

Navy

JULY/AUGUST 2007

Judge Advocate General's Corps
JAG



Legal Mentors in Afghanistan

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LT Jennie Womble, a JAG Corps individual augmentee with the Legal Affairs Combined Security Transition Command - Afghanistan, gives her thoughts on the justice system in Afghanistan on page 6.

JAG

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The Judge Advocate General

This July/August edition of the JAG Magazine centers on the chiefs' community. First, to the new Chiefs, congratulations! You worked very hard to achieve this milestone. You have demonstrated your dedication to the mission of our Navy and JAG Corps. You are assuming positions of increased responsibility and accountability, which includes responsibility for proactively leading and mentoring your Sailors. I expect you to play a greater role in shaping our JAG Corps community. You are now a senior member of the JAG Corps, and I will look to you for your thoughts and comments on our community issues.


Also in this edition, we continue our focus on Individual Augmentees (IAs). LT Jeanine Womble gives a first-hand account of her role as a legal mentor in Afghanistan. I was able to visit LT Womble while she was in Afghanistan and I met with the legal advisors she mentored. I'll never forget BGEN Shir Muhammad Zazai, the Judge Advocate General of the Afghan National Army, asking me please to not take "Ms. Jeanine" away because of the amazing work she was doing. This simple request spoke volumes about the Navy's presence in Afghanistan, the future of women in the country, and the incredible work our IAs are doing around the world. I am so proud of each of our JAG Corps members who volunteer to serve in an IA assignment. Our community continues to have more volunteers than we have IA billets, and RADM Houck, RADM Joerg, LNCM DiStefano, and I could not be prouder.

Another example of an incredible leader is LNCM Marco Ramirez. He is the first Navy legalman to receive the Bronze Star. This award represents his significant achievements in Iraq. Congratulations and thank you, Master Chief, for embodying what the Chiefs' community stands for and going above and beyond what was asked of you. Master Chief Ramirez has been selected for the Command Master Chief program and our community will



miss him, but we are honored to share him with the rest of our Navy.

As always – thank you for everything you do. Your service is meaningful and important!



BRUCE MacDONALD
Rear Admiral, JAGC, U.S. Navy
Judge Advocate General

Assistant Deputy Judge Advocate General

Last month, we saw the first in a series of articles focusing on active-Reserve integration and alignment in the context of JAG Corps 2020. In that discussion, we talked about where our transformation process fits into the larger context of Navy's strategic goals. We also took a look at where the needs are, and touched on how the Reserve component of our enterprise is going about helping to meet those needs.

It is now time to focus a little bit more narrowly. Having a good understanding of what our Reserve members bring to the fight is important. In this issue, CDR Les Reardanz provides an overview of our Reserve component's amalgam of experiences and skill sets.

Even this "high-speed pass" will impress you with what a valuable resource we have in our Reserve component. In CAPT Ben Abalos' article, he discussed how dramatically different the Reserve component is utilized today, and the strategic imperative to do even more in

fashioning the right mix of capabilities to the requirements at hand. Hopefully this will stimulate your thinking about what more we can do as an integrated community, with each part pulling according to its best use. Such thinking is at the root of our effort to transform our active-Reserve lash-up to capture maximum value.

Bottom line, we must use our many strengths properly and most effectively. With regard to active-Reserve integration and alignment, there is a learning curve for each part of our community. Mutual understanding of requirements, strengths, and constraints are central to any success we might have in getting up that curve to the point where we can do effective transformative work. Please be conscious of our respective roles and capacities, so that we miss no opportunity for growth and improvement. If our current series of articles serves to advance us toward this state of mindfulness, they will serve us well. I commend them to you.



All the best in all you do. I am proud to be sharing with you our good and important work.

NORTON C. JOERG
Rear Admiral, JAGC, U.S. Navy
Assistant Deputy Judge Advocate General





What It Means To Be A Chief

By LNCM (SW/AW) Stephen DiStefano
Senior Enlisted Advisor to TJAG

An important Fall tradition in the U.S. Navy is the announcement of the newly selected Chief Petty Officers and the month-long training they undergo to prepare themselves for advancement to this position of trust and authority. For an enlisted Sailor, selection to Chief Petty Officer is one of the great accomplishments in a Navy career. The average selectee has 13 years of service, has taken on challenging assignments, and demonstrated the leadership essential to being a Chief Petty Officer.

I remember the day when I was told that I was selected to become a Chief. It was, by far, the greatest moment in my 22 years of service. With that selection, I knew much more was expected of me: greater responsibilities, greater opportunities to lead, and, most importantly, being part of a unique group of men and women in the greatest Navy in the world.

Chiefselectees have many people to thank for their selection. Their families, first and foremost, have played a significant role in their selection. Because of the families' dedication to the Navy, Chief selectees are able to work long hours demanded from their jobs. They also are able to deploy, either onboard a ship, with a Seabee battalion, or as an individual augmentee with support from a home base. Families have had to deal with more frequent and longer separations and have done so with flying colors.

They should also thank the many Chiefs before them who have shaped and molded the Chiefs' community. Without them, there would be no Chiefs' mess. I am proud of those who came before me, for building the greatest tradition in the Navy. I thank them for their outstanding mentorship, without which I would not be in the position I am today.

Most importantly, Chief selectees must thank the Sailors who helped them achieve this success. No matter how you dissect it, the Sailors of the command where the Chief is selected play a huge part in the process. From the most junior Sailor to the leading petty officer, from the Chiefs' mess up to the Commanding Officer, it is a team effort that launches a first class into the role of a Chief Petty Officer.

With selection comes the enormous responsibility to lead Sailors. This is an obligation Chiefs must not take lightly, especially in a time of great change within our community and the Navy overall. There are many challenges in today's Navy that demand leadership. We have junior Sailors in harm's way in support of the Global War on Terrorism. We have increased operational tempo. We decreased the Navy's end strength some 50,000 people over the past 5 years, which requires more out of our Sailors than I have seen over my 22 years of service. One result is the expansion of the Chief Petty Officer's role.

In closing, I have included a few words from MCPON Joe Campa as he reflected on the 114th birthday of the Navy Chief Petty Officer. This is what our new Chiefs will become a part of in their new role. More is expected of them; more will be demanded from them; they are now the experts and set the example.

"On April 1, all Chief Petty Officers, active and retired, will celebrate 114 years of deckplate leadership. It's important that on occasions like this we acknowledge the significant contributions of the generations of Chiefs who made our mess what it is today.

"Every Chief in the Navy should pause a moment to reflect on the strong legacy of leadership that our mess is founded on. This is a time to reaffirm our commitment to our Navy, our Sailors and each other.

"Our Mission, Vision and Guiding Principles were forged in a tradition of CPO leadership, a brand of leadership that is unique only to those of us who walk the deckplates as Chiefs. Those principles are the time-honored values that have been the characteristics of Chiefs since our inception in 1893. They sustained our Chiefs when they raised us, and they still serve as our heritage to this day. It is critical that we maintain that heritage as our conscience and the soul of our service.

"Thank you Chiefs. Through your leadership of our Sailors, you're keeping that heritage alive. But we must continue to press forward. Look at your Sailors today and you'll know how you stand as a Chief and the impact you have on your command. It is through this lens that we can only truly see how successful we are as a Mess."



Congratulations to the New Chief Legalmen



LNC Mark Adams
LNC Margaret A. Bagley
LNC Michael Billings
LNC Marissa C. Brown
LNC Ursula U. Brown
LNC Lynette A. BrownMcDuffie
LNC Eric J. Gagne
LNC Madeline M. Grange
LNC Lucinda Hicks
LNC Stacy L. Kebe
LNC Craig E. Lyons
LNC David Marchetti
LNC Jessica L. Miller
LNC Denise Mix
LNC Tammara R. Moore
LNC Kristi J. Moses
LNC Bonifacio B. Pike
LNC Scott A. Sawyer
LNC Kristine M. Skupnik
LNC Kyle L. Vaughan
LNC Lisa M. Vrtiska
LNC Chiara M. White
LNC Paul B. Williams
LNC Martha L. Woodley
LNC Robert W. Woodruff

JAG Corps Individual Augmentee: Legal Affairs Unit Afghanistan

**By LT Jeanine Womble
Afghanistan Legal Mentor**

Editor's Note: This is the third story in a series of first hand accounts by members of the JAG Corps on their experiences and work as individual augmentees. See the March/April edition for coverage of Iraq and the May/June edition for coverage of the Horn of Africa.

The opportunity to witness a country's struggle to implement a new legal system and to overcome years of poverty and conflict is truly the experience of a lifetime. Looking back over my decade of experience in the Navy, nothing has equaled my experience as a legal mentor in Afghanistan.

The U.S. military is not only engaged in "the fight" in Afghanistan, we are also mentoring the Afghan military in areas ranging from war-fighting, to building an effective pay and retirement system, to managing an effective supply system so soldiers get blankets and parkas in

winter. As a legal mentor, my job was to help the Afghan National Army's (ANA) Judge Advocate General, a non-lawyer, Soviet-trained artillery officer, and the members of the ANA JAG Corps learn how to use their newly adopted military justice system. Many in the ANA JAG Corps received no formal legal training and a few were illiterate.

Mentoring was inspiring, humbling, infuriating, and frustrating all at the same time. Afghanistan is recovering from the chaos induced by 30 years of war. Issues such as widespread corruption, rampant unemployment, critical infrastructure problems, education, and high infant mortality are critical to Afghanistan's development.

See MENTOR page 8



MENTOR *continued from page 7*

These issues are multiplied by an active insurgency and terror groups along the border with Pakistan. This gives you a snapshot of the problem Afghanistan's people face and the fledgling democratic government charged with leading the nation into a better future.

The Afghan military justice system is fairly similar to our Uniform Code of Military Justice. It is a significant change from previous military justice systems in Afghanistan. Prior U.S. legal mentors were involved in developing the military criminal procedure codes, setting up the legal departments at each ANA Corps, and getting the first court-martial completed. While I was there, our focus was building on that foundation. This included, among other things, teaching trial skills, developing prosecutors, developing an investigative service, and giving feedback about trials we witnessed.

We held seminars on how to present evidence, make arguments, and advocate for a client. In rewarding mentoring moments, we got to see these skills put into practice at trial. ANA

defense counsel have become zealous advocates and seem to take pride in their jobs. Prosecutors, however, are still adjusting to their new role. In the previous inquisitorial system, prosecutors did the investigations, but the judge did all of the questioning during trial. Old habits die hard for judges, and it is hard for the prosecutors to assert themselves in this area.

Beyond mentoring at the trial level, we also advised trial and appellate level judges. Topics such as motions practice (a new and novel concept still more theory than practice), how to deal with violations of criminal procedure, guilty pleas, and resolving conflict between what they believe is "right" and what the law tells them is legal were our most common areas of discussion. In every conversation with the appellate judges, I felt I learned as much, if not more, than I could ever teach them. Near the end of my tour, I even got to debate the judges on an Afghan Supreme Court case reminiscent of *Marbury v. Madison* (the appellate judges were not happy about the Supreme Court taking jurisdiction over their case and

reversing them).

In addition to trial work, the ANA JAG Corps is also addressing policy issues including rules of engagement, implementation of training on law of armed conflict, and ethics regulations.

During my tour in Afghanistan, I spent most of each day with my Afghan counterparts teaching, listening, debating, drinking chai, and talking about our families, politics, and how to solve the world's problems. In that environment, you quickly remember what we all instinctively know—people are not as different as we sometimes think. Areas of common ground far outweighed areas where we failed to understand each other.

I was the first non-family-related female my Afghan counterparts had ever met. In Afghanistan, men do not interact with women outside of their own family. It is unheard of to go out to dinner with a friend and include your spouses. Social events are strictly divided by gender, and while some of the Afghans said that these traditions were out-dated, they all universally agreed change in this area was a long time off.



To my surprise, my gender was a non-issue. My Afghan counterparts quickly and openly accepted me, treating me with respect and as an equal. My gender was no more than an initial novelty. One official even used me as a recruiting tool, telling potential recruits, “There are American women here fighting for your country, yet you still do nothing!”

To this day I am astonished that they readily accepted my, at times, very direct style. I am convinced I was placed in a completely separate gender category somewhere between the cultural definition of man and woman. This became evident late in my tour. We were invited to an engagement party for one of our interpreters. The ANA JAG asked me whether I was going. When I responded in the affirmative, he asked if I would be staying on the women’s side or the men’s side. Somewhat surprised, I asked him what he thought. He said, “you are more than welcome to sit at our table with us, but you should go to the women’s side first so you can see what everyone’s wife looks like.”

Gender issues aside, in my opinion the true challenge to being an effective mentor was much more difficult. On



LT Jeanine Womble with BGEN Shir Muhammad Zazai, the JAG of the Afghan National Army, and Deputy Minister Nooristani.

a daily basis I had to negotiate the fine line between advocating new ideas and procedures and forcing elements of western jurisprudence on a culture in which they did not make sense. It was my job to introduce and explain western legal concepts, to fight the initial negative reaction against the newness

of those ideas, and to spark debate among Afghans about how to best push forward the rule of law in Afghanistan. I did not feel it was my job to create a clone of the American military justice system. My mentoring philosophy was that our mission is to create a system that is fair, transparent, and reasonably predictable, and to ensure the resulting system works within Afghan culture and society. The worst thing a mentor can do is to take the position that there was only one right way to achieve a just result.

I am not sure what the Afghanistan legal system will look like in 10 years. As the system evolves over time, the Afghans will decide. What I am sure of is that by getting to know our Afghan counterparts, learning about them, and sharing both our legal knowledge and information about our culture and family, mentors develop relationships that help shape policy on both sides of the equation. Hopefully these relationships will help to create a stable, prosperous Afghanistan in the future.



LT Jeanine Womble teaches members of the Afghan National Army about legal issues such as how to present evidence, make arguments and advocate for a client.

Legalman Training Symposium

By Ms. Natalie Morehouse
Deputy Public Affairs Officer

The first Legalman Training Symposium was held May 21-23 in Nashville, Tennessee. Two hundred and nine members of the global Navy legal community, including 19 civilians and 7 reservists, were in attendance.

In the past, two symposiums were held biannually, one on the East Coast and one on the West Coast. This year, special efforts were made to bring together the entire legal community in Nashville to discuss the latest updates and polices affecting our practice. For many it was also a chance to exchange ideas and experiences, reunite with old colleagues and mentors, and to put faces to names.

The symposium also helped define what it means to be a Navy legalman today and in the future. The presentations centered on the theme of future educational and professional transformation of the legal community. RADM MacDonald and LNCM(SW/AW) DiStefano explained the professional development plans for the JAG Corps of 2020 and the vision of a highly educated paralegal community. Leadership has already devised plans to streamline the legalman rating to ensure recruitment of only the finest Sailors to serve the Fleet as paralegals with ABA-accredited degrees.

CAPT Charlotte Wise, the Commanding Officer of Naval Justice School, discussed the introduced of the new Legalman Accession Course. NJS recently graduated its first Legalman class after nearly three years. During that three-year hiatus of legalman accession, NJS created an innovative course of study for new legalmen, incorporating university paralegal courses with military legal training.



Legalmen stationed all over the world are briefed by senior Judge Advocate General Corps leaders.

Working with Roger Williams University, a challenging 11-week curriculum was established, incorporating 8 weeks of paralegal studies courses (10 credit hours) and 3 weeks of military justice, civil law, and operational law training.

The guest speakers were as diverse as the legal community. There were presentations from officers, enlisted, reservists, and civilians.

The Assistant Deputy Judge Advocate General, RADM Norton Joerg, and JAG Reserve Command Master Chief, LNCM Tim Ayoub, discussed Reserve integration, proper communication, and continued professionalism within the community.

LNCM DiStefano headed a lively joint service board alongside U.S. Air Force Chief Master Sergeant Maureen Lowe, and U.S. Marine Corps Master Gunnery Sergeant Rafael Urena.

The Legalman Community Manager, NCCM David Adkins, discussed career advancement and met with individual legalmen during the symposium.

One of the true highlights of the event was RADM MacDonald's presentation of the Bronze Star medal to LNCM Marco Ramirez of Region Legal Service Office Mid-Atlantic, for his service as an IA with Task Force 134 in Iraq.

"This LN Symposium is symbolic of a new beginning for the Legalman community," said LNCM DiStefano. "Our long-held goal of enlisted professionals with enhanced paralegal skills is upon us and this Symposium has launched this great community into a new era."



LNCM DiStefano headed a lively joint service board alongside Air Force Chief Master Sergeant Lowe, and U.S. Marine Corps Master Gunnery Sergeant Urena.

IRS Recognizes Navy Volunteer Income Tax Assistance Program

By LCDR Ted Cook
Code 16 Legal Assistance

The Judge Advocate General of the Navy recently received a letter of appreciation from Ms. Ellie Cimaglia for support the Navy provided this past tax season to the Internal Revenue Service (IRS) Volunteer Income Tax Assistance (VITA) program. Ms. Cimaglia is the Director of Stakeholder Partnerships, Education and Communications (SPEC) of the IRS.

In her letter, Ms. Cimaglia cited the Navy's continuing support for the VITA program. The outstanding work done by VITA volunteers throughout the Fleet helps to uphold the integrity of our nation's tax system and enhance the quality of life for Sailors and their families.

During this past tax year, the Navy's VITA program

prepared returns for over 61,500 personnel, which saved those servicemembers more than \$8.2 million in preparation fees and helped them expeditiously receive over \$80 million in refunds.

The VITA program is free for all active duty, family members, and retirees.

Under the program, trained volunteer preparers assisted eligible clients with completing and electronically filing state and federal tax returns. The scope of the program ranges from helping single Sailors fill out 1040EZ forms, all the way to those eligible VITA clients who own their home, own rental property, and operate businesses like home day-care centers.

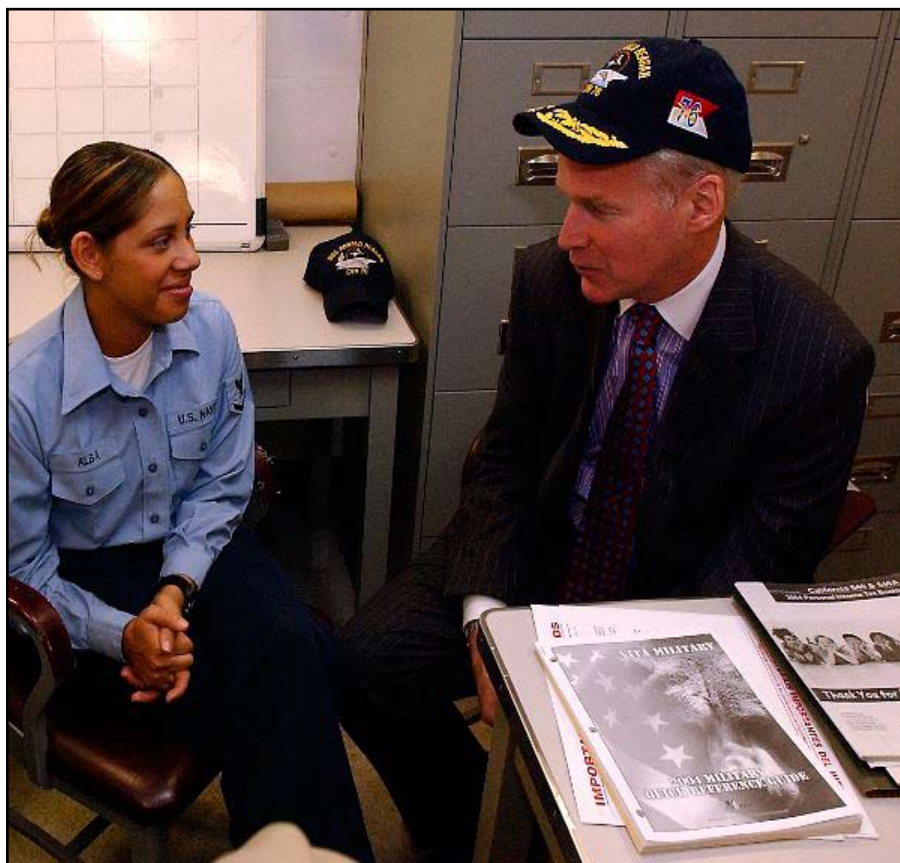
"The volunteers went through extensive training specifically tailored to address common tax issues faced by servicemembers and we established quality controls in every tax center," said CDR Jeff Fischer, Tax Counsel for the Navy.

The VITA program saved the average person about \$140 to \$180 in tax preparation and filing fees. Additionally, since the vast majority of returns were filed electronically, Sailors received refunds deposited directly into their accounts in as quickly as one week.

The VITA program's ultimate goal is to make Sailors self-sufficient in preparing their own taxes; however, CDR Fischer warns about too much reliance on tax preparation software packages.

"If a Sailor does not understand the tax rules, he or she may fail to apply for an available credit or fail to depreciate property," says CDR Fischer. "If discovered this can be corrected later, but the Sailor will be out of money that rightfully belongs to him or her until the fix is made. This is the true value of the VITA program, particularly for Sailors who are inexperienced in preparing their own returns or have questions."

Preparations are already underway for the Tax Year 2007 VITA season. Questions about the VITA program can be directed to your friendly experts in Code 16, (202) 685-4642!



Internal Revenue Service Commissioner Mark Everson speaks with Electronics Technician 3rd Class Dana Alba about the efficiency of the Veteran Individual Tax Assistance (VITA) program aboard USS Ronald Reagan (CVN 76).

Changes in Death Benefit Gratuity Keep Legal Assistance Practitioners on Their Toes

By LCDR Greg Dimler
Civil Law Support Activity 108

Although war-time policies often focus on military strategy, time of conflict can also serve as an opportunity for lawmakers to reexamine benefits and the means by which such benefits are afforded to servicemembers. As the benefits and procedures for making use of them continue to change, the legal assistance attorney must stay informed to be the eyes and ears of those served.

The most recent of such changes was implemented in the emergency supplemental appropriation for fiscal year 2007, which authorizes immediate, but temporary, authority for servicemembers to designate a primary beneficiary for the death gratuity authorized by 10 U.S.C. §1475 (currently \$100,000). Formerly, the death benefit gratuity was paid in accordance with the statutory hierarchy of beneficiaries set forth in 10 U.S.C. §1477, which provides a chain of successive beneficiaries similar in effect to the intestate laws of many states, beginning with the surviving spouse, then to the surviving issue, then to the surviving parents, and then to siblings, and so on.

The new law allows the servicemember to designate a primary beneficiary to receive up to 50 percent of the \$100,000 death benefit gratuity with the remainder to be distributed in accordance with 10 U.S.C. §1477.

Servicemembers who wish to designate a primary beneficiary must execute a NAVPERS 1070/602 (Dependency Application/Record of Emergency Data) at their local Personnel

Support Detachment. The primary beneficiary may be designated to receive up to 50 percent of the \$100,000 death gratuity in 10 percent increments with the remainder to pass under the statutory framework.

This ability to designate a primary beneficiary is authorized through Fiscal Year 2007. Although this change is only temporary, it could well be made permanent in the Fiscal Year 2008 National Defense Authorization Act.

This change is particularly significant for the servicemember who either does not have survivors who fit the statutory list of beneficiaries, or who is otherwise unsatisfied with the effect of 10 U.S.C. §1477. Although the new law does not permit a servicemember to designate the recipient of the entire death benefit, it is important for servicemembers to know they may exercise their will in this area, and legal assistance attorneys should take all necessary steps to educate the fleet about this significant change.

Including this information in mobilization and pre-deployment briefs is an excellent way to advise many members about the ability to designate a primary

beneficiary for the death benefit gratuity. Power of attorney and will intake interviews are also an excellent forum in which to explore a client's intent with regard to this and other important benefits.

The knowledge to make informed decisions about available benefits is one of the most valuable resources legal assistance attorneys bring to the Fleet. For the deploying servicemember, there is comfort in knowing that a judge advocate has provided sound advice and that personal affairs are in order.

***Benefit gratuity
questions, concerns, or
assistance?
Contact the experts in
Code 16!
(202) 685-4642
or go to the
Legal Assistance
Community of Practice
on Navy Knowledge Online.***

Legalman Receives Bronze Star

By Ms. Natalie Morehouse
Deputy Public Affairs Officer

During the recent Legalman Symposium, the first Bronze Star Medal awarded to a Navy legalman was presented to LNCM(AW) Marco Ramirez of Region Legal Service Office Mid-Atlantic by the Judge Advocate General of the Navy.

The Bronze Star Medal is awarded to a service member who distinguishes himself or herself by heroic or meritorious achievement or service while engaged in military operations involving conflict with an opposing foreign force.

LNCM Ramirez was honored with the Bronze Star for his work as an individual augmentee during Operation Iraqi Freedom, leading over 100 personnel at Task Force 134, Detainee Operations, Multi-National Force–Iraq, from January 5 to December 17, 2006. As Senior Enlisted Advisor, LNCM Ramirez managed the largest legal office in theater.

“LNCM Ramirez distinguished himself and the Navy Legal community with outstanding service to the United States and the people of Iraq,” reads the award citation.

The awarding official, Major General John D. Gardner, U.S. Army, wrote that “LNCM Ramirez’ attention to detail, expert managerial and administrative skills, and fearlessness directly contributed to the success of the

strategic mission.”

LNCM Ramirez traveled on more than 60 ground convoys and more than 40 air movement missions through hostile territory while in country. He planned and successfully executed the relocation of the Combined Review and Release Board (CRRB) Liaison Office. The immediate benefits of the Liaison Office move included the CRRB being able to meet more frequently and increase work flow, and the elimination of the need to conduct convoys which lowered operational risks for our personnel.

LNCM Ramirez also implemented a program to send investigators into the field to train and mentor Iraqi forces on proper evidence collection techniques.

“Master Chief Marco Ramirez did a tremendous job in taking care of and mentoring all newly-reporting legal personnel to TF-134’s legal office. He was instrumental in helping their transition into a challenging environment,” said LNCM Stephen DiStefano.

If all of this wasn’t enough to keep him busy, LNCM Ramirez contributed to the creation of the Iraq Chief Petty Officer’s Association and became the President of 90 members.

“What a humbling experience,” said LNCM Ramirez about receiving the Bronze Star. “It’s a great feeling to know that the chain of command and General Gardner felt my year’s contribution in support of Operation Iraqi Freedom was worth that level of award.”



LNCM (AW) Marco Ramirez receives the Bronze Star from RADM Bruce MacDonald in a ceremony at the Legalman Symposium. LNCM Ramirez is flanked by LNCM (SW/AW) Stephen DiStefano and RADM MacDonald.

Improving Alignment, Integration with Changing Missions, Perspective

By CAPT Ben Abalos
JAGC Reserve Component

Throughout the 1990's, the Reserve Component was a hedge against uncertainty, the extra help that would be needed if and when the big war broke out. One weekend a month, and for two weeks during the summer, this strategic Reserve would come together, often with little or no interaction with the active force, to drill and ensure readiness for massive mobilization.

Fast forward to 2007. We are now an operational Reserve, supporting the Fleet in real time, in real world missions. No longer do we wait for the clients to come to us on a drill weekend; we support them whenever and wherever necessary to get the job done. We are full participants in planning and anticipating requirements. This is a necessity: the active force is tasked to the maximum in meeting a myriad of missions.

JAG Corps leadership has challenged all of us – active and Reserve – to derive the maximum mutual benefit from all members of the team, to create the best active-Reserve integration so that we can

best support the Fleet.

In order to meet that challenge, it is important to understand the nature of the resources resident in the Reserve community.

The Reserve team consists of 460 drilling judge advocates, 178 legalmen, and approximately 50-70 officers assigned to voluntary (non-pay) training units. Reservists hail from across the country and from a variety of civilian occupations, as more fully described in CDR Les Reardanz' article.

We are organized to support Naval and RegionLegalServiceOffices, theJudiciary, the various Headquarters Codes, training commands (e.g., Naval Justice School and the Naval War College) and have Reserve staff judge advocates embedded in Reserve Readiness Commands and major units throughout the Fleet.

RADMs MacDonald, Houck, and Joerg see exciting opportunities to more effectivelyutilizethetalentsintheReserves: as reach-back to subject-matter experts; as part-time or even full-time providers of legal support to active units; as a force that can surge individuals with in-demand skill sets required by Combatant Commanders.

In Iraq, Afghanistan, Kuwait, and Africa, Reserve judge advocates and legalmen are forward-deployed, providing critical advice and support to the operational force.

Simply stated, the goal of active-Reserve integration is to employ the significant assets resident in the Reserve Component to maximum effect. We are beyond the days of static organizational constructs; all of us must be constantly evaluating each mission, each required skill set, each person, to determine how best to bring the right legal solution and support to the issue at hand. Our emphasis should be on innovative thought, maximization of resources, and responsiveness to changing Fleet requirements.

Achieving the right mix of skills, knowledge, and experience will require continuous evaluation and adjustment by all hands. Only through on-going and committed partnership will we get this right. Share your thoughts with leadership, with your command Reserve coordinator, or with Reservists already supporting your mission. Great ideas come from all directions!

The Reserve JAG Corps – A Diversity of Competencies

By CDR Les Reardanz
JAGC Reserve Component

The Reserve judge advocate and legalman communities represent an amazing mix of expertise and experience, making them an ideal resource for our clients. Recognizing this strength, *JAG Corps 2020* makes active-Reserve Integration (ARI) a transformation centerpiece.

Not only geographically diverse, providing access to attorneys in states with little or no active judge advocate presence, but also diverse in areas of practice, our Reservists are judges, corporate counsel, law firm partners, and officials at all levels of government.

You can find Reserve judge advocates and legalmen presiding over state courts in Pennsylvania, Michigan, and South Carolina. They fill positions as corporate counsel to businesses ranging from a large seafood company to railroads to telecommunications entities. And you will find them in every type of law firm, all the way from solo practitioners to

partners in prestigious law firms, involved in almost every type of law.

Reserve judge advocates and legalmen also play important roles in local, state, and federal government. They serve as counsel to the CIA, State Department, National Security Council, and Department of Justice. Our members fill public sector leadership roles in U.S. Attorney's offices, within DoD, and on the local level as elected and appointed government officials. A Navy Reserve judge advocate serves as the legal advisor to a state Governor.

You may be wondering, how do I tap into this valuable resource? Many of you may already be familiar with the JAG Corps' Enterprise System (JAGPERS), found on the web at <https://enterprise.jag.navy.mil>. This password protected database already contains biographical, educational, and experience background on all active duty judge advocates. We are undertaking an initiative to have all Reservists entered

See RESERVE JAGC page 15

A Farewell to Admiral Wedan

By CAPT Hank Molinengo, AJAG
Operations and Management

On July 6 at the Washington Navy Yard Catering and Conference Center, CAPT Robert “Chip” Wedan, the Assistant Judge Advocate General of the Navy (AJAG) from 2003 to 2004, retired after a distinguished career that spanned close to 3 decades. In recognition of his service as the AJAG, and as specifically approved by the Secretary of the Navy, CAPT Wedan was promoted to Rear Admiral (Lower Half).

Serving as the ceremony’s Presiding Official and Guest Speaker, RADM Bruce MacDonald paid special tribute to his colleague and friend. Describing how he and Chip had attended a course at the Darden School of Business together, RADM MacDonald talked about an energizing presentation about successful businesses. Typically, the most successful organizations offer some thing or some service that is “rare, unique, and hard to imitate.” RADM MacDonald went on to note, “I now realize that Chip’s success is a result of these same attributes – he is indeed a rare, unique, and hard to imitate individual. Chip has always been the type of person who approaches everything from a slightly different angle in life. He is the person described in the Robert Frost poem, who, coming upon ‘two roads diverged in a yellow wood, and sorry he could not take both,’ took the road less traveled. And as the poem concludes, ‘and that has made all the difference.’”

RADM MacDonald commended RDML Wedan’s outstanding dedication to the Navy and his serving wherever and whenever needed. RDML Wedan’s vision and leadership were instrumental in developing the JAG Corps’ transformation plan for the 21st century.

Lieutenant General Jeffrey Kohler, U.S. Air Force Director, Defense Security Cooperation Agency, awarded RDML Wedan the Defense Superior Service Medal for his final active duty tour as Director of the Defense Institute of International Legal Studies.

Proving the point that he is indeed a man “rare, unique, and hard to imitate,” RDML Wedan delivered wonderful remarks that were fresh and insightful. Using words to build a “monument of commemoration,” RDML Wedan expressed his deep appreciation and gratitude for the blessings in his life, symbolized by “five remembrance stones of thankfulness” — the special experiences the Navy offered; the privilege of working with men and women of valor; serving



CAPT Chip Wedan is promoted to Rear Admiral in a ceremony at the Washington Navy Yard July 6.

a country worth dying for; a family worth living for; and for God, as our cornerstone.

After the formal promotion, RDML Wedan was honored with a moving “Flag Ceremony” and piping ashore.

The entire Corps wishes *Fair Winds and Following Seas* to Chip and Jo Wedan!

RESERVE JAG *continued from page 14*

into the JAGPERS database that will facilitate identifying subject matter experts across the Corps, active and Reserve. We expect to have this up and running during the next fiscal year.

Diverse expertise and experience translates into more effective and efficient problem solving for our Commanders, Sailors, and families. By better understanding and identifying the competencies resident in our Reserve force, we can continually improve active-Reserve integration and the seamless alignment envisioned in *JAG Corps 2020*.

Examples:

- State trial judges in Pennsylvania, Michigan, New Jersey, Texas
- Probate Judge, South Carolina
- Corporate Counsel, Washington
- Named Partners in Washington, Illinois, Virginia practicing in such areas as maritime, corporate, business, and insurance
- Large law firm partners in New York, Philadelphia, Seattle, Washington D.C., San Diego, Florida practicing in such areas as maritime, transportation, business, real estate, general litigation, insurance, employment, and professional liability
- Law firm members throughout the U.S. including Colorado, Louisiana, Washington, California, Illinois, Michigan practicing in such areas as tax, estate planning, business, litigation, employment, and real estate
- U.S. Department of Justice, including multiple U.S. Attorney Offices
- U.S. Department of State
- U.S. Department of Treasury
- Social Security Administration
- Federal Courts
- Central Intelligence Agency
- State and Local Government officials throughout the U.S., including Washington, Illinois, Virginia, California, Colorado, New Mexico and Texas
- Legalmen serving in the full range of legal and non-legal roles, from practicing attorneys through paralegals to corporate executives and other responsible citizens.

And this is just a partial list! Talk to a Reserve judge advocate and legalman about what he or she does or knows. The result may surprise you!

Joint Initiatives—Naval Legal Service Office Pacific’s Force Multiplier

By LT Ian Midgley and Ms. Sarah Courageous
NLSO Pacific

Editors Note: This is the second and final article in a series started in the May/June edition of the JAG Magazine about Naval Legal Service Office Pacific’s joint initiatives.

Although only in its early stages, the Western Pacific Joint Defense Initiative is already paying dividends. Like Hawaii’s joint legal assistance project, the impetus for the defense initiative was to maximize efficiency through sharing resources. For example, there are 300+ Sailors in Chinhae, South Korea, but no Navy defense counsel assets located there. The Army, meanwhile, has a Headquarters at Camp Zama near Tokyo and a battalion sized element on Okinawa, but no Army defense counsel stationed anywhere in Japan.

As resource sharing ideas began to emerge, an opportunity presented itself to demonstrate how working together might reap benefits for all concerned. A Soldier was incarcerated in a Japanese prison, 15 minutes from NLSO PAC headquarters. The Army initiated administrative separation, which ordinarily would require Army Trial Defense Service (TDS) counsel to travel from Korea. Since there were no telephonic communications available in the prison, the detailed Army counsel was unable to speak with his client. Rather than have Army counsel travel from Korea ahead of time to meet the client and do the administrative board all in a single visit, LT Ian Midgley, NLSO PAC’s Senior Defense Counsel and a former Army TDS counsel, was assigned as the Soldier’s Assistant Counsel.

LT Midgley made initial contact with the client, kept him informed about the process, and served as a liaison between the client and his primary Army counsel. At the eventual board, the client was represented by an Army lawyer and a Navy lawyer working together on his behalf, with favorable results. The collaboration not only resulted in more efficient use of defense time and money, but the quality of service to the client was significantly improved over previous procedures, and the spirit of joint cooperation was born.

When the Judge Advocate General of the Navy visited Japan in the summer of 2006, he was briefed about the initiative and immediately embraced and encouraged it. Armed with this support, a draft Memorandum of Agreement (MOA) between NLSO PAC and Army TDS Region IV was drafted, outlining a plan for sharing resources in the AOR. The Marine Corps defense team is also currently looking to join this MOA to formalize the level of cooperation that already exists between the USMC and the Navy.

In addition, in March of this year, CDR Michael Bates, NLSO PAC Executive Officer, arranged a meeting with his sister service defense counterparts, LTC Michael Black (USA), Lt Col Margarete Ashmore (USAF), and LtCol Phillip Simmons (USMC). These defense leaders in the Western Pacific region met at Yokota Air Base, just west of Tokyo. Subjects of discussion included the creation of a defense counsel directory to help fellow counsel get a feel for their sister service colleagues in the region and to identify individuals with subject matter expertise without having to reach back to the U.S. for assistance. The finished product was distributed to defense counsel throughout Korea, Japan, Okinawa, Guam, and Hawaii as a desktop reference.

Another hot topic of discussion during the initial Joint Defense meeting was the sharing of resources other than attorney services. At the suggestion of LTC Black, access to the Army’s Defense Command Assistance Program (DCAP) website will be made available to defense counsel of all services in the Western Pacific AOR. Similar to an

NKO Community of Practice, this access will facilitate sharing of information as well as provide a question-answer forum with near-time feedback from expert defense practitioners that avoids the need to stay up late or get up early because of different time zones!

Training opportunities were also discussed at length, and there was very strong support for developing a means of sharing the resources and funding each of the services bring to the table. Given the extensive travel often associated with training



in this part of the world, cheaper and less time consuming training alternatives hold great promise for the future. These include sending Navy counsel to Army DCAP mobile team training in Korea rather than flying them half-way around the world to Newport.

Additionally, a Joint Defense Conference, taking advantage of training funds from each service, has been tentatively scheduled for November in Yokota, Japan. A larger funding pool will allow us to import instructors from the U.S. to train in Japan rather than fly individual counsel to traditional defense training courses offered in Newport, Charlottesville, and Montgomery. If all goes to plan, an annual joint defense training conference at various venues in the Western Pacific AOR will provide defense counsel with the training and the CLE they need for mission success, and offer a superb networking opportunity for defense counsel throughout the AOR.

With the institution of defense command pilots in Europe and the Southeast, there is a very real possibility that NLSO PAC may someday find itself a smaller, defense focused command. Established and successful relationships with defense counsel from sister services will prove even more critical to mission success in both the short and long term.

This initiative is not just about efficiencies, however. Counsel are already sharing resources and advice about experts and motions with one another, and the impact this has had on cases equates to an improved quality of litigation for our individual clients. In a force turning ever more “purple,” the Western Pacific joint defense initiative is already showing that increased efficiency and improved quality can go hand-in-hand.

Navy Announces Management Controls for Tuition Assistance, NCPACE

By Naval Education and Training Command Public Affairs

PENSACOLA, Fla. (NNS) — To ensure the best Sailors continue to have access to tuition assistance funding, the Navy has implemented management controls for the Tuition Assistance (TA) program and Navy College Program for Afloat College Education (NCPACE).

NAVADMIN 161/07, released June 25, stated the new controls will focus on three areas: Sailor readiness, career development, and program/fiscal efficiencies.

“Education is, and will continue to be a key factor in the professional and personal development of our Sailors,” said Commander Naval Education and Training Command Rear Adm. Gary Jones. “We must reward those deserving Sailors by enacting policies that take into account performance and career development.”

According to Ann Hunter, Education and Training branch head for Naval Education and Training Command (NETC), timing is important to an individual’s successful education plan.

“Historically, Sailors’ chances for success have improved when education is introduced at appropriate times within a career,” Hunter explained. “Experience tells us that Sailors’ first assignments following initial training are extremely challenging. We’ve found that Sailors have a better chance of success in college courses if they have completed their warfare and professional qualifications before enrolling in college courses. Commanding officers are asked to look closely at all TA applications for the proper career timing.”

The following management controls are effective immediately and focus on meeting professional development requirements as a prerequisite to TA/NCPACE approval: A. Advancement-eligible Sailors must have taken and passed the most recent advancement exam. Sailors who are serving out of their rating, and have not passed their advancement exam are eligible for TA and NCPACE with approval from their commanding officer or officer in charge. B. Sailors must pass the most recent physical readiness test, or be medically waived from the test. C. Sailors must not be under instruction in initial skills or in a duty under instruction (DUINS) training status. D. Sailors who have been awarded any non-judicial or courts-martial punishment in the previous six months shall not be authorized TA or NCPACE courses. E. Sailors must be recommended for promotion or advancement.

“The cap for TA authorizations remains at 16 semester hours per fiscal year, but an approved academic/education plan is required after the fifth course,” Hunter said. “Only courses required by the academic/education plan are authorized for TA and NCPACE, and TA will no longer be authorized for additional degrees at the same or lower education level. Lower division or prerequisite courses may be authorized if the courses are part of the degree program and are listed on the Sailor’s approved education plan.”

Navy College Office staff serve as the primary points of contact for off-duty education and are responsible for ensuring the implementation of the programs. Additional information on the Navy College Program can be found at <https://www.navycollege.navy.mil>.

Navy Judge Advocate General to Brief Retired Navy Marine Corps Judge Advocates Association

By Ms. Jen Zeldis
Public Affairs Officer

RADM Bruce MacDonald, the Judge Advocate General of the Navy, will brief the annual Retired Navy and Marine Corps Judge Advocates Association on the current state of the JAG Corps October 5th-7th in San Diego, California.

“The association meets on the Columbus Day weekend every year,” said RDML (Ret.) Dennis McCoy, the current president of the Retired Navy and Marine Corps Judge Advocates Association. “This year, we have also arranged for our reception on Sunday to take place on *MIDWAY*.”

Twenty-seven years ago, RADM Don Chapman thought it would be beneficial for retired members of the Navy Judge Advocate General’s (JAG) Corps to be linked by something more substantial than a former military bond. He created the Retired Navy

and Marine Corps Judge Advocates Association.

Today, this association has more than 430 members in its ranks. The association meets once a year to learn about the current state of the JAG Corps and discuss any other issues affecting its members.

The association also produces an annual report and provides members with a directory of both e-mail and postal addresses of its members.

“We are always soliciting new members,” said RDML McCoy.

RDML McCoy explained most newly retired judge advocates go on to have very busy second careers. The association does not want to lose touch with these servicemembers. He encourages newly retired officers to consider joining immediately, even if they do not have time to participate in the activities of the association.

“We will keep in touch with them and keep them informed,” explained RDML McCoy, until the member

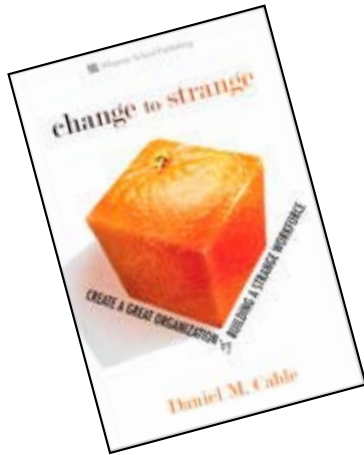
has the time to participate in the association’s activities.

The association also provides its members a wealth of military and law experience by virtue of its membership. RDML McCoy is just one example. After receiving his Juris Doctor degree from the University of North Carolina Law School, RDML McCoy started his Navy career in 1961. He joined the Navy and went to sea as the CIC Officer and Legal Officer in *USS Forrest Sherman* (DD 931).

He traveled the world in the Navy and served in several key billets. He was on the Chief of Naval Operation’s staff, Commanding Officer of the Naval Justice School, and completed his career as the Assistant Judge Advocate General (Civil and General Law).

For more information about the Retired Navy and Marine Corps Judge Advocates Association, you are encouraged to e-mail RDML Dennis McCoy at macnewport@aol.com.

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CHANGE TO STRANGE, BY DAN CABLE BOOK REVIEW BY LT Anne Marks

Contrary to everything we learned in high school, the strange people win. In his Preface to *Change to Strange*, Dr. Dan Cable asserts that a strange workforce is what gives an organization a “sustained competitive advantage.” Why does the Navy JAG Corps care about sustaining a competitive advantage? In his book, Dr. Cable acknowledges a fleet commander will never seriously consider hiring a civilian D.C. law firm. However, the JAG Corps routinely competes for the resources against other Navy assets. It is imperative that the JAG Corps be able to demonstrate the need for finite personnel, taxpayer dollars, and other resources.

So why the word “strange”? Dr. Cable defines strange as “valuable, rare, and hard to imitate.” He has used an arguably negative label for the positive practices of constant innovation and niche development. My theory is he chose an uncomfortable word because he relies on the belief that most organizations cannot bring themselves to abandon the comfort of the mainstream. If a company’s eccentricities are easy to imitate, then they will become less rare and less valuable.

Dr. Cable explains that the first step for an organization seeking to change to strange is to identify exactly what will elevate it head and shoulders above its competition. That is the desired *Organizational Outcome*. What factors contribute most directly to that outcome? Those are the *Performance Drivers*. Specifically, what unusual actions will produce, stimulate, increase, or otherwise effect noticeable, positive movement in those performance drivers? Those are the *Workforce Deliverables*. How does an organization recruit, hire, train, motivate, and retain a workforce willing, able, and crazy enough to execute those deliverables? That is the *Workforce Architecture*.

Each of the four concepts above is a link in a cause and effect chain. A strange workforce executing the specific workforce

deliverables should turn the performance drivers that yield the desired organizational outcome. Greasing this chain is an organization’s “special sauce.” An organization wants employees who are committed to its valuable, rare, nearly inimitable philosophies and practices. How does an organization determine the ideal size, shape, and placement of its links? Dr. Cable’s answer is measurement tools, or metrics.

Metrics are the calibration instrument and the litmus test. According to Dr. Cable, numbers have a motivational magic that words do not have. He points out that measuring elements of performance numerically gives an employee a number, a fixed, visible target, about which to “obsess.” For leadership, numbers should deliver some clear, concrete information about how workforce deliverables affect performance drivers. As organizations calibrate and recalibrate their metrics, they may need to modify the links in their chain.

Dr. Cable provides numerous real-world examples of companies that have implemented highly unusual recruiting, hiring, training, supervisory, promotion, retention, and/or other practices (from 3M to Harley-Davidson to Whole Foods) and attributes some amount of their success to those strange practices. However, he requires the reader to take it on faith that the metrics would prove the causation between the strange workforce and the organization’s success. Finally, Dr. Cable takes every opportunity to remind the reader of his major caveat of changing to strange. Changing to strange involves shunning conventional wisdom and committing wholesale to an eccentricity. However, strangeness must constantly be measured and refined. Dr. Cable offers metrics as the tool but admits they are an endless course of trial and error. Followers of *JAG Corps 2020* over the past year will find this book an interesting read

that allows contemplation over what we have done as a Corps, why we have done it, and where we’re going in the future. It’s a fast read that’s recommended for our entire community.

LT Anne Marks is assigned to the Special Assistant for Transformation (SAT) Office at the Washington Navy Yard.

Read any good books lately?

Tell us about it!

**Submit a Book Review to:
natalie.morehouse@navy.mil**



Programmers from OJAG's Code 65 are soliciting input for CMTIS Version 2.0. There are two goals for the upcoming version. First, to refine the program so that it captures additional information necessary to further our community's transformation into a metrics-based organization. Second, to provide CMTIS users with a product that is more user-friendly and acts as a true case management application. To those ends, Code 65 has been soliciting input in the form of questionnaires sent to all Naval Legal Service Command (NLSC) commands and OJAG Codes. However, input is not limited to commanding officers and division directors. Each of you is encouraged to submit your recommendations through your NLSC chain-of-command or, if you work outside of NLSC, directly to CMTIS@jag.navy.mil. Your recommendations on additional data fields, report functions, case tracking, or any other area are welcome and invited.

A new Article 6/Legal Office Assessment Program will replace the previous Article 6/Command Inspection program. Previously, Article 6/Command Inspections focused solely on NLSC units. A team of subject matter experts, led by the Judge Advocate General Corps Inspector General, traveled to commands triennially and conducted checklist oriented inspections. Evaluations were largely based upon subjective material. Inspected commands received grades of Satisfactory or Unsatisfactory. The new Article 6/Legal Office Assessment Program uses more objective criteria in its assessment of both NLSC and SJA offices, such as CMTIS results, surveys, reports from headquarters, and the on-site inspection. The new annual evaluations will focus on performance in the four JAG Corps Core Capability areas: Operations, Accountability, Sailor Legal Readiness, and Navy Legal Readiness. It will also assess the quality of leadership at each office. The new instruction is expected to be signed before the end of the fiscal year, and the new inspection schedule has already been submitted for approval.

Excellent participation in the Center for Naval Analyses (CNA) Workload Diary and Survey. More than

1100 active duty members of the JAG Corps community and 344 civilians completed the two-week workload diary; and 829 active duty members and 318 civilians completed the accompanying survey. The Reservist Component is currently participating in its portion of the workload diary and survey. Analysis of the data has begun and a final report is expected in October.

Using the data from the CNA Workload Diary and Survey. After the JAG Corps workload is quantified, the number and category (civilian or military, active or reserve, officer or enlisted) of people required to do the work will be analyzed. Benchmarks will be developed to allocate personnel resources within the JAG Corps domain. The final task will then be to model manpower and mission tradeoffs in terms of levels of service. To do this, a spectrum of levels of service will be developed. The high end of the spectrum will include a full suite of legal services with the highest manpower costs and the lowest level of risk. On the other end will be the minimum manpower level to accomplish the mission and satisfy statutorily mandated requirements. That model will involve the lowest manpower costs but the highest level of associated risk. These levels of service will help senior leadership decide what type of JAG Corps legal community they want, what it will cost, and the risk associated with their decision.

Reports - The market product of CMTIS. The reason the JAG Corps spends time inputting data into CMTIS is to produce the final product, the reports. It is these reports that will guide JAG Corps leadership as they make important resourcing, strategic, and cost accounting decisions; and it is these reports that will help the practitioners manage their time and case load. As CMTIS matures, more and more of these reports are available to all levels of the chain-of-command. By September, there should be at least 38 reports covering all aspects of our practice. A reports tutorial is in development to help teach everyone how to best utilize available reports. For a full list of reports currently available, log onto CMTIS and select the Report function.

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National Security Personnel System

By Amy Stevens
Fiscal and Resource Services

OJAG recently completed its Mock Pay Pool exercises in both the Claims and Non-Claims Pay Pool groups. Practicing the application of NSPS concepts in a live-action scenario has allowed OJAG to identify areas of improvement. Although there are many working parts within the NSPS framework, the Mock Pay Pools have proven that all personnel (employees, rating officials, higher level reviewers, Pay Pool Panel members) have similar needs in terms of familiarity with NSPS' basic requirements. Specifically, all personnel must fully understand performance expectations resulting from being in a specific Pay Band and Pay Schedule, the elements of a quality assessment, and the NSPS rating methodology.

All employees, upon conversion, are assigned to a Pay Schedule and Pay Band.

Pay Schedule: Grouping of employees with like job roles. In OJAG, employees are assigned to either a YB (Technical/Support), YA (Professional/Analytical), or YC (Supervisory) schedule.

Pay Band: Sub-division of the Pay Schedule. In most cases, Pay Bands are 1, 2, or 3. Pay Band 1 is the lowest grouping in the spectrum.

The level at which an employee is expected to perform his/her job objectives is directly related to his/her Pay Schedule and Pay Band, so it will be absolutely necessary that all personnel know their Pay Schedule and Pay Band assignment. Although the salaries of Pay Bands may overlap from 1 to 2 and 2 to 3, the requirements of job performance are distinct between each band as described in standard NSPS performance indicators. When an employee moves from Pay Band (1) to a higher Pay Band (2), the performance expectations of the employee become more challenging. For instance, the YB-1 Technician is expected to act with supervision on completion of objectives whereas the YB-2 Technician is expected to complete job objectives without supervision. Where the YB-2 Technician is expected to prioritize his/her own work, the YB-3 Technician is expected to prioritize work for him/her and others.

Performance Indicators: Used to rate employee performance on each job objective. These are unique to the Pay Schedule and Pay Band.

The same increase in expectations is evident in all Pay Schedules. The expectations referenced previously are requirements to rate an employee a "3" (valued employee). To achieve beyond a "3" on an objective rating, additional requirements are set for each Pay Schedule and Pay Band. Similar to Performance Indicators setting standards for job objective performance, it is also necessary to understand the effect of the Benchmark Standard of contributing factors as it relates to adjusting the rating of a job objective. Again, the Benchmark Standards vary greatly between Pay Schedule and Pay Band.

Benchmark Standards: Used to rate employee performance in individual contributing factors assigned to each job objective. These are also unique to the Pay Schedule and Pay Band.

The YA-1 Analyst (in "Critical Thinking") is expected to recognize obvious issues or problems and solve straightforward problems, the YA-2 Analyst is expected to define



CAPT Hank Molinengo discusses the NSPS process with Amy Stevens.

National Security Personnel System

complex issues and identify and evaluate solutions to complex problems. Meeting this “expected” Benchmark Standard listed above, the employee’s job objective rating will not be adjusted in any way (0). Failing to meet the “expected” benchmark in a contributing factor means the job objective rating will be adjusted negatively (-1). To see the benefit of contributing factors upon job objective ratings (+1), the employee must meet elements of the “enhanced” benchmark set per Pay Band, Pay Schedule, and contributing factor.

Given this information, all personnel must take an active interest in familiarizing themselves with their Pay Schedule, Pay Band, Performance Indicators, and Benchmark Standards. Use this link to find the Performance Indicators and Benchmark standards that apply to you: <http://www.cpmc.osd.mil/nsps/documents.html>. These will be helpful to both employees and rating officials later on when drafting annual assessments.

As part of the Mock exercises, the Pay Pool Panel and higher level reviewers read the employee and rating official assessments that were submitted to the Pay Pool. They were able to determine the following common topics to address in assessment quality for the next rounds of Pay Pool deliberations.

Format: In the case of both employee and rating official assessments, the Panel concluded that it was necessary that assessments be divided into paragraphs that addressed each job objective individually. This allowed the Panel to make an informed decision on each job objective rather than trying to interpret which comments related to which job objective.

Results: There was a great tendency to list tasks completed rather than listing outputs/results. While it is easy to fall into this trap, the assessment should inform the Panel of an employee’s contribution to the organization. For example, an employee may be assigned to assemble a collection of personal calendars within a department to produce a division calendar in order that all personnel are aware of co-worker’s appointments. This employee would be simply listing a task in an assessment if he/she writes, “Maintained accurate division calendar.”

In contrast, the employee would be describing a result with the statement, “Maintained accurate division calendar in effort to facilitate office communication and teamwork while also reducing administrative workload for attorneys.”

In that second statement, the employee has demonstrated that she has completed her job objective and can relate that task to a larger impact to the division as a whole. The rating official might then be able to add in the rating official’s assessment, “Employee successfully completed job objective. As a result, the office that had previously 1 incident per week of double-booking meetings had one quarter of no incidents of double-booking. Additionally, the attorney administrative workload was decreased and attorneys were able to spend an average of 30 minutes more per week counseling clients.”

Context: The Panel addressed some specific concerns for the rating officials to address in their assessments. The Panel needed rating officials to provide a productivity context so they could make an accurate determination of output. If an employee produced 10 actions per week, the Panel must have a context to rate it. The rating official should mention that 10 actions per week are far greater than the 10 per quarter typically processed. Without contextual input from the rating official, Panel members were unable to determine the employee’s accomplishment as it relates to the appropriate performance indicator expectation of output. In the case of contributing factors, there were many instances identified where the rating official did not specifically mention which contributing factor he/she determined the employee had exceeded the expectation. Lacking that input from the rating official, Panel members were forced to interpret the meaning in a very arbitrary way. Rating officials must deliver a clear indication to the Panel of their intention.

Communication: All personnel should be aware that the Panel will call the rating official in for clarification if any questions arise that the Panel cannot answer. This is especially true in the case where an employee’s assessment and a rating official’s assessment are in contrast to each other.

Having completed our first Mock Pay Pool exercises, we recognize we have important areas upon which to focus. As employees, rating officials, higher level reviewers, and Pay Pool Panel members, our best opportunity for success is a firm commitment to studying, practicing, and applying NSPS principles in our workforce. We will continue to create a culture of accountability and reward for performance. Take an active interest in NSPS as it relates to you and your command as a substantial investment in the future of our JAG Corps and civilian personnel.

**For more information about NSPS, please contact
Amy Stevens at 202-685-5286 or at amy.stevens@navy.mil.**

Checklist for NSPS Employee Rating

1. Establish Job Objectives.

- Be appropriate to employee Pay Schedule and Pay Band.
- Be aligned with mission and strategic goals.
- Be specific and results-oriented—what tangible output will the employee produce?
- Create accountability.
- Assign contributing factors as a function of the objective rather than the employee.
- Do not construct in “Pass/Fail” language.

2. Assess completion of Job Objective.

- Employee and Supervisor write results-oriented assessments. (What was produced as a consequence of your actions?)
- Assessments should contain one paragraph dedicated to each objective.
- Address completion of the objective based on results.
 - Refer to the appropriate Performance Indicators.
- Address how the contributing factors affect employee’s completion of objective.
 - Refer to the appropriate Benchmark Standards.
- Employees should track accomplishments in a personal log to assist in drafting the assessment.

3. Rating Officials Rate Each Objective.

- Determine if results/outcome were achieved.
- Apply Performance Indicator to rate objective (1-5).
- Apply Benchmark Standard to rate impact of Contributing Factors on efforts (-1, 0, or +1).

4. Rating Officials recommend overall rating (1-5 based on the average of the job objective scores), recommend number of shares, and share allocation (salary versus bonus?) to Pay Pool Panel.

5. Appraisal Quality Assurance:

- Rating Officials and Higher Level Reviews (in most cases, Division Directors) check appraisals for adherence to NSPS guidance and OJAG Business Rules (*i.e.*, has each objective been addressed individually? Have Performance Indicators and Benchmark Standards been considered?).

6. Pay Pool Panel:

- Reads and understands job objectives as written.
- Reviews written assessments.
 - Consults with the rating official to have any questions answered.
- Rates individual job objectives.
 - Apply Performance Indicator to rate objective (1-5).
 - Apply Benchmark Standard to rate impact of Contributing Factors on efforts (-1, 0, or +1).
- Assigns final rating, share allocation, and share distribution to employee.

7. Final Steps:

- Performance Review Authority confirms Pay Pool Results.
 - OJAG PRA is RADM MacDonald; CNLSC PRA is RADM Houck.
- Panel returns results to Rating Officials.
- Rating Officials return individual results to each employee.

AWARDS

2007 Col Thomas J. Krauska Award

Each year, the Military Law Section of the State Bar of Texas recognizes two outstanding military judge advocates at its Annual Meeting, held in conjunction with the Annual Meeting of the State Bar of Texas. The 2007 meeting was held in San Antonio, Texas on 22 June 2007. This year, the awards went to LT Heather L. Cassidy, for the Outstanding Young Active Duty Military lawyer in Texas. LT Cassidy served as Officer in Charge of the Naval Legal Service Office (NLSO) Central in Corpus Christi. In that role, she enriched the lives and provided exemplary legal assistance and defense services to all Naval personnel in South Texas, including their families and retirees in South Texas. LT Cassidy inspired and challenged her staff to set the bar high for the legal services they provided to

the military community in South Texas.

With unparalleled energy and dedication of purpose to every aspect of her work, LT Cassidy exceeded all expectations. It was through her personal efforts that the fleet Sailors stationed at the three major naval installations in South Texas were prepared for short notice deployments, free from unresolved legal problems that would otherwise distract their focus from the mission.



LT Cassidy quickly established herself as one of the premier litigators at NLSO Central, spending countless hours on military justice matters. Her zealous advocacy yielded superior results for her clients at five Special Courts-Martial, three General Courts-Martial, four Article 32 hearings, and 41 administrative separation boards.

American Bar Association Recognition

- **CDR Kevin O'Neil** — winner of the 2007 Outstanding Military Service Career Judge Advocate Award.
- **LTCDR Susan McGarvey** — winner of the 2007 Outstanding Young Military Service Lawyer Award.
- **LTCDR James Benoit** — winner of the 2007 Keithe E. Nelson Distinguished Service Award for his article "The Evolution of Universal Jurisdiction Over War Crimes" 54 Naval L. Rev. 259 (2006).

JAGs Receive Bronze Star



LT Angela Rongotes received the Bronze Star Medal. LT Rongotes, the staff judge advocate (SJA) for Special Warfare Group TWO, was presented with the Bronze Star during a ceremony May 4

at the command headquarters in Coronado, CA. The medal was awarded for her role in providing stability in a hostile environment. She served as a SJA for Navy SEALs in Iraq from October 2005 to April 2006.



LT Mike O'Regan, the staff judge advocate for Naval Special Warfare Group THREE, was awarded the Bronze Star July 5 for his work while on deployment to Iraq with SEAL Team THREE from April through

October 2006. The Bronze Star was awarded by CDR Christopher Lonie, the acting Naval Special Warfare Group THREE Chief Staff Officer, in a ceremony in San Diego, CA.

AWARDS

CDR Ted Y. Yamada was recently promoted to Deputy Chief Counsel in the Office of Chief Counsel, U.S. Immigration and Customs Enforcement, in the Department of Homeland Security in San Diego. CDR Yamada is a member of the Naval Reserve for the JAG Corps.

LCDR Adam Siegfried received the Defense Meritorious Service Medal and the Combat Action Ribbon. He was with TF 134 from December 2006 to June 2007 as the Deputy Rule of Law Advisor. In that capacity, he worked with the Iraqi Government, the State and Justice Departments, various NGOs, and assorted military commands to promote the rule of law in Iraq. Some primary projects were expanding Iraqi prison capacity, facilitating the training of Iraqi prison guards, developing a parole system and streamlining the coalition detainee processing system.

CDR Stephanie Carter received the Navy and Marine Corps Commendation Medal. She was on ADT/ADSW as SJA, Naval Hospital Pensacola, filling a gapped billet from June 2006 until February 2007.

LN1 Kelley Montgomery was awarded the Iraq Campaign Medal with FMF device, Armed Forces Reserve Medal with "M" device, Sea Service Deployment Ribbon, and most impressive, her third Navy Achievement medal in five years. From March to October 2006, LN1 Montgomery mobilized with Naval Mobile

Construction Battalion 25 (NMCB25) for a seven month deployment to Al Anbar Province, Iraq, as independent duty Legalman. She handled dozens of legal assistance matters, prepared a Naturalization and Immigration package, did a Line of Duty investigation, assisted with a death investigation, prepared 40 powers of attorney, and sat as recorder for disciplinary review boards. Since she was with a Seabee unit, she also served as a gate guard, roving patrol, and duty driver.

LNC(Sel) Michael Billings received many awards while assigned to U.S. Army 403rd Civil Affairs Battalion / Provisional Reconstruction Team (PRT) Mosul, Iraq from April 2006 to March 2007. Awards received during active duty period included the Army Commendation Medal, Army Achievement Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with "M" device, and Navy and Marine Corps Overseas Service Ribbon. He was recognized for assuming the responsibilities for the command's crucial IT billet ensuring a high state of mission readiness of over 100 information operating systems and 55 individual user accounts. He also facilitated the layout and full installation of a 3.8 meter star topology VSAT and 15 additional computers systems and VoIP phones to increase the PRT's growing communication requirements.



RADM Rick Ruehe, Commander, Navy Region Mid-Atlantic, receives the Navy Reserve Law Program's highest award for a supported command, the Hugh Howell Award for Excellence. Presenting the award to RADM Ruehe is CAPT Bill Aramony with CAPT Buck Davies, and CDR Tom Lambert.

MNC-I "Phantom Warrior of the Day"

On July 4, LT Jason Levy, of NLSO Pearl Harbor was the Multi-National Corps-Iraq (MNC-I) "Phantom Warrior of the Day."

The Commanding General of MNC-I, LTG Odierno, is also the CG of III Corps. Each day, the CG's Battle Update Assessment (BUA) is broadcast via secured video throughout MNC-I and to the Division Headquarters throughout the theater. At the conclusion of the BUA, there is always recognition of a member of the MNC-I staff who has distinguished him/herself through superior service to the mission. The recipient is given a seat near the CG during the BUA and, at the end of the briefing, the COS reads a citation of accomplishments while the CG gives the recipient his personal coin. The Honoree is known as the MNC-I "Phantom Warrior of the Day." ("Phantom Warrior" is the battle phrase for III Corps which dates from WWII).

LT Levy is an IA assigned to the operational law division of the MNC-I legal staff. LT Levy was recognized for his important contributions to several areas of the mission, including assisting the Iraqi Army SJA develop key legal policies on matters such as ROE, detainee ops, and the Iraqi UCMJ.



PHOTOS FROM THE FLEET



RLSO Hawaii Change of Command ceremony, CAPT Dwigans was relieved by CDR Conrad



CAPT Wise presiding over Legalman graduation from the Naval Justice School



RLSO Hawaii aboard the USS Missouri after the Change of Command ceremony



OJAG softball team



Newly promoted LNCM St. Sauver, pinned by CAPT Mark D. Lawton and LNCM St. Sauver's wife



CAPT Kirk Foster leaving to catch the "Rhino" to the International Zone

PHOTOS FROM THE

LEGALMAN SYMPOSIUM



Attendees of the Nashville Legalman Symposium



LNCS Layfield, LNC Kidd, LN1 Chism, LNC Anderson, and LNCS Servas



Legalman Chief Petty Officers



LN1 Chism and LN2 Davis



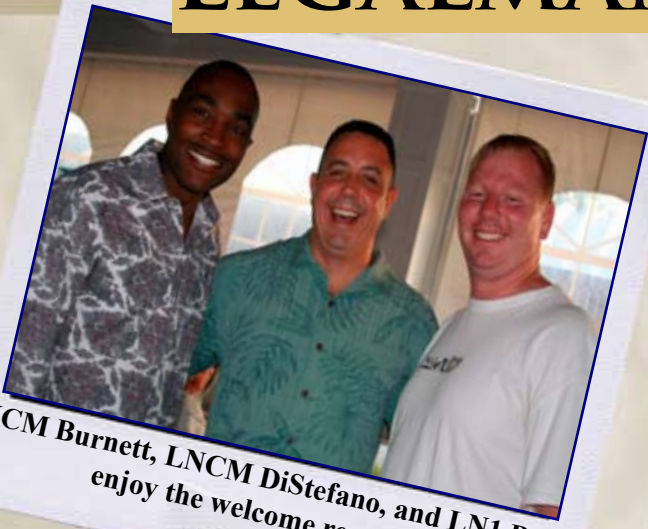
Legalmen Alexander, Wilson, Hardin, Williams, Clement, and Carr



Legalman petty officers with LNCM Leafer and LNCM DiStefano

PHOTOS FROM THE

LEGALMAN SYMPOSIUM



LNCM Burnett, LNCM DiStefano, and LN1 Brash enjoy the welcome reception



Legalmen Cooper, May, and Stallings



RADM Joerg, RADM MacDonald, CAPT Wise, LNCM Leafer, and LNCM Ayoub



LN1 Brash and LNCM Leafer at the welcome reception



LN2 High, LNCS Primm, Chief Smith, LN2 Hardin, and LN2 Phillips



Legal Assistant Ms. Johnson, LN1 Eddinger, and LN1 Kreiner

JAGGC

 **MAGAZINE**

