




One Mission, One Team

A 21ST CENTURY STRATEGIC VISION
FOR LEGAL SUPPORT IN THE
U.S. DEPARTMENT OF THE NAVY



The unique nature of our Department is such that the Navy and Marine Corps team is a constantly deployed force, both in peacetime and in war, with the further ability to surge assets worldwide, anytime required.

—Secretary of the Navy, March 2008

Introduction



Three legal communities support the Department of the Navy in its mission to defend the Nation against current and future challenges — spanning the spectrum of humanitarian assistance and disaster relief, crisis-response and major combat operations — at home and abroad. Each community is essential to the accomplishment of that mission. The Office of the General Counsel focuses traditionally on the business and business-related legal needs of the Department, while the Navy Judge Advocate General's Corps and Marine Corps judge advocates concentrate on administrative and operational Navy and Marine Corps legal needs, including support of forward-deployed Sailors and Marines. This varied emphasis allows each legal community to develop different but complementary strengths, ensuring that the Department's legal "whole" is significantly greater than the sum of its parts.

The three legal communities have roles and functions that are both independent and interdependent. Each has a unique identity, distinct roles and functions, and different areas of expertise based on history, organizational structure, culture, staffing, training and mission needs. However, they also share areas of practice and have common or complementary guiding principles and core values. They recognize that they must work together to identify, remedy and prevent gaps and seams in their legal services in order to best support the Department. Most importantly, the communities recognize that to support the Department of the Navy of the 21st Century, they must identify and collectively serve all of the legal needs of the Department as effectively and efficiently as possible.


The communities share a vision of working together to ensure that the right legal expertise and advice are available at the right time and place to provide legal solutions to the Department. To achieve this vision, the communities have identified several strategic initiatives to undertake together. These strategic initiatives focus on strengthening opportunities for collaboration and communication, as well as increasing the effectiveness and efficiency of the delivery of legal services to the Department.

The first set of strategic initiatives develop and maintain three Communities of Practice in the areas of ethics, fiscal law and international law. With a goal of widest possible participation, a detailed execution plan will be disseminated to all community members. As individual strategic initiatives are implemented, each will be evaluated, and other initiatives will be selected and developed to address additional needs and concerns. In this way, the three legal communities, with the agreement of each community leader, will continue to move forward together to provide the most effective and efficient legal support possible in service to the Department of the Navy of today and the future.

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Worldwide presence, credible deterrence and dissuasion, projection of power from naval platforms anywhere on the globe, and the ability to prevail at sea are the critical, most fundamental elements of the Navy and Marine Corps strategic posture; these are our indispensable contributions to the joint warfighting capability of the Nation.

—Secretary of the Navy, March 2008

General Roles, Expertise, and Unique Identities

The General Counsel of the Navy (GC) has several general roles. The GC serves as the chief legal officer for the Department of the Navy (DON) and the principal legal advisor to the Secretary of the Navy (SECNAV) and the Secretariat. As head of the Office of the General Counsel (OGC), he provides or supervises the provision of legal advice, guidance, and representation in support of the commands and organizations within the DON, principally but not exclusively focusing on the business enterprises and activities of the Department. In coordination with the Judge Advocate General (JAG), he ensures that DON intelligence activities are conducted in a legal manner and provides or supervises legal advice and services with respect to legislation. In addition, he supervises the Naval Criminal Investigative Service (NCIS) under delegation from SECNAV. The GC also performs any other functions assigned by SECNAV consistent with law. Finally, the GC maintains a close working relationship with the JAG and Staff Judge Advocate to the Commandant of the Marine Corps (SJA to CMC) on matters of common interest.

OGC's primary function is to provide business and business-related legal advice and services to the Navy and Marine Corps, including the fleet and shore establishment, and the operations of the Military Sealift Command. Although OGC is mostly comprised of civilian attorneys and support staff, it also includes uniformed members, with a significant portion of the OGC legal support provided to the Marine Corps performed by assigned Marine Corps judge advocates. OGC's principal areas of expertise include the following: acquisition law, including international transactions; business and commercial law; real and personal property law; civilian personnel and labor law; fiscal law; environmental law; intellectual property law; intelligence law; ethics and standards of conduct; Freedom of Information Act (FOIA) and Privacy Act law; and litigation related to these areas.



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As the only primarily civilian organization providing legal support to the DON, OGC is unique in its ability to develop in-depth expertise in a variety of areas vital to the DON mission and provide clients with continuity of support. OGC also is unique because it is organized as a law firm, with the GC responsible for supervision and evaluation of all attorneys in order to ensure the independence, consistency, and high quality of the legal advice and counsel provided by OGC attorneys. This organizational structure was envisioned even before OGC was formally established in 1941, with the ultimate goal of providing independent and consistent legal advice throughout the DON while delivering on-site legal services to clients. As integral members of client teams, OGC attorneys provide proactive legal advice and prevent legal impediments that could jeopardize the accomplishment of the DON mission. Finally, OGC is unique because it is the only legal organization in the DOD responsible for providing business and commercial legal advice and services throughout all levels of a military department, wherever the need arises.



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The JAG, Office of Judge Advocate General, and the Navy Judge Advocate General's Corps (JAGC) serve vital roles in the DON Secretariat, Navy headquarters, fleet and shore establishments, and unified and combatant commands. The JAG has several general roles. He leads the Office of the Judge Advocate General and is the Chief of the JAGC. He is independently responsible for providing legal advice and opinions to SECNAV, the Chief of Naval Operations (CNO), and other officers and officials of the DON as well as providing legal support and expertise to the Department. The JAG is the Department of Defense Representative for Ocean Policy Affairs. He also serves as a Staff Assistant to SECNAV and performs duties relating to legal matters arising in the DON as may be assigned by the Secretary. Additionally, the JAG is responsible for providing and supervising the provision of legal advice and related services throughout the DON in the areas of military justice, operational and international law, administrative law, legal assistance, environmental law, claims, investigations, and litigation. In coordination with the General Counsel, the JAG is responsible for ensuring intelligence activities are conducted in a legal manner and for providing or supervising legal advice and services with respect to legislation. The JAG also maintains a close working relationship with the GC and SJA to CMC on matters of common interest.





The JAGC is an expert community of legal professionals, serving the warfighter and supporting forces, the DON and DOD, and Sailors and Marines and their families. Comprised of both active and Reserve judge advocates and Legalmen (uniformed paralegals) as well as a strong cadre of civilian personnel, the JAGC involves a diverse practice of law, a shared working experience with clients, as well as varied and challenging leadership positions. This results in a community with a broad institutional knowledge and a unique ability to serve the fleet. The JAGC has developed into a community that provides solutions, from a military perspective, to legal issues involving military operations, organization, and personnel, wherever and whenever such solutions are required. Specifically, the JAGC provides expeditionary legal services anywhere in the world, ashore and afloat,

twenty-four hours a day, seven days a week, three hundred and sixty-five days a year.

The SJA to CMC and Marine Corps judge advocates have several general roles. The primary roles of the SJA to CMC are to be the special assistant and legal advisor on military justice, administrative law, international and operational law, and legal assistance matters to the CMC and the Headquarters, Marine Corps Staff and Agencies; to support Marine Corps SJAs in the aforementioned areas; to be the Director of the Judge Advocate Division (JAD), Headquarters, Marine Corps; to supervise the Chief Defense Counsel of the Marine Corps; and to execute additional duties as directed by the CMC. To carry out those responsibilities, the SJA to CMC provides supervision and management of the Military Law; International and Operational Law; Research and




Civil Law; Legal Assistance; Judge Advocate Support; and Information, Plans, and Programs branches of the JAD. The SJA to CMC also maintains a close working relationship with the GC and JAG on matters of common interest.

The principal function of Marine Corps judge advocates is to deliver legal services to Marine Corps forces around the world, on land, at sea, in peacetime, and in areas of active hostilities. While the Marine Corps judge advocate community dedicates a large percentage of effort to military justice and related litigation, operational law, and legal assistance, it also is responsible for administrative law (including military personnel law); standards of conduct and government ethics; FOIA and Privacy Act law; claims; and national security and intelligence law.

Marine Corps judge advocates are unrestricted regular officers. They train as regular officers and are assigned to both legal and non-legal billets. They do not comprise a

corps of attorneys under the operational control of the SJA to CMC, but rather are assigned, as are all other Marine officers, to commands primarily within the Marine Air Ground Task Force (MAGTF) structure by the Manpower Branch of Headquarters, Marine Corps. Furthermore, within the MAGTF, they are task assigned, as are other officers. Thus, as the MAGTF mission requirements evolve, the MAGTF commander has flexibility and can adjust his legal assets based on his unit's needs. An example of this needs-based flexibility is employing Marine judge advocates as augmenting special staff to deploying infantry battalions. Vesting responsibility for assignments in the Manpower Branch and allowing the MAGTF commander to task organize his attorneys creates an efficiency with the relatively few Marine judge advocates that suits the Marine Corps mission. As the occupational field sponsor, the SJA to CMC makes recommendations to Manpower on all assignments and coordinates all judge advocate functions in the USMC.



A group of Marines in camouflage uniforms and gear are wading through shallow, choppy water. They are carrying rifles and equipment. In the background, a ship's deck and stairs are visible, with more Marines standing on them. The scene is brightly lit, suggesting a sunny day.

Maritime forces must contribute to winning wars decisively while enhancing our ability to prevent war, win the long struggle against terrorist networks, positively influence events, and ease the impact of disasters. ... As it has always been, these critical tasks will be carried out by our people—the key to success in any military strategy.

—A Cooperative Strategy for 21st Century Seapower

Addressing Potential Gaps and Seams



The JAGC and Marine Corps judge advocate practices concentrate on providing legal support to ashore and afloat forces, while OGC focuses on providing legal advice and service to those DON commands and organizations that are most associated with the enterprise and business operations of the DON. By focusing their practice areas and staffing on either operational or business needs, as the DON has evolved, each legal community has recognized potential gaps (i.e., areas where each community may be called upon to advise but may be less expert) and seams (i.e., areas where legal services meet and should meld rather than overlap) in the legal support it provides. These gaps and seams are largely complementary, both by design and fortune.

Although Navy and Marine Corps judge advocates have potential gaps in the practice areas of acquisition, fiscal, intellectual property, and civilian personnel and labor law, OGC has considerable expertise and resources in these same areas. Similarly, OGC has potential gaps in practice areas of law in which DON judge advocates have expertise: international law (excluding international transactions), military justice, torts, claims, and operational law. Given DON's dynamic organizational structure, it is likely that DON judge advocates or OGC attorneys will face matters outside of the attorneys' traditional areas of practice, thereby revealing potential gaps.



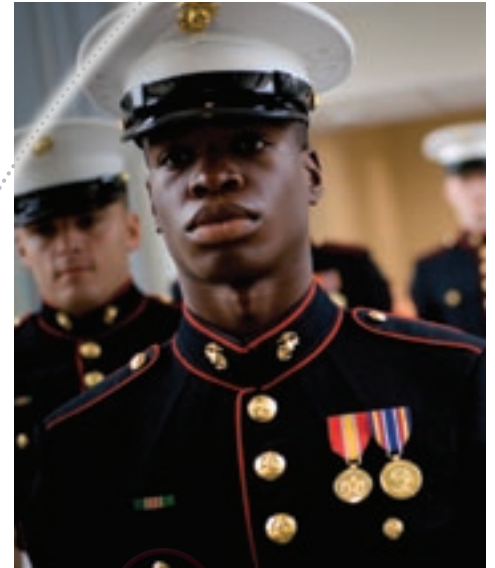
When attorneys in all three legal communities confront immediate issues that expose a potential gap, they rely on collaboration, reachback, or referral to their partners in the other DON legal communities. With more planning, however, significant gaps may best be predicted and filled by adjusting the number or mix of judge advocates and OGC attorneys providing support to the command or organization. Potential gaps in legal service also exist at those organizations and commands that are not served by, but could benefit from, the assignment of an OGC attorney or judge advocate. These horizontal gaps in legal services can be filled, as needed, by adjusting the alignment of the three communities to the needs of the Department.

Although the three DON legal communities have different areas of expertise, they also have common areas of practice. For example, attorneys from all three legal communities practice ethics and FOIA/Privacy Act law, and both OGC and the JAGC have substantial federal court litigation and environmental law practices. These common areas of practice benefit the Department through readily available legal expertise on these issues from the perspectives of all three communities.

Common areas of practice, however, can create potential seams in the delivery of legal services. These seams could cause duplication of services and inefficiencies in some instances, while in others, gaps in service may

arise. For instance, since all three communities provide legal support in the area of ethics, a seam may exist where a client chooses (or is required) to seek more than one opinion, is faced with conflicting guidance, or does not know where to turn for ethics advice. Therefore, in order to ensure seamless delivery of ethics advice, collaboration, communication, alignment, and transparency among the communities and with the client are essential.

The DON legal communities recognize that working together to address potential gaps and seams is critical to provide effective and efficient legal support to the Department. The JAGC and OGC already are working to improve collaboration and




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reachback among their attorneys by establishing Communities of Practice (COPs) in many practice areas. OGC has developed COPs in acquisition law; ethics; civilian personnel law; fiscal law; environmental law; fraud and acquisition integrity; real property law; litigation; management; FOIA and Privacy Act law; and intellectual property law. The JAGC has COPs in military justice, civil law, international/operational law, information technology, and legal assistance. Participation in these COPs is available to those who work in any of the three DON legal communities. COPs promote information sharing and dissemination of important developments in the areas of law they serve, and they

encourage and facilitate consultation and reachback across the organizations through web-based portals, e-mails, and video teleconferencing. In concert with the ethics COP, the legal communities are working together to establish a collaborative ethics web site, which will be a pilot for other areas of practice. The DON legal communities are looking for opportunities for more collaborative processes since providing complementary support is essential for the DON to best capitalize on the strengths of the three legal communities.





The expeditionary character and versatility of maritime forces provide the U.S. the asymmetric advantage of enlarging or contracting its military footprint in areas where access is denied or limited.

—A Cooperative Strategy for 21st Century Seapower



Principles, Vision, and Desired Relationships

The DON's three legal communities are committed to the core values of the DON: Honor, Courage, and Commitment. In addition, through their documented guiding principles and training, the communities demonstrate their common dedication to providing the finest legal support possible to the DON and the men and women of the Navy and Marine Corps; performing those services while maintaining the highest professional and ethical standards; and recruiting, developing, and retaining the best people (attorneys and staff) to perform those services. Moreover, each community is committed to continuously improving performance, teaming with its clients, gaining efficiencies, and capitalizing on new technologies. Most fundamentally, all three communities share a dedication to truth and the rule of law.

Relationships among the three legal communities are close, collaborative and productive. The leaders of the communities meet regularly to share information and coordinate on issues within their areas of responsibility. The communities also strengthen their relationships with one another through various cross-community assignments. A senior JAGC attorney is the General Counsel's executive assistant and special counsel; a Marine Corps judge advocate is the General Counsel's military assistant; Marine Corps judge advocates also are assigned to the Marine Corps component of OGC; and OGC attorneys are being made available to support staff judge advocate offices in Iraq, Guantanamo Bay, and the Horn of Africa. There also are many OGC





attorneys and Navy and Marine Corps judge advocates who are co-located and work as partners to serve the legal needs of the command or organization they are assigned to support. In addition, through joint presentations and testimony before the Independent Review Panel to Study the Relationships between Military Department General Counsels and Judge Advocates General (also known as “the 574 Panel”) in 2005, the leaders of the DON legal communities went on public record describing the relationships of their organizations, their mutual respect for their differing missions, and their partnership in support of the DON.

The success of the relationship among the communities has been the result of collaboration, communication, and transparency, and an overriding desire to work together on the business and missions of the DON. The three communities’ vision for the future of the DON’s legal services has the same ingredients.



The three legal communities share a desire to continue working as one for the benefit of the DON, respecting each other's areas of expertise and responsibility while leveraging one another's strengths. The leaders of the legal communities envision this model being repeated from the top of their organizations through the working levels, so that all levels of the DON have access to needed legal services at any time.

The shared vision of OGC, the JAGC, and the Marine Corps judge advocates is a future in which the right legal expertise and advice are available at the right time and place, seamlessly provided in support of the DON mission through collaboration, reachback, communication, collegiality, and transparency among the communities. This vision is not merely aspirational but is a necessity in order for the DON to have the legal support it needs to meet the challenges of the 21st Century and beyond.

The first step in realizing the vision for the three communities is the designation of DON legal community strategic initiatives. These strategic initiatives will be accomplished through a partnership of the communities and will focus on strengthening opportunities for reachback, collaboration, and communication, as well as increasing effectiveness and efficiency in the delivery of legal services within the DON.





Despite the challenges, I am very optimistic about our future and the many opportunities ahead. The dedication of our Sailors and Navy civilians is inspiring. They are truly making a difference and it is an honor to serve alongside them.

—Chief of Naval Operations, March 2008



Strategic Initiatives


The three legal communities have identified several strategic initiatives that provide opportunities for greater collaboration and cooperation in the delivery of legal services to the DON. Strategic initiatives represent an opportunity for OGC, the JAGC, and Marine Corps judge advocates to communicate and collaborate, each drawing on its strengths and expertise to improve the quality of legal services to the DON.

In choosing the appropriate areas for their initial strategic initiatives, the three legal communities agreed to consider COPs; reachback; lessons learned; alignment of certain practice area offices; professional development; and streamlining of administrative processes.

The success of the first set of strategic initiatives will lay important foundations for continuing the successful collaboration, communication, and transparency that exist among the communities. One already successful

strategic initiative has been the JAGC and OGC effort to create a single Web site focused on ethics, which can be used by all three communities for collaboration on that topic using an array of communication tools.

The selected initiatives are those that require involvement of all three legal communities, are achievable within defined timelines, and will be of practical value to all three communities by allowing them to serve the DON more effectively and efficiently. The three legal communities have selected the development and maintenance of COPs in the practice areas of ethics, fiscal law, and international law as the first set of strategic initiatives to be implemented under this plan. However, the selected initiatives are merely a starting point; the three communities are committed to revisiting, revising, and supplementing them as desired.

A large Navy-Marine Corps ship, likely a transport or amphibious assault ship, is seen from a distance, sailing on the ocean. To its right, a smaller support vessel is also visible. The scene is captured from a perspective that looks through a curved opening, possibly a tunnel or a large pipe, which frames the ships and the sky. The sky is overcast with soft, diffused light, and the water shows some whitecaps.

As our Nation's naval force in readiness, the Navy-Marine Corps Team has the unique ability to provide forward-deployed expeditionary combat forces in response to crises. Within the last two years, the Navy-Marine Corps Team has conducted combat operations in Iraq and Afghanistan, brought relief to hundreds of thousands devastated by the tsunami in southern Asia, and evacuated our citizens in Lebanon in the largest non-combatant evacuation since the fall of Vietnam. No more responsive, no more lethal force provides our Nation's leaders with such a powerful range of options.

*—Commandant of the Marine Corps, Commandant's
Planning Guidance, 2006*

A Plan for Action and Success

A prerequisite for success is a detailed and comprehensive action plan—supported by an active and aggressive public affairs strategy and communications program—that outlines critical timelines, milestones and deliverables and identifies individuals and activities that will take the lead in achieving important objectives. The action plan will be a separate document that will also serve as a “window” for the three communities to track the progress of each initiative. It thus will be a “report card,” helping to promote investment in the strategic plan by all members of the Department’s legal communities, and generating informed feedback and discussion on the initiatives. The communication of this plan will be emphasized and be the responsibility of everyone. While leadership will actively communicate and support the strategic plan, using all means available, every individual in the three communities has a vital role as a “communicator.”



The Way Ahead

The vision of the three legal communities is to ensure that the right legal expertise and advice are available at the right time and place to deliver effective and efficient legal solutions to the Department of the Navy. To achieve this vision, the Department's three legal communities—the Office of the General Counsel, the Navy's Judge Advocate General's Corps and the Marine Corps judge advocates—have identified and together are implementing a comprehensive plan of action focused on accomplishing critical strategic initiatives. This plan will strengthen and enhance collaboration, communication and transparency as the means to guarantee expert, effective, efficient and timely legal services to the Department, in all areas of law vital to the Nation's security. In this way, the three legal communities will best serve and support the Department's mission to protect the United States from today's and tomorrow's world-wide threats and challenges.





