy, or even loss of a national championship looms, leaders are likely to encounter considerable resistance to Lencioni's approach. That said, the leader who is willing to endure a little snickering from their team and embrace the risk of making themselves vulnerable to their subordinates' critique could reap considerable dividends in mission accomplishment. I plan to put Lencioni's principles into action and you should consider his approach for strengthening your trial team, division or department.

Read any great books lately? Submit your book review to natalie.morehouse@navy.mil.

Civilian Personnel Management Services

The Office of the Judge Advocate General (OJAG) launched Civilian Personnel Management Services (Code 66) in April 2012 to ensure civilian workforce interests are addressed and well-represented at the headquarters level.

Code 66 performs classification/position management, administers training, manages time and attendance/payroll, oversees performance management, and coordinates with Human Resource Offices worldwide. The department is composed of four civilians with experience in civilian personnel matters.

Within Code 66's first year, they will play an integral role in many ongoing and new projects. These include: Defense Service Office realignment, civilian tuition reimbursement, telework policy revision, pilot civilian mentoring program, time and attendance policy revision, total force billet mapping, civilian award policy updates, redesign of the OJAG civilian website, and the Department of Navy's Human Resource Service Delivery reorganization. Code 66 also provides advice to the JAG Corps' Civilian Advisory Panel regarding their various initiatives including the Civilian Personnel Management Manual Quick Guide. When published, this reference will provide new supervisors a consolidated guide that highlights the most pressing issues and focus areas of which a quality manager of civilians ought to be aware.

Code 66 looks forward to the exciting opportunities that lay ahead for the OJAG and NLSC civilian corps and is eager to see them realized.



Civilian Personnel Management Services (Code 66) personnel Megan Kidwell, Erica Williams, and Nathaniel Greathouse. (not pictured: Amy Stevens)



Legalman 1st Class David Forrest reviews a voter registration form for Information Systems Technician 1st Class Richard Skees aboard the Nimitz-class aircraft carrier USS Dwight D. Eisenhower (CVN 69). Dwight D. Eisenhower is deployed to the U.S. 5th Fleet area of responsibility conducting maritime security operations, theater security cooperation efforts and support missions as part of Operation Enduring Freedom. (U.S. Navy photo by Mass Communication Specialist Seaman Sabrina Fine)



Capt. Andrew Henderson thanks his crew and family for their hard work and support during his tour as commanding officer of Region Legal Service Office Southwest. (U.S. Navy Photo by Mass Communication Specialist 2nd Class(SW/AW) Rosalie Garcia)



Cmdr. John Mills, executive officer, Region Legal Service Office Southwest, surprises Legalman 2nd Class Shanna Todd with a frocking to Legalman 1st Class.



Command Master Chief Paul St. Sauver lies across the arms of Lt. Sara Neugroschel, Lt. Benjamin Christen, Lt. Darren Myers, Lt. Adam Inch, Lt. Geoffrey Gillespie and Vice Adm. Nanette DeRenzi during a recent visit to Kandahar Airfield, Afghanistan.



Navy judge advocate lieutenants Jenny Myers, Dave Dziengowski, and John Lovastik atop a mountain peak in Dehsabz, Kabul while attending the Rule of Law Field Support Officer (ROLFSO) Academy in Kabul, Afghanistan.



Legalman 2nd Class Tanya Belna notarizes paperwork for a client in the Region Legal Service Office at Naval Air Facility Atsugi. (U.S. Navy photo by Mass Communication Specialist 3rd Class Kegan E. Kay)



Legalman 2nd Class Jeffrey Greener, from Phoenix, Ariz., reviews legal documents aboard aircraft carrier USS George Washington (CVN 73). (U.S. Navy photo by Mass Communication Specialist 3rd Class William Pittman)



Lt. j.g. Ryan Aikin enjoying the view from aboard USS Bunker Hill (CG 52) as the ship passed through Puget Sound and Elliot Bay, with U.S. Coast Guard ships and Canadian Navy ships in the distance.



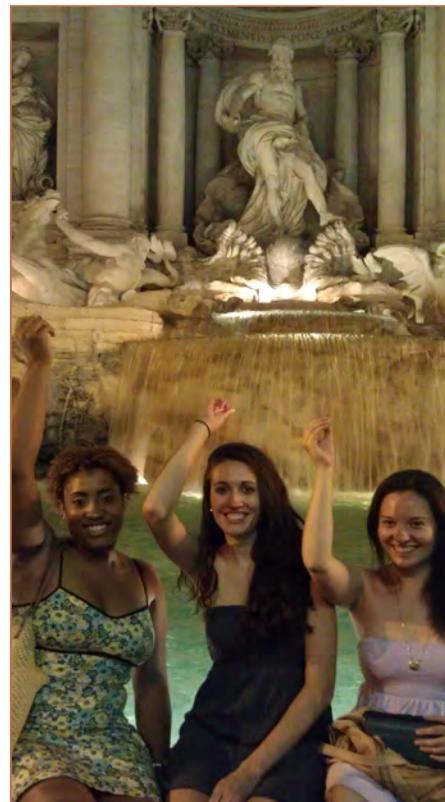
Vice Adm. Nanette DeRenzi and Command Master Chief Paul St. Sauver visit Combined Joint Interagency Task Force - 435 Joint Legal Center at the Detention Center in Parwan Province, Afghanistan. Combined Joint Interagency Task Force – 435, in partnership with the Government of the Islamic Republic of Afghanistan and U.S. interagency and international partners, conducts detention, corrections, judicial sector and biometrics operations.



Lt. Cmdr. Paul Walker, a judge advocate with U.S. Cyber Command, introduces a discussion panel during the “Cyber War and International Law” conference at the U.S. Naval War College. The conference examined the legal norms related to cyber strategies and the use of cyber capabilities during armed conflict and other military operations. (U.S. Navy photo by Mass Communication Specialist 2nd Eric Dietrich)



Marine Corps Capt. Harlye Maya and Lt. Cmdr. Kathryn Matt at the Headquarters of International Security Assistance Force (ISAF) in Kabul, Afghanistan. Matt is the staff judge advocate and Maya is the deputy staff judge advocate for Combined Forces Special Operations Component Command - Afghanistan (CFSOCC-A).



Lt. j.g. Alyssa Miller, Lt. j.g. Christin Cotten, and JAG Corps Intern Brittany Pizor of Region Legal Service Office Europe Africa Southwest Asia at the Trevi Fountain in Rome, Italy.



Lt. Katie Worstell speaks with Army Gen. Ann E. Dunwoody, commanding general, US Army Material Command after receiving a Military Leadership Award during the 46th Annual USO Woman of the Year Luncheon hosted by the USO of Metropolitan New York. Worstell is currently an instructor at the Naval Justice School assigned to the Operations Law Department. (USO Photo by Stuart Ramson)



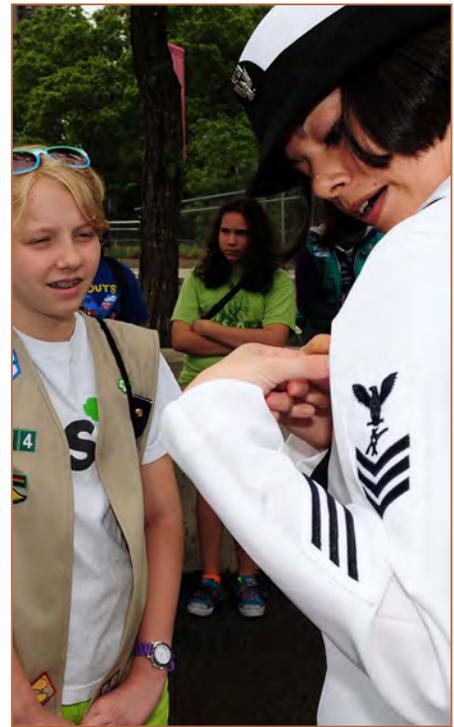
Chief Legalman Wymeka Mahone, Naval Submarine Support Command, and her spouse, Chief Culinary Specialist Nigel Mahone, pose as newly appointed chief petty officers aboard USS Missouri. (U.S. Navy Photo by Mass Communication Specialist Seaman Diana Quinlan)



1st Lt. Alexis Vermaas, a Marine judge advocate stationed at Marine Corps Air Station Yuma, joined Naval Legal Service Office Northwest legal assistance attorney Lt. j.g. Eileen Joy at the Navy JAG Corps table for a few minutes during the Pacific Northwest Public Service Career Fair. The two Naval Justice School classmates shared their judge advocate training experience with a prospective recruit.



Lt. Alex Homme, Region Legal Service Office Southeast, sheets in the mainsail and rockets forward during the "Titanic Cup", the annual build-your-own sailboat race onboard Naval Air Station Corpus Christi. This year, Region Legal Service Office Southeast's boat "Admiralty Claim" placed 3rd out of 12 contestants, only being defeated by the two Coast Guard entries.



Legalman 1st Class Charlene Zirkelbach, assigned to the amphibious assault ship USS Wasp (LHD 1), explains what each of her ribbons means to a Girl Scout from the Greater New York Girl Scouts of New York City during a tour of the ship for Fleet Week New York 2012. (U.S. Navy photo by Mass Communication Specialist Seaman Andrew Sulayao)



PHOTOS FROM THE FLEET

In Memory of Capt. (ret.) Joseph Scranton May 17, 1947~ November 8, 2012



Our friend and colleague, Joe Scranton, 65, passed away on Nov. 8. Joe was a father, grandfather, loving companion, friend and mentor. He treasured his time spent with family and friends, riding horses, cowboy action shooting, doing anything western and touring on his motorcycle. He spent more than 44 years serving his country; 32 years active-duty Navy and 12 more as a civil servant.

Joe was drafted during the Vietnam era and enlisted in the Navy. He was later commissioned as an Air Intelligence Officer and deployed on USS Ticonderoga (CV-16), USS Kitty Hawk (CV-63), and debriefed prisoners of war returning from Vietnam. As his career continued, Joe was selected for the Navy Funded Law Program and attended Creighton Law School. This started his career as a Navy judge advocate. His first duty station was Naval Legal Service Office, Millington, Tennessee. He continued to travel the globe with duty stations ranging from Naval Medical Center San Diego to United States Naval Academy. His career as a judge advocate culminated with his tour as the Vice Commander, Naval Legal Service Command in Washington, D.C. After he retired from active duty in 2000, Joe continued with the JAG Corps as the Inspector General for the Office of the Judge Advocate General.

Throughout his distinguished Navy career Joe has been an inspiring leader and friend to many of us. His legacy in the JAG Corps will live on with every member of the JAG Corps community he guided and mentored.



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Lt. Cmdr. Alison Shuler, JAG officer for Logistics Group Western Pacific, answers questions on non-compliant boarding procedures at the Bangladesh Naval Academy during Cooperation Afloat Readiness and Training (CARAT) 2012. CARAT is a series of bilateral military exercises between the U.S. Navy and the armed forces of Bangladesh, Brunei, Cambodia, Indonesia, Malaysia, the Philippines, Singapore, Thailand and Timor Leste. (U.S. Navy photo by Mass Communication Specialist 3rd Class Sean Furey)

