

**Navy**

May/June 2007

*Judge Advocate General's Corps*  
**JAG**

**Combined  
Task Force -  
Horn of Africa  
Individual  
Augment**



**Inside:**  
Next Generation of  
Legalmen  
NAMARA Gets  
L6Sigma Help  
The Law of the Sea  
SJAs Beware!



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LT Tahmika Jackson, a JAG Corps Individual Augmentee at Combined Joint Task Force - Horn of Africa, works with the community in Djibouti, Africa. See more on Page 6.

# JAG

JUDGE ADVOCATE GENERAL  
Rear Admiral Bruce MacDonald

DEPUTY JUDGE ADVOCATE GENERAL/  
COMMANDER NAVAL LEGAL SERVICE COMMAND  
Rear Admiral James W. Houck

ASSISTANT DEPUTY JUDGE ADVOCATE  
GENERAL/DEPUTY COMMANDER NLSO  
Rear Admiral Norton C. Joerg

COMMAND MASTER CHIEF  
Master Chief Stephen S. Distefano

PUBLIC AFFAIRS OFFICER  
Ms. Jen Zeldis

DEPUTY PUBLIC AFFAIRS OFFICER  
Ms. Natalie Morehouse

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Contributors may send news and images by e-mail to Ms. Natalie Morehouse at [natalie.morehouse@navy.mil](mailto:natalie.morehouse@navy.mil) or by mail to: Office of the Judge Advocate General of the Navy; 1322 Patterson Avenue, SE, Building 33, Suite 3000; Washington Navy Yard, DC 20374-5066. Telephone inquiries should be made to (202) 685-7735.

# The Judge Advocate General

I am very pleased with the direction that the JAG Magazine is taking. Our Public Affairs team of Jen Zeldis and Natalie Morehouse work extremely hard to compile and publish a product of interest to the entire community, including our retirees and family members.

Just as exciting is the quality of the articles coming in, not just from Headquarters, but also from the Fleet. See LT Tahmika Jackson's remarkable article describing her IA experience in Djibouti.

CAPT Pat Neher's update on the Law of the Sea Convention provides insight into what has been one of the most visible issues that we have been handling in the Pentagon over the past two months. But it is only the tip of the iceberg, as all the Codes in OJAG and NAMARA have their share of important projects, in addition to "normal" emergent taskers.

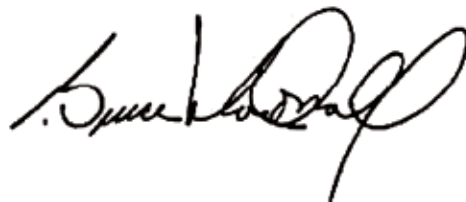
Included in these pages are updates on several transformation initiatives – commencement of new and improved Legalman education at NJS, significant facility upgrades for the Navy-Marine Court of Criminal Appeals, Active-Reserve integration, jointness of legal services on Oahu, streamlining NAMARA's handling of records of trial, and Communities of Practice. All are things to be proud of, and result from the innovative thought and determined follow-through of numerous individuals throughout the JAG Corps.

Summer is here, a traditional time for vacation plans and outdoor activities. I encourage everyone to enjoy well-earned leave and liberty. But please do so safely – there continue to be far too many of our shipmates killed or seriously injured in accidents that could be otherwise avoided by proper planning and risk management. For Supervisors: I consider it an essential aspect of covenant leadership for you to know what your people are doing and elevating our collective commitment to safety.

Some of our Team are unable to make traditional summer plans this year. For those of you forward-deployed, know that the entire JAG Corps joins me in stating that you are in our constant thoughts and prayers. We look forward to hearing about your adventures when next we see you. Until then, be safe.



This forum is a great opportunity to share and communicate across our Corps. Please keep those articles, photos, awards, and book reviews coming! Thank you for all you do each day.



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

# Assistant Deputy Judge Advocate General

I am delighted to talk about our full community – active and reserve. Our ideal is to be truly a single entity: active and reserve, officer and enlisted, ready and fully integrated. We have made great strides toward realizing this ideal, and our capacity to draw upon all of our resources to meet the mission has never been greater. I am proud of the work we have done to date.

Our challenge is to continue the progress we have made – to align our active-reserve components into something that best serves our current and projected needs in meeting the mission. I would like to place our efforts under *JAG Corps 2020* regarding the reserve component into the larger context of the Navy’s goals and needs for transformation.

Our reserve component must be prepared for and aligned with overall JAGC community transformation. The imperative is to derive the greatest possible efficiency and effectiveness for the Navy - maximum results in support of our mission at optimal cost. The JAG Corps Reserve component alignment is manpower-intensive – our product is intellectual and produced directly by people. We look, therefore, to three key sources for guidance: the Chief of Naval Operations, the Chief of Naval Personnel, and the Judge Advocate General. In particular, CNP’s 2007 guidance resonates with me:

Our challenge is to develop a more capable and versatile workforce that meets the rapidly expanding requirements posed by the Nation’s evolving maritime strategy.

Our vision is a Navy manpower, personnel, training and education system that targets and attracts the right talent, then trains, develops, equips and motivates these men and women throughout a career of Navy service.

Our mission in support of Navy is to anticipate war fighting needs, identify associated personnel capabilities, and recruit, develop, manage and apply those capabilities in an agile cost-effective manner.

The Strategic Goals:

- An Effective Total Force
- Capability-Driven
- Competency-Based
- Competitive in the Marketplace (i.e., first-quality)
- Diverse (in skills, perspectives and backgrounds)
- Agile and Cost-Effective

These are powerful principles and guidelines. Our goal is to meet that central challenge: to develop that “more capable and versatile workforce that meets the rapidly-expanding requirements”



that our Navy needs. A well-aligned and mutually-supportive community, with each of its key components -- active and reserve, and civilians -- will make its integrated contribution of the “right talent,” in the right measure, in the right way, and at the right cost. It will take all of us to do the job right.

*JAG Corps 2020* is our community’s way forward toward meeting this goal and realizing this opportunity. The article from CAPT Ben Abalos that follows is first in a series that will cover the specifics of active-reserve integration and alignment within *JAG Corps 2020*: areas of support to the active duty, core competencies of Reserve JAG units and individuals, and transformation initiatives and ongoing efforts. We are all on an important journey. With RADM MacDonald and RADM Houck, I look forward to working with people at every level of our community along the way.

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





# The Law of The Sea

By CAPT Pat Neher

*International and Operational Law*

**O**n May 15, President Bush issued a statement urging the Senate to act favorably on U.S. accession to the United Nations Convention on the Law of the Sea during the current session of Congress. In supporting the Convention, the President said:

Joining will serve the national security interests of the United States, including the maritime mobility of our armed forces worldwide. It will secure U.S. sovereign rights over extensive marine areas, including the valuable natural resources they contain. Accession will promote U.S. interests in the environmental health of the oceans. And it will give the United States a seat at the table when the rights that are vital to our interests are debated and interpreted.

Any past or present Navy judge advocate with salt on him or her will tell you – the navigation and overflight rights and freedoms reflected in the Law of the Sea Convention are absolutely critical to current and future Fleet operations. Specifically, our Navy depends upon the principles contained in the Convention in moving forces on, over, and under the world's oceans, whenever and wherever needed.

Specifically, the Convention recognizes and preserves for our ships and aircraft the freedom to conduct:

- Innocent passage in territorial waters
- Transit passage through international straits (surface, air, and subsurface)
- Unrestricted military activities in the high seas
- Military surveys
- Approach and visit of suspected stateless vessels.

Economically, the Convention supports our national interests by giving the U.S. sovereign rights over the resources of one of the largest continental shelves in the world. Further, it is the Law of the Sea Convention that

creates and recognizes a country's Exclusive Economic Zone out to 200 nautical miles, and the rights to explore, exploit, conserve, and manage the natural resources therein.

More than 150 nations are Party to the Convention – but not the United States, the world's leading maritime nation. Arguments that were used in the past to keep the U.S. outside the Convention – such as the impact of deep sea bed mining provisions – were affirmatively addressed and corrected in 1994 amendments to the Convention. And there are important reasons for us to join without further delay. Consider the following remarks that Deputy Secretary of Defense Gordon England and the Deputy Secretary of State John Negroponte wrote in a recent editorial published in the *Washington Times*:

Accession makes sense from the perspective of U.S. leadership on the world stage. Joining the convention would give the nation a seat at the table, a voice in the debates, to help shape the future development of oceans law, policy and practice. Accession would also give the United States better opportunities to keep a close watch on other nations' efforts to exercise their rights under the law of the sea and to counter excessive claims if necessary. Finally, accession would powerfully and publicly reiterate the nation's commitment to the rule of law as the basis for policy and action.

The President's statement in support of the Convention is a major step forward towards the goal of joining the Convention. We expect that the Senate Foreign Relations Committee will conduct formal hearings regarding the Law of the Sea Convention. We will keep you posted of progress.

If you are interested in the Law of the Sea Convention (and every Navy legal professional should be!), and want to do some more reading, visit the Code 10 Community of Practice on Navy Knowledge Online (NKO).



# *JAG Corps Individual Augment:* **Combined Joint Task Force—Horn of Africa**

**By LT Tahmika Jackson**  
*Combined Joint Task Force --  
Horn of Africa*

*Editors note: This article is the second in a series of first-hand accounts from members of the JAG Corps in individual augmentee (IA) assignments. The first article, found in the March/April JAG Magazine, featured LT Chris Jeter and LN2 Debra Bazan in their IA assignments in Iraq.*

**T**his is a chance to prevent conflict. To promote regional stability. To protect coalition interests. To prevail against extremism. This is Combined Joint Task Force—Horn of Africa.

The Horn of Africa is massive in size and diverse of people and issues. With a land area of 2.1 million square miles (approximately 68% of the size of the lower 48 States), half of its populace

lives in extreme poverty with 3.3 million refugees, over 10 million displaced persons and at least 26 million people living with HIV.

What are we doing here? Facing critical issues including famine, AIDS and lack of infrastructure in a complex cultural environment that includes clan and tribal sub-cultures requires a variety of engagement strategies while addressing national political interests. Judge advocates must earn their keep.

Combined Joint Task Force—Horn of Africa Office of the Staff Judge Advocate is a joint unit that includes a Navy JAG Commander (and former submariner), a Marine grunt FLEP, and an Army Reservist who ran her own law practice before activating. Our newest Navy judge advocate, also my replacement, was my wily defense counsel adversary six months ago but now is my new favorite face on the Camp. All are supported by a first-rate

legalman first class whose blood bleeds orange (go Tennessee Lady Vols!), and a deputy clerk of court for Skagitt County Washington by day and an Aviation Ordinance second class petty officer by rate. And then there is me. Coming to the end of my IA in a matter of days, how does this team that I have had the fortune to be a part of work toward RDML James Hart's vision of a stable region free of extremism?

Let me set the stage for you. First, Afghanistan is hot. Iraq may be hotter still. But the hottest place on the planet on average year-round is located right here in Djibouti, Africa.

The entire Camp is just over a mile-and-a-half in perimeter, so it is only a matter of time before you lay eyes on just about everyone here. On what passes for the morning commute (the walk up the hill toward work), you pass all branches of service including the Coast Guard from time to time. While they all greet you in English, you cannot miss the coalition officers from Germany, France, Kenya, Ethiopia, Korea, Great Britain and a host of other nations.

We also have contract civilians from the U.S., Italy, and Canada plus many local nationals staffing everything from the gym and pool to the Moral, Welfare, and Recreation (MWR) office and the Base Exchange.

We are here to win hearts and minds as guests in our host nations. Of course, it is also a bit of a challenge to win anyone's heart or mind sitting behind a desk, so judge advocates here do what we do everywhere



*LT Tahmika Jackson greets local military members at Combined Joint Task Force—Horn of Africa.*



else. We primarily facilitate the purple fleet's roving accomplishment of the mission, although from time to time we get to do some roving, too.

CJTF-HOA meets immediate host nation needs through civil military operations that provide clean water, functional schools and improved roads and medical facilities among other things. If you guessed fiscal law is our bread and butter, derived from our role in vetting these projects, you would be correct. Almost

everything we do here involves spending federal funds and the parameters surrounding those expenditures set up by Congress and the Commander-in-Chief.

In an effort to maintain host nation self-sufficiency and sanitation, our Seabees and Civil Affairs teams are hard at work building schools, digging wells, creating libraries, training medical and veterinarian personnel and sanitizing slaughterhouses in cooperation with host nations, U.S. Embassies and USAID.

Our combat soldiers promote regional stability by creating military self-reliance through military-to-military training. In any typical week this busy office deals with humanitarian affairs project proposal reviews (to ensure compliance with CENTCOM, federal, and international law); ethics issues concerning donations, excess property and travel issues; human rights training and issues; rules of engagement; joint military justice; and all manner of legal assistance issues from wrongful death suits to stolen identities. We could be working on personnel recovery issues in the morning and post-trial matters by the afternoon.

We win hearts and minds through the human touch. Not all of us can repair a bridge or help birth a calf. But the command encourages all members to



*Combat soldiers promote regional stability by creating military self-reliance through military-to-military training.*

become involved in our local outreach activities where we can make a difference. Just down the street from the Camp is Douda Village. I was lucky enough to be invited to participate in the first ever women's exchange in the village.

While Marines were pitching in to help the village with various projects, the local women, mostly young with children, felt left out and were hoping to speak with some military women to exchange perspectives. It was laundry day. While the men painted equipment and lifted weights, we swapped stories about children—one lady offered to braid my hair on the spot. I have been invited as a guest to a Djiboutian wedding where I found that the stark look

of terror in a groom's eye transcends all cultural lines. I could not speak the language but was honored to dance, sing and eat with the women in celebration of one of life's most important moments.

I have been called "lost sister across the water" more than once while giving human rights and law of war training to the Ethiopian and Djiboutian armies. Twice a week, I head out to local schools to speak English with local men and women who are learning the language and striving to

make their lives and country great. They see a better tomorrow, and they see the United States as a part of their growth.

Sometimes the electricity goes out, the alleys are dark and muddy, the air is often thick with the smell of burning trash and the desks and chairs are coarse. But without fail, we are greeted as friend, sister and brother. We are relevant. This is the long war for hearts and minds, peace and stability. This requires that in addition to knowing the law and providing sage counsel to our staff, we must step out from behind the confines of the law, beyond the comfort of Camp, and into the front lines of the newest infantry unit in the fight against terror. We must be advocates of good will and friendship.



*LT Tahmika Jackson visits with local women on laundry day in Djibouti, Africa.*

# Defining Communities of Practice

By Mr. Thomas Banda

*Knowledge and Information Services*

If you think about it, the concept of a “Community of Practice” (CoP) is similar to popular websites such as My Space and Facebook -- only CoPs are used for your day job and can be used on NMCI computers.

A CoP actively links together individuals performing similar functions within a common discipline; promotes the routine sharing of knowledge and ideas; produces synergy among all CoP; and shares/distributes/archives “best practices” and valuable lessons learned. The information gained from active participation in a CoP greatly enhances the accuracy, productivity and knowledge of the individuals participating.

The JAG Corps’ CoPs are currently located on the Navy Knowledge Online (NKO) Portal. The current CoP offerings include Military Justice, Civil Law, Information Technology and Legal Assistance.

The first active CoP had its genesis among the members of our Navy-Marine Corps Trial Judiciary. This CoP is a secure discussion portal for all trial judges to utilize, and have confidence that all communications are secure from access by anyone not serving as a sitting trial judge.

This was such a great success it ultimately was expanded to include the trial judges from all other services. This collaboration space quickly became a vehicle for timely and efficiently sharing information.

“This allows for MJ practitioners to exploit synergy derived from collective wisdom and experience,” said CAPT

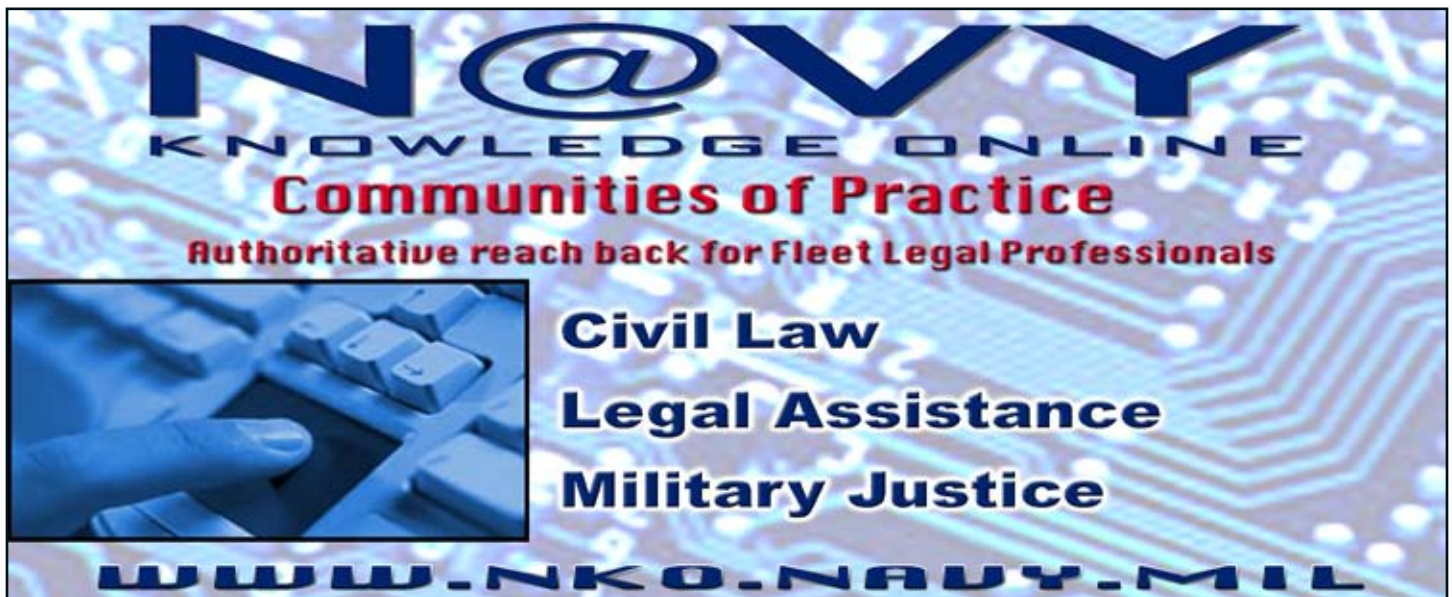
John Rolph, the Chief Judge of the Navy-Marine Corps Court of Criminal Appeals.

Rolph, the “Community Champion,” was instrumental in motivating and encouraging all of the Trial Judiciary to begin routinely and effectively using the NKO discussion forum.

With the success of the Trial Judiciary’s Knowledge Center and secure discussion portal, JAG’s NKO site was expanded to include individual Knowledge Centers for other major segments of the MJ community, giving many their own individual secure discussion forum.

The MJ main page has a virtual library and provides access to published instructions and up-to-date military justice publications. The Defense and Prosecution Knowledge Centers were added as well as all other practice areas within MJ. Each Knowledge Center has its own document repository where best practices and lessons learned can be captured for all future practitioners. They also have their own discussion forum (secure and unsecure) to promote discussion and synergy among their counterparts worldwide. To join one of these CoP Knowledge Centers, contact each community manager listed on the MJ CoP manager’s page.

The advantage for MJ practitioners in routinely using the established CoP is ultimately, a better, well-reasoned, and often more thoroughly researched final work product. The knowledge and information gained from others’ past and current experiences (some of which can literally be shared with you “real time”) allows you to be far more efficient, effective, and thorough. The CoP is a remarkable innovation and an incredible tool for every new legal professional entering into a military justice practice. To date the number of MJ page hits stands at 17,305.



**N@VY**  
KNOWLEDGE ONLINE  
**Communities of Practice**  
Authoritative reach back for Fleet Legal Professionals

**Civil Law**  
**Legal Assistance**  
**Military Justice**

**WWW.NKO.NAVY.MIL**

The banner features a blue and white circuit board background. On the left, there is a small inset image of a hand typing on a computer keyboard. The text is arranged in a clear, hierarchical layout, with the website URL at the bottom.



**Definition of a Community of Practice:** An affinity group or information network that provides a forum where members can exchange tips and generate ideas; a group of professionals who try to face a common problem to solve and who strive to improve their profession and thereby themselves. An informal network or forum where tips are exchanged and ideas are generated. A group of professionals informally bound to one another through exposure to a common class of problems, common pursuit of solutions, and thereby themselves embodying a store of knowledge. A group of practitioners held together by shared practices and common beliefs.

“Knowledge Management in Theory and Practice” Kimiz Dalkir

## What are people saying about CoPs?

### CDR Gregg Cervi, JAGC, USN

“The Admiralty and Maritime Law Division has made a concerted effort to provide information and resources regarding claims prevention, processes and strategies in its CoP. Fleet-wide dissemination of articles, training aids and sample documents in subjects such as civil litigation, admiralty and maritime law, investigations, discovery, and privileges, make the Code 11 site essential reading for attorneys engaged in civil litigation support or maritime law specific research.”



### LCDR Ted Cook, JAGC, USN

“The Legal Assistance CoP is a great resource for attorneys providing legal assistance. It contains basic background information at the attorney level with citations and cross-references to allow more research in a specific topic if that is required. The main focus of the LA CoP is the gear

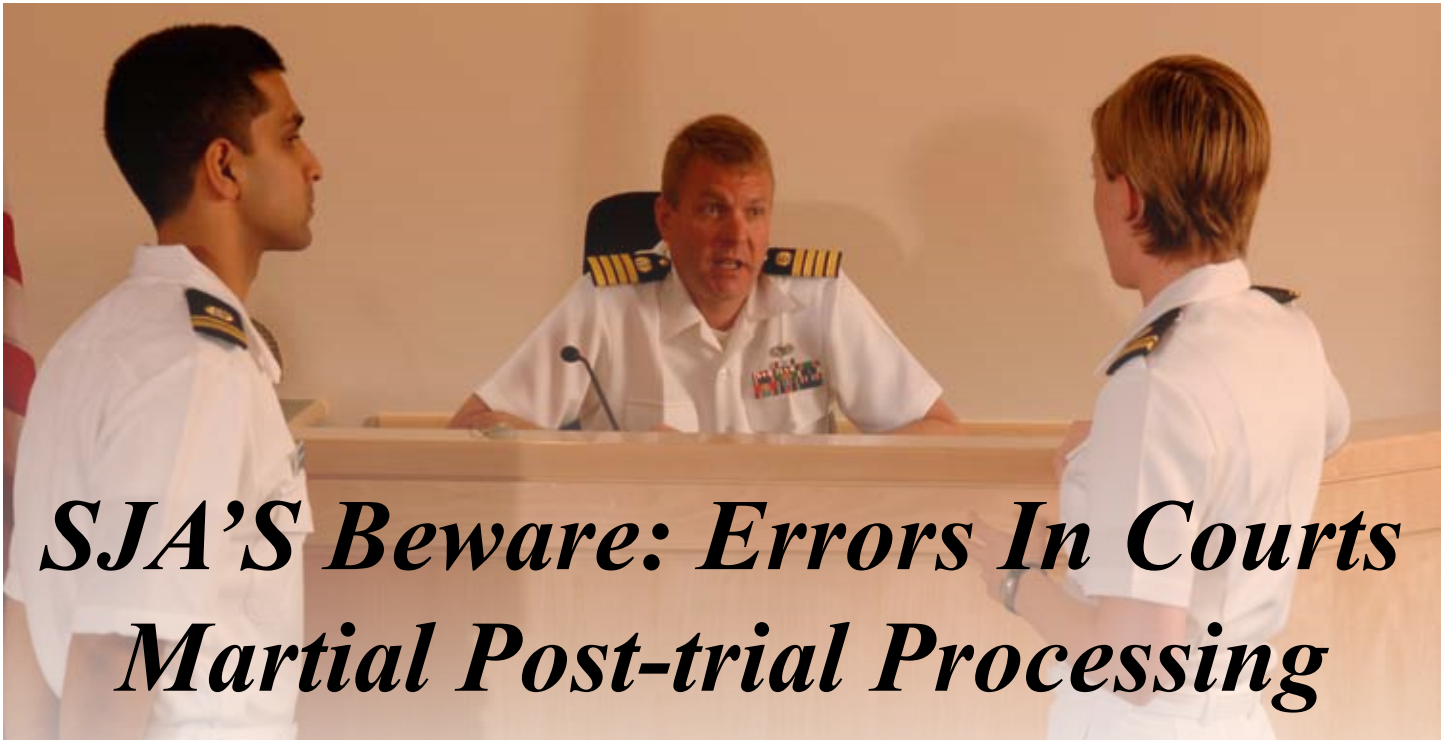
entitled ‘Legal Assistance Topics.’ Here the topics are grouped together for family law, consumer law, estate planning, etc. Currently the topics are generic to all jurisdictions, but in the future they will be specific to several states with significant Navy presence. Besides the topics page, the LA CoP also has Legal Assistance Discussion, Legal Assistance Attorney Essential Readings/References, LAPAs, Checklists, Software Download, and much more. After spending just a few minutes navigating through the LA CoP, users are surprised at the wealth of information and ease of which it can be retrieved. This tool is especially helpful for those who don’t do legal assistance on a daily basis and are called upon to answer personal legal questions.”



### LCDR Aaron Rugh, JAGC, USN

“Members of the Criminal Law Community of Practice have a new resource on NKO after the recent unveiling of a refurbished, Code 20-sponsored CoP web page. The new criminal law page links to hundreds of military justice documents including sample motions, voir dire questions, mock cross-examinations, charging tips, and other helpful court-martial forms all organized in searchable, subject matter gears. Additionally, the page serves as a common room for both government and defense litigators with weekly courtroom advocacy tips and pre-loaded training on every stage of the trial process. Finally, counsel and military judges can share ideas on the discussion forum message boards or get advice on tough questions with instant E-mail or telephone reach-back. Code 20 has put a great spin on the CoP web page idea and done it all with our ‘unique’ sense of humor and style.”





# *SJA'S Beware: Errors In Courts Martial Post-trial Processing*

**By CAPT Christian Reismeier**  
*Criminal Law*

**F**or years, Navy and Marine Corps post-trial procedures have been plagued with delays and errors. Appellate courts have expressed their frustration on numerous occasions, subtly and not-so-subtly encouraging us to fix the problem.

As described in a recent Code 20 News-Mailer, in the first three months of 2007, the Navy-Marine Corps Court of Criminal Appeals (NMCCA) had to deal with the following errors:

Staff Judge Advocate Review (SJAR) that listed a non-existent NJP;

SJAR with erroneous findings;

SJAR that failed to indicate multiple specifications were withdrawn, thereby impacting (in error) the approved findings;

SJAR that failed to note pretrial restraint imposed on the accused;

Convening Authority (CA) who took action without waiting for the required delivery of the SJAR;

CA who failed to disapprove confinement as required under the pre-trial agreement (PTA);

CA who failed to disapprove adjudged forfeitures as required under the PTA;

CA who ordered a BCD exe-

cuted despite the fact that he lacked the authority to do so.

Unfortunately, this is only a partial list.

We can and must do better. SJAs and legal support personnel involved in post-trial processing can easily prevent these mistakes by simply reading the Manual for Courts-Martial (don't go off of memory – open the book in every case), by drafting SJARs to reflect the particular case at hand (shell documents are great until they become a crutch), and spending a modest amount of time critically reviewing the advice and paperwork sent to the CA.

In a memorandum dated May 23, 2007, the Judge Advocate General reemphasized this point to the entire JAG Corps. In addition, he requested that the Chief Judge of NMCCA specifically include the name of the cognizant SJA in the title of each case the court reviews, just as the Court lists the military judge, appellate counsel, and convening authority. Effective June 12, 2007, the Chief Judge adopted this new procedure.

As RADM Bruce MacDonald states in his memo, "The professional reputation of our community depends on the ability to promptly and properly shepherd courts-martial through the entire military justice system. We must improve this area of practice."

For those who have questions, concerns, or would like assistance with respect to post-trial processing, contact the experts in Code 20, at (202) 685-7060.

***Post-trial processing questions, concerns, or assistance?  
Contact the experts in Code 20 at (202) 685-7060***



# The Next Generation of Navy Legalmen

By LNCM (SW/AW) Chris Browning  
Navy Justice School Senior Enlisted Advisor

It has been nearly three years since the last class of Navy Legalmen graduated from the Naval Justice School in Newport, Rhode Island. By the mid-2000's, the rating had been overwhelmed with Sailors converting to Legalman through the General Targeted Enlistment and Perform-To-Serve Programs. Suddenly, the rating was overmanned in all three Career Reenlistment Objectives (CREO) groups. JAG Corps leadership recognized a need for change in the recruitment and education of Legalmen. Plans were devised to streamline the rating to ensure recruitment of only the finest Sailors who would serve the Fleet as true paralegals with ABA-accredited degrees.

During the three-year hiatus of LN accession, Naval Justice School created an innovative course of study for new Legalmen, incorporating univer-

sity paralegal courses with military legal training. Working with Roger Williams University in Providence, Rhode Island, a challenging 11-week curriculum was established, incorporating eight weeks of paralegal studies courses (10 college credit hours) and three weeks of military justice, civil law and operational law training.

On April 16, Naval Justice School welcomed its first 10 candidates to the new Legalman Accession Course.

"The students are exceptionally motivated and eager to make a positive impact on their gaining commands immediately," said LCDR Tracy Clark, the paralegal department head.

These Sailors endured a rigorous screening process, and were hand-selected by the JAG Corps Command Master Chief to lead the Legalman community into the Navy's future and *JAG Corps 2020* vision.

These 10 Legalman students are some of the finest Sailors I've ever served with. We, the staff at NJS, can't wait to get them out to the Fleet so they can set the new standard for Navy paralegals!



Legalman Accession Course students with Rear Adm. Bruce MacDonald.

## "From the Students"

PS(SW/AW) Lucia Abreu (Class Leader): "It is both professionally and personally gratifying to be in a rate that allows you to be able to work towards a degree plan while meeting the needs of the Navy."

MA2 Jessica Bruce: "This course has been one of the toughest challenges I have had to endure. Being physically challenged in my previous rate (MA), the mental challenge has been extremely tough, going through college while being in a military setting. When it is all said and done, it has built a sense of self accomplishment that I can take out to the Fleet and represent the Legalman rate."

YN2(SW) Jessica Everett: "I believe it is an honor to have been approved to attend this class. Being the first of a new generation of Legalman is a great feeling and we appreciate it."

SN3 Monica Voce: "Legalman are held to a higher standard, but with the education and training that we are receiving here at the Naval Justice School, I have no fear to return to the Fleet."

SN(SW) Erin Crusan: "Legalman accession school is the most positive and professional experience I've encountered in my naval career. I am very proud to be part of the legal community!"

# *NAMARA gets faster, more effective with L6Sigma help*

By Ms. Jen Zeldis  
Public Affairs Officer

In attempting to explain a process that doesn't seem to make sense, have you ever heard someone say "this is the way we have always done it"?

For the Lean Six Sigma expert, the words "this is how we always do it" are an anathema. This attitude costs the government untold dollars in possible savings, according to OJAG's Deputy Director for Management and Plans, Bill Whitacre.

Whitacre found a perfect fit for his interests and the strategic direction of the JAG Corps when he first read about Lean Six Sigma. Whitacre is a senior business analyst and has a Masters of Business Administration, both of which piqued his interest in statistics and problem solving. Lean Six Sigma provided a novel way to approach transactional, service and support missions in order to improve speed, efficiency, and quality through a data-driven process.

Whitacre has attended Lean Six Sigma training and obtained the rank of green belt. As green belt facilitator, Whitacre assists managers in applying Lean Six Sigma principles to their operations to improve both speed and quality.

## **The Problem**

The Navy and Marine Corps Appellate Review Activity (NAMARA) was the first group Whitacre was asked to assist. NAMARA wanted to speed the process of receipt, preparation and delivery of a record of trial (ROT) and associated documents

to the Navy Marine Corps Court of Appeals.

"First, we asked everyone who was involved in the NAMARA process, both who worked on it and who were customers of it, to get together," said Whitacre. "This might be the most important part of the process. The senior decision-makers were all together in one room. They were able to see what their process looked like and what could be done to improve it."

The working group consisted of NAMARA, the Navy-Marine Corps Trial Judiciary (TRIJUDACT), the Navy-Marine Corps Court of Criminal Appeals (NMCCA), and the Navy and Marine Corps Appellate Leave Activity (NAMALA).

The group created a Lean Six Sigma "value stream map," basically a pictorial diagram of the stages of the process for the receipt, preparation and delivery of a ROT to the NMCCA. All participants wrote down an explanation of what they do and where they send their product. From this, Whitacre was able to outline the ROT process in complete detail for the entire working group.

At the next working group meeting, each person involved in the process

briefed their tasks to the group, taking questions if needed. This allowed the group complete visibility of every part of the process from the experts who work their individual parts day-to-day.

Once the working group understood the complete process, they brainstormed on ways to improve it. Since all the customers were represented in the working group, they were able to tell NAMARA what they needed in order to accomplish their mission, allowing NAMARA to eliminate actions of no consequence to their customers.

"They were searching for the efficiencies," said Whitacre. "One discovery that the group made was the ROT and associated documentation came from the RLSO in a certain order. Upon arrival at NAMARA, it was someone's job to reorder that same paperwork before sending it to NMCCA. Through a quick analysis, it was determined that there was no need to reorder the paperwork, allowing NAMARA to skip their 'reorder' step."

## **The Solution**

Once the brainstorming was complete, the group made a new value stream map and started implementing some of the new ideas.

"Doing the value stream mapping and analysis and talking to each other quickly revealed that many of the things we were doing were simply not necessary to our customers (the appellate divisions and the Court)", said Col. Mick McCue, Assistant Judge Advocate General for Military Justice. "The success we've enjoyed so far in implementing Lean Six Sigma principles is largely attributable

*"It has changed the entire mentality I have had towards the work that I have before me. It has caused me to do a complete 180 degree turn in regards to the outlook of the Mandate section, making everything 100 percent more efficient and easier."*

—Cpl. Sean Smith, Code 40



to the team effort of all those who have been involved, which has been just about everyone at some point or another. Perhaps just as important was the leadership and mentoring received by the JAG, who directed the project as a result of the *U.S. v. Moreno* decision, and Mr. Whitacre who has not only guided us with his knowledge of Lean Six Sigma but has been a very active participant every step of the way.”

NMCCA was also able to improve the docketing process. As a result of the ROT process project, the Appellate Government Division began a pilot project to digitally scan smaller records of trial and e-mail the records to drilling reserve attorneys, rather than sending the records via FedEx. This provided the attorney with two or three more days to perform their work and also reduced mailing costs. Eventually, the group hopes to have many of the needed documents put into CMTIS so there is no need to scan the material.

### **The Results**

Whitacre was able to study the new process NAMARA has in place for the past three months and provide statistical data as a result of the changes. NAMARA Administrative support (Code 40) reduced their ROT processing time from 17 days to approximately two days. NMCCA reduced the average time to docket a case from eight days to two days. Each case is now processed 3 weeks faster – that’s a lot of savings when you consider that NAMARA deals with 1,800 cases per year.

“It has really helped expedite our process. L6S is a process that should stick around for a long time, as it has streamlined the way we do things in Code 40,” said Cpl. T. P. Reeves, document examination section leader for Code 40.

If all of this is not enough to convince you, there is an improvement on the

***“The most important part of the process is to have command and customer involvement. Also, it is important to have a trained Lean Six Sigma facilitator. The final detail is CMTIS, which is becoming more and more important because Lean Six Sigma is data driven and does not allow anecdotal information. CMTIS will provide data for other OJAG process improvements.”***

***-- Bill Whitacre, Deputy Director for Management and Plans***

went very well because of a few details.

“The most important part of the process is to have command and customer involvement,” said Whitacre. “Also, it is important to have a trained Lean Six Sigma facilitator. The final detail is CMTIS, which is becoming more and more important because Lean Six Sigma is data driven and does not allow anecdotal information. CMTIS will provide data for other OJAG process improvements.”

Lean Six Sigma is a proven business process the entire Navy has embraced because of the current challenges faced by the military. Not only is the military fighting today’s war, each service must position its force for an uncertain future.

As the Secretary of the Navy has said, “Lean Six Sigma helps build a culture of continuous improvement. Our focus needs to be in areas of both strategic and tactical importance.”

Just because “this is the way we’ve always done it” doesn’t mean that we’re doing it right. Perhaps there’s a process that can be improved in your work center?

quality of life.

“It has changed the entire mentality I have had towards the work that I have before me. It has caused me to do a complete 180 degree turn in regards to the outlook of the Mandate section, making everything 100 percent more efficient and easier,” said Cpl. Sean Smith, Mandate Clerk for Code 40.

Whitacre explained that this project



*Bill Whitacre and Connie Browning, both from Code 63, discuss CMTIS data.*

# A Historic Setting For A Noble Purpose: Building 58 Becomes the Appellate Center of Excellence

By LT Christopher Colby  
Operations Officer, Management and Plans



**H**istoric Building 58 at the Washington Navy Yard is quickly taking shape as the JAG Corps' new Appellate Center of Excellence. Also the former Marine Corps

Historical Center, it will centralize the Navy JAG Corps' criminal law enterprise together under the same roof. Building 58 will also house Naval District Washington's new dual-use courtroom, suitable for appellate- and trial-level proceedings and fully compliant with Naval Legal Service Command courtroom security standards.

Located next to Leutze Park, the ceremonial center of the Washington Navy Yard, the structure was built around 1859. It was extensively renovated in 1941 to serve as the Marine Guard barracks. In 1977, it became the Historical Center and housed the Marine Corps museum, until the Marines relocated in 2006 to a new museum at Quantico, Va. Since 2006, the four-story building has been undergoing interior demolition and renovation in preparation for the arrival of OJAG Criminal Law (Code 20), Navy and Marine Corps Appellate Review Activity (NAMARA), and Navy - Marine Corps Court of Criminal Appeals (NMCCA) in the summer 2008.

Building 58's new tenants focus on two unique benefits, efficiency and pride of place, in their enthusiasm for the new building. According to Assistant Judge Advocate General for Military Justice, Col. Mick McCue, the new spaces will "be a tremendous improvement over our current facilities."



McCue went on to explain all elements of appellate practice will, once again, work together under the same roof in a secure environment.

"Judges, counsel, and support staff will have ample space and updated furnishings and equipment to perform their mission," said McCue.

The new courtroom will overlook his-

toric Leutze Park, site of numerous Navy ceremonies in Washington, DC. The new courtroom will be the Navy's first in the National Capital Region fitted with the latest in smart courtroom technology.

McCue notes that the new spaces will also, "reflect the dignity and importance of our courts-martial proceedings and appellate arguments."

Chief Judge of the Navy-Marine Corps Court of Criminal Appeals, CAPT John Rolph concurred that the new spaces demonstrate the value of military justice to the Fleet.

"The commitment of a grand old building and the funds to make it a first-class appellate courthouse reflect the JAG Corps' commitment to recognizing the importance of military justice litigation as the backbone of good order and discipline," Rolph said.

Historic Building 58's premier location in the heart of the Navy Yard is not lost on the JAG Corps. Pride of place will add the appropriate gravitas to the building's important new role.

"While the historical nature of the building presents certain construction and design challenges, and the basement 'brig' is no longer functional," said McCue, "the building's rich history will surely lend an air of pride to the organization and its occupants."

Rolph agreed that the new center "brings a sense of community and pride to the capstone area of the military justice litigation practice."

NLSO North Central, Region Legal Service Office Navy District Washington, and Trial Judiciary Activity will move to temporary swing space in Building 183, the old Navy Dispensary; the commands will use the Building 58 courtroom for members-panel courts-martial. They will return to Building 200 after that building's renovations are complete in 2010.





# Integrating in Support of the Mission

By CAPT Ben Abalos  
*JAGC Reserve Component*

The JAG Corps Reserve community stands in committed partnership with the active component to support an America at war. America's enemies have proven their ability to challenge our nation and our armed forces with unpredictable, agile, and innovative means. In meeting these challenges, America adapts its national maritime strategy. In support, the JAG Corps Reserve aligns its efforts with those of the active duty Navy in support of the national maritime strategy.

The Chief of Naval Personnel, VADM Harvey, stated that "Our challenge is to develop a more capable and versatile workforce that meets the rapidly expanding requirements posed by the Nation's evolving maritime strategy."

This article is the first in a series that will cover specifics of active-reserve integration and alignment within *JAG Corps 2020*. It highlights areas in which the active duty needs our support. Because requirements now approach levels at which communities are stressed in sustaining their fundamental mission contributions, the Reserve is being called upon more and more to provide support – whether via individual augmentation (IA) mobilizations or via other types of orders to extended active duty. These assignments are diverse, their locations are far flung, and they are critical to the mission.

To focus on one area, the need for JAG Reserve support as IAs is significant and increasing. Various types of assignments exist, with orders for six months to a year, exclusive of pipelines, for paygrades O-3 through O-5 and Reserve LNs, at locations both inside and outside the continental United States. That number will likely increase in fiscal year 2008. At present, there are 36 reservists who fill IA assignments. A few IA overseas

assignments are under consideration for conversion from AC requirements to RC requirements – a trend that will continue.

These assignments that require Reserve participation are quite varied. JAG Reserve officers and legalmen are needed to serve in Iraq, Afghanistan, the Horn of Africa, Guantanamo Bay, and INCONUS. They are needed for work with other services and agencies. They are needed to provide support in the building of essential Iraqi capacity to investigate and try major crimes; on matters of detention, internment, trial, and interrogation; as staff judge advocates, handling military justice, contract and fiscal law, ethics/standards of conduct, foreign claims, trial counsel, and legal assistance services, in operational law and law of the sea; in criminal investigation and criminal prosecutions, and in civil affairs.

Similarly, the demand for reserve officers and legalmen to serve on active duty for special work (ADSW) and other extended active duty orders has increased markedly. Reservists currently support the Navy and Marine Corps Court of Criminal Appeals, Naval Personnel Command, Appellate Government, Appellate Defense, and various NLSO's and RLSO's. In many cases, this service directly supports the active community's capacity to surge manpower forward.

The Judge Advocate General has



*CAPT Velling with LNC Gifford assigned to conduct an Army investigation also demonstrate the active and Reserve connection.*

spoken of the strength of the active duty judge advocates as "general practitioners" who, when deployed, should be able to "reach back" to subject matter experts. The JAG Corps Reserve, with its diversity of professional and occupational expertise among 700-plus officer and enlisted members, is a tremendous pool of such skills. In the next issue of the *JAG Magazine*, the featured Reserve article will focus on reserve areas of practice and expertise, and on our strategic plans to better tap them to meet our transformative vision of a fully-integrated and aligned community able to most effectively draw upon all of its resources.

In anticipation of this discussion, let's focus for a moment on technology. Technology will improve the speed and quality of Reserve support. First, a new Reserve Component module within the JAGPERS database will improve access to information regarding reservists' individual capabilities and skill sets. In addition, the new Case Management and Tracking Information System (CMTIS) will enable the JAG Reserve to understand the impact, effectiveness, and efficiency of its legal services and its ability to sustain them consistently with the Navy's needs. CMTIS will result in the implementation of better resource decisions.

The JAGC Reserve community is committed to meeting the mission – whether it be via drills or extended deployments, whether INCONUS or OCONUS, whether working in the various specialized fields in which reservists have special competence, or whether via a broader augmentation of the community's capacities. The key is an evolving and ever-improving alignment to the Navy's needs for legal services as they themselves evolve and emerge, both in the short- and long-term. Active-reserve alignment and integration have at their core the spirit of our *JAG Corps 2020* mission "to provide superb legal solutions ... whenever and wherever required."



## *Thinking Like A Terrorist: Insights of a Former FBI Undercover Agent*

Book by Mike German (Potomac Books, Inc. 2007)

Review by CAPT Michael Quinn

Mike German doesn't fit the profile of a terrorist – a blond, blue-eyed, Irish Catholic, Army brat. By outward appearances, he seemed to be a quintessential all-American boy.

Yet by his own assessment, Mike German was a good terrorist. Intelligent, conscientious, capable, he had the humility to take orders without question, the guts to put words into action, and the competence to do it without getting caught. The only thing he lacked was loyalty. And for this we can be thankful. For while Mike German was a good terrorist, he was an even better FBI agent.

In *Thinking Like a Terrorist*, Mr. German has provided not only a fascinating look into his infiltration of white supremacist groups in Los Angeles and Washington State, but also a scholarly and thoughtful discussion of terrorists in general – how they think, what motivates them, their strengths, their weaknesses, and how to best counter them.

Mr. German laments our collective failure to truly understand terrorists, despite the fact that terrorism is all about “message” and that terrorists are very vocal in announcing who they are, what they want, and how they intend on getting it. Mr. German argues that this fundamental failure to understand what terrorists seek to achieve has resulted in policies that inadvertently play directly into their hands.

Starting with his own experiences inside the white supremacist movement in the United States, then weaving into his discussion comparisons and case studies involving Algeria, the Irish Republican Army, the Weather Underground, and Al Qaeda, Mr. German finds commonalities that force us to consciously consider the nature of terrorism.

Terrorists represent a very small part of the community they claim to represent. Within the terrorist group, the “us versus them” philosophy of fascism is both pervasive and binding. There is a quest for legitimacy – legitimacy for the terrorists' goals and an attack on the legitimacy of governing institutions (national or international). In carrying out attacks against the perceived oppressors, the terrorist seeks to publicize the message, cause overreaction on the part of attacked governments, and awaken to the cause their own identity group still unconscious to the terrorist's truth (“sheeple,” in white supremacist terms, the umma for Islamic terrorists).

Mr. German requires us to check morality at the door in analyzing the problem – we must view terrorists as rational, thoughtful people, committed to a cause, making conscious,

predictable strategic decisions. We must also recognize that they are not all powerful; if viewed as an “army,” they are poorly selected, trained, and equipped.

But Mr. German strenuously argues against affording terrorists the legitimacy of being labeled as “soldiers” or engaged in “war.” He adjudges most appropriate that term a terrorist hates most – “criminal.” Witness the infamous Maze prison strikes of the late 1970s where members of the IRA starved themselves to death, not for the cause of protesting anti-Catholic discrimination, or police abuse, or stationing of British troops in Northern Ireland, but rather because the government took away their “political prisoner” privileges in jail and treated them as common criminals.

Mr. German advocates a strategy that focuses squarely on the criminal activities that terrorists undertake. Terrorists may undertake crimes for political purposes. But an approach based in law enforcement looks only to the objective question of whether a crime was committed; the subjective reason that motivated him to commit the crime is irrelevant. In a straight forward prosecution, a terrorist such as Richard Reid, the would-be American Airlines shoe-bomber, is exposed for what he truly is.

In analyzing current events, Mr. German starts with a stark observation: a small, stateless band of organized criminals called for an international “holy war” against America, and the U.S. government responded with the “Global War on Terrorism.” Does this response make sense? Mr. German believes not, and in his pragmatic, balanced analysis of what Al Qaeda is and wants, he lays out where he believes U.S. policy has erred since the events of 9/11.

At its heart, *Thinking Like a Terrorist* is a tribute to the Rule of Law, and our need to recognize the safeguards embodied within what Mr. German considers our best shield against terrorism – the Constitution. Over the course of 230 years, our country has faced menace on numerous occasions. And there have been previous periods that, when faced with an enemy, America's constitutional equilibrium became unbalanced. Mr. German advocates an immediate return to our moral strength – to our legitimacy in the world – in addition to a greater understanding of what it is to “think like a terrorist.”

Mr. German's command of history, of philosophy, the law (Northwestern University Law School, class of 1988), and his personal expertise in the workings of terrorism, make for an enjoyable and thought-provoking read.



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

**By LT Ian Midgley and  
Ms. Sarah Courageous  
NLSO Pacific**

In keeping with the *JAG Corps 2020* guiding principles, Naval Legal Service Office Pacific (NLSO PAC) is proactively seeking opportunities to collaborate with sister services to more efficiently serve clients.

With four offices covering six time zones and an area of responsibility spanning more than 50 million square miles, NLSO PAC can greatly improve effectiveness and efficiency by working with sister services and sharing information and resources. The Joint Legal Assistance (JLA) pilot in Hawaii is an example of inter-service cooperation.

Hawaii presents the ideal location for a JLA program. There are five major military installations with legal assistance offices on the island of Oahu within roughly 26 miles of each other. The Navy, Army, Air Force, Marine Corps, and Coast Guard legal assistance offices serve a mix of clients. In 2005, 20 percent of new clients seen in Navy legal assistance were members or dependents of the other Services.

All total, the DoD legal assistance offices on Oahu are staffed by more than 25 personnel, including attorneys, enlisted personnel, and civilians. A cadre of four civilian attorneys and six civilian paralegals handle the majority of the complex legal assistance cases, while military attorneys and

paralegals divide their time between legal assistance and other areas of practice (e.g., defense, fiscal, labor law, etc.).

Traditionally, each legal assistance office operated as a self-contained unit. There was little sharing of training, personnel, scheduling procedures, forms or materials. Each office was solely responsible for absorbing any manning shortages due to deployments, or other surges in legal requirements. Prior to Sept. 11, 2001, pre-deployment legal readiness for deploying units was mostly a Navy and Marine Corps issue. With the Global War on Terrorism, deployment of Army and Air Force units for extended periods of time has resulted in increased need for pre-deployment legal services. And the deployment of judge advocates and enlisted legal personnel for OIF and OEF has further stretched our ability to maintain the high levels of quality customer service that has been the hallmark of military legal assistance.

***Joint legal assistance has not only given the legal assistance attorneys and staff a chance to meet and interact with one another, but it has also enabled us to better serve our military community by coordinating efforts and working as a team.***

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With all the Services experiencing the same stress, the question is whether a joint approach to legal assistance would be beneficial? To answer this, NLSO PAC hosted the first inter-service strategy session in 2005. Attended by legal assistance personnel from all five uniformed services and representing the five major military installations in Hawaii, the meeting was used to brainstorm and discuss innovative ways of providing quality and efficient service with fewer active duty attorneys. The result -- mutual understanding of each service’s unique concerns in dealing with their specific client base as well as a recognition that future coordination would require common methods of collecting data, eventual implementation of joint services including non-attorney services, and a joint policy board to tackle policy issues.

It was determined early on that maintaining the existing offices, vice moving personnel and locations, would best permit the development of a grass roots mutual support network. Joint program management and policy meetings were scheduled once a month to discuss issues of mutual concern. These meetings were followed by joint training sessions focused on legal assistance issues of mutual concern, e.g., Hawaii domestic relations, Hawaii consumer law, and debt collection issues. These meetings also explored areas of reciprocal support among the services through better inter-service training and coordination.

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## NLSO PAC

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In September 2006, the inter-service group thought the time was right to stand up joint Tax Centers and pool resources for tax training and services. The enthusiasm and cooperation put into this effort were exceptional. The Army took the lead by hosting a meeting at its new Tax Center. As the only service in tax year 2005 to use TaxWise Online, the Coast Guard stepped forward and provided online training at their facilities and, as a result, four services, including Navy, converted to TaxWise Online for the 2006 tax season. The Marines hosted VITA and State of Hawaii tax training, the first time such training was conducted jointly. All the services shared manpower and supplies at each of the Tax Centers; Navy personnel volunteered their time at the Army, Marine Corps, and Coast Guard tax centers and vice versa. This sharing of resources ensured that sufficient volunteers were always located where the service was needed. The unanimous conclusion of all participants – joint Tax Centers were a resounding success.

“The bottom line is that the camaraderie between all



Oahu military legal assistance offices allowed for unprecedented sharing of tax information and resources,” said Mr. Jeffrey Carter, NLSO PAC Tax Officer.

In expressing the thanks of the IRS, the head of Hawaii’s VITA-ELF program, Ms. Gail Bonilla, said “The cadre of Hawaii Military VITA coordinators and instructors made tremendous strides this year in working together as a team which eliminated duplication of effort and redundancy.”

The success of the joint tax initiative has led to an expansion of JLA in other areas, e.g., joint legal assistance training, referrals for conflict clients, utilization of uniform procedures such as standardized forms amongst the services, implementation of a uniform policy on providing emergent services in the event of a disaster or emergent operations, and promotion of a joint grievance procedure for tenants of privatized housing.

“Joint legal assistance has not only given the legal assistance attorneys and staff a chance to meet and interact with one another, but it has also enabled us to better serve our military community by coordinating efforts and working as a team,” said Pearl Harbor’s Legal Assistance Department Head, LT “Monty” Montgomery.



*Sarah Courageous at Naval Legal Service Office Pacific with a legal assistance client.*



## MILITARY JUSTICE CAREER PATH INSTRUCTION

WASHINGTON NAVY YARD, DC – The Judge Advocate General of the Navy, RADM Bruce MacDonald, signed JAGINST 1150.2 May 3 officially creating a delineated career path for Navy judge advocates who choose to become military justice litigation specialists.

This instruction provides the methods for identifying, developing and retaining those judge advocates who have demonstrated significant military justice knowledge and trial advocacy skills.

“This instruction is the first step towards a cadre of JAG Corps attorneys that are focused on excellence in the courtroom,” said RADM MacDonald. “We have committed to a career path that will ensure continued professional growth as a litigator.”

The Military Justice Litigation Career Track (MJLCT) instruction is an important part of the “Accountability” transformation focus area in *JAG Corps 2020*. The goal in creating this highly-skilled group of litigators is a more efficient corps of litigators and, in turn, a reduction of the number of JAG Corps officers required in the courtroom. In addition, this creates a highly skilled contingent of attorneys available for reachback assistance from the fleet.

“Throughout the discussions leading to the signing of this instruction, we understood the importance of creating this specialty within the JAG Corps, and with creating a very strong break with our past way of doing business,” said CAPT Chris Reismeier, a criminal law expert in the Office of the Judge Advocate General. “The track is predicated on careful selection and detailing of the correct officers for the path, cultivating those junior officers identified as litigation candidates, and directly involving senior officers with years of litigation experience in the courtroom as counsel of record. Once officers are accepted into this career path, they should expect to be detailed into military justice litigation billets, and to continue actively trying cases throughout their careers. Competition to enter into the career path may be fierce, but the application and screening process will result in selection of ‘the best of the best.’”

The MJLCT instruction sets up the qualifications for entering the track and sets career milestones. First tour lieutenants will be able to apply for designation as a Specialist Military Justice Litigation Qualification (MJLQ) after being selected at the Career Status Board. After completion of three years in a MJLQ billet, a judge advocate may apply for Expert MJLQ status. MJLQ designation is required before selection for Trial Advocacy PG school is permitted.

Promotion board precept language will discuss the need to have experts in military justice litigation, highlighting that a career as a litigator will necessarily look different from that

traditionally taken by judge advocates. In accordance with the instruction, the JAG will determine the needs for military justice litigators and set the precept language accordingly.

“The signing of this instruction is a huge win for the JAG Corps and for transformation efforts,” said CAPT Dave Hayes, Special Assistant for Transformation. “There is still more work under our accountability transformation focus area in *JAG Corps 2020*, but this is a huge victory for the JAG Corps.”

## NEW RECRUITING INSTRUCTION

WASHINGTON NAVY YARD, DC – The new recruiting, internship and accession selection instruction (JAG Instruction 1150.1B) was signed by the Judge Advocate General of the Navy, RADM Bruce MacDonald on April 30, aligning all recruiting efforts with *JAG Corps 2020*, the Navy JAG Corps strategic plan.

The new instruction is a major development under the “Personnel Policy” transformation focus area in JAG Corps 2020.

“This instruction is the result of countless hours of effort by members of the personnel office and many others,” said RADM MacDonald. “The final instruction is a huge step forward for our JAG Corps and demonstrates our commitment to getting the best people to support the warfighter. The foundation of our success is clearly our people.”

Some of the major changes to the instruction include:

- New selection criteria,
- Standardized appraisal reports,
- Streamlined application processes, and
- A “JAG Corps Recruiter of the Year” chosen by the Judge Advocate General from all O-4 and below officers.

“After spending two years as the accession detailer, I have observed first-hand the amazing talent coming out of the law schools,” said LCDR Colleen Shook. “We were careful to craft the instruction in order to capitalize on that talent. The intention is to increase the number and diversity of quality applicants for the JAG Corps and ensure we are choosing the best candidates.”

The recruiting instruction is part of the fundamental strategy of the “Personnel Policy” transformation focus area in *JAG Corps 2020* aimed at recruiting, selecting, developing, and retaining a diverse force of agile, mature, intelligent, and challenge-seeking, high quality legal professionals.

“Completing this instruction is a major win in *JAG Corps 2020*,” said CAPT Dave Hayes, Special Assistant for Transformation. “Look for more wins across the spectrum of strategic initiatives in *JAG Corps 2020* as we continue to accomplish our goals detailed in the Strategic Transformation Execution Plan – the STEP.”



**CMTIS at BLC.** The March 2007 Basic Lawyer Course at Naval Justice School is the first class to participate in the new CMTIS training curriculum. Students are provided CMTIS accounts the first day of class and trained on how to properly record workload data. This new curriculum will help new JAG attorneys make CMTIS a natural part of their day to day work and create knowledgeable users that can assist in training personnel at their new commands.

**CNA Functional Assessment.** The JAG Corps has contracted with the Center for Naval Analyses (CNA) to conduct a functional assessment of our business lines and legal services workload, to provide a quantitative assessment of current force structure, and to propose proper force mix and ways to improve effectiveness and efficiency in the provision of legal services. In furtherance of those tasks, CNA administered a JAG Corps-wide workload survey that began on May 30 and ran through June 12. The survey included active duty and civilian members of the JAG Corps. A reserve workload survey will be run in June and July. Thanks to all for their participation!

**CMTIS Use Increases.** The reported percentage of the JAG Corps community who use CMTIS has improved dramatically, and many have reported that as they become more familiar with the program, their input times have markedly decreased. But . . . CMTIS has not yet become a daily habit – at many commands the log on rate is only 50 percent. In accordance with the business rules, the preferred recurrence for entering CMTIS data is daily to ensure that local and Corps-wide reports remain up-to-date and accurate. Which leads to the next point . . .

**CMTIS Capability.** At a recent meeting with senior Navy leadership, JAG leadership was asked for a data breakdown of UCMJ violations over a period of time. In the past, data mining of this type would have required

people both at headquarters and in the field to physically search court-martial records - an extremely time intensive task for all. Using report functions made possible through CMTIS, the information is now available in minutes.

**Survey Development.** In furtherance of *JAG Corps 2020*, the JAG Corps has contracted with Whitney, Bradley & Brown, Inc., and Dr. Dan Cable from the University of North Carolina Kenan-Flagler Business School to develop several surveys. Already in use are two military justice surveys that evaluate the level of advocacy by Navy and Marine Corps attorneys. Another worldwide command client survey will be deployed in June. Under development are a customer survey of commands serviced by Region Legal Service Offices, client surveys for those serviced by Naval Legal Service Offices, and a leadership survey that will be used to assess the command leadership climate at Navy legal offices.

**CMTIS Working Group.** A multi-disciplinary CMTIS working group meets weekly. In addition to long term planning and design, the group staffs every comment and question received from the field. That group consists of several officers and civilians, including two commanding officers (RLSO & NLSO). The meetings are also regularly attended by the AJAG for Operations and Management, the Special Assistant for Transformation and the JAG Corps Inspector General. Many recommendations from the field are instituted immediately. For various reasons, others are not. Often, there are conflicting recommendations: one requesting more specificity in a certain field, another requesting less specificity. There is another category of recommendations that request robust changes that will be built into future versions of CMTIS. CMTIS version 2.0 is already under development and will implement many of the larger changes that have been recommended, including inclusion of a PERSREP module and other major structural changes. Keep your comments and input coming!!

## Special Assistant for Transformation (SAT) Staff

CAPT Dave Hayes

(202) 685-7115 david.f.hayes@navy.mil

CDR Mary Horrigan

(202) 685-7255 mary.horrigan@navy.mil

LCDR Joe Hoelz

(202) 685-5185 joe.hoelz@navy.mil



# National Security Personnel System

**By Amy Stevens**  
*Fiscal and Resource Services*

Mock paypools were held May 22-24 and May 29-31 at the Washington Navy Yard. Code 64 is currently working on lessons learned and feedback for the entire JAG Corps. The following is provided as a reference guide for all members of the JAG Corps. All the information included in the reference guide is essential to understand for the success of NSPS.

## **Key Terms**

**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, 3 the highest.

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

## **Performance Indicators and Benchmark Standards**

All Performance Indicators and Benchmark Standards can be found on NKO. Each employee should know which Performance Indicators apply to his/her position. This will enable an employee to know what expectations apply to him/her individually.

For example, the expected contributions of a YB-1 Technician are very different than that of a YB-3 Technician. Where the YB-1 Technician

is expected to act with supervision on completion of objectives and meet project schedules as prioritized by management, the YB-3 Technician is expected to act without supervision on completion of objectives and meet project schedules as prioritized by the employee.

Likewise, the expected contributions of a YA-1 Analyst or YC-1 Supervisor are very different from that of a YA-2 Analyst or YC-3 Supervisor. For example, whereas the YC-1 Supervisor is expected to achieve stated objectives with guidance, the YC-3 Supervisor is expected to achieve the stated objectives without guidance and impact the mission of the organization while doing so.

The expectations referenced above are requirements to rate an employee a “3.” To achieve something above 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 they relate to adjusting the rating of a job objective. Again, the Benchmark Standards vary greatly between Pay Schedule and Pay Band.

The YA-1 Analyst who has a contributing factor of “Critical Thinking” is expected to recognize obvious issues or problems and solve straight-forward problems; the YA-2 Analyst with a “Critical Thinking” contributing factor is expected to define complex issues and identify and evaluate solutions to complex problems.

For someone who meets an expected Benchmark Standard, the employee’s job objective rating will not be adjusted in any way. Not meeting the “expected”

benchmark in a contributing factor, the job objective rating will be adjusted negatively (-1). To be given a plus for a contributing factor (+1), the employee must meet elements of the “enhanced” benchmark set per Pay Band, Pay Schedule, and contributing factor.

What the above discussion suggests is that it is absolutely imperative that every employee know which Performance Indicators and Benchmark Standards apply to him/her. Employees and Rating Officials should refer to these guidelines when drafting self-assessments or composing assessments and recommending ratings, respectively.

## **Rating Process**

Starting with the establishment of job objectives for a new work period, to the final rating and decision of the Pay Pool Panel, employees and Rating Officials must be cognizant of the steps in the Rating Process.

1. In establishing Job Objectives:

- Be appropriate to employee Pay Schedule and Pay Band.
- Be specific and results-oriented (what tangible results will the employee produce?)
- Assign contributing factors as a function of the objective rather than the employee.
- Do not construct in “Pass/Fail” language.

2. In assessing completion of Job Objectives:

- Both Employees and Supervisors should track accomplishments throughout the year in a personal log to assist in drafting the assessment.
- Employee and Supervisor write result-oriented assessments. (What was produced as a consequence of your actions?)
- Assessments should contain one paragraph dedicated to each objective.

*NSPS continued page 22*

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

# AWARDS

## NSPS continued from page 21

- Address completion of the objective based on results.
  - Refer to the appropriate Performance Indicators.
  - Address how the contributing factors effect employee's completion of objective.
  - Refer to the appropriate Benchmark Standards.
3. Rating Officials Rate Each Objective.
- Apply Performance Indicator to rate objective (1-5).
  - Apply Benchmark Standard to rate impact of Contribution Factors on efforts (-1, 0, or +1).
4. Rating Officials recommend overall rating (1-5), recommend number of shares, and share allocation (salary vs. 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 of both the Employee and the Rating Official.
  - Consults with the Rating Official to have any questions answered.
  - Rates individual job objectives
  - Applies Performance Indicator to rate objective (1-5).
  - Applies Benchmark Standard to rate impact of Contribution Factors on efforts (-1, 0, or +1).
  - Assigns final rating, share number, and share allocation to each Employee in the pool.
7. Final Steps:
- Performance Review Authority (PRA) 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.



### *57th Zenkokai Award*

May 26, 2007 -- The Yokosuka Legal Association, of which all Yokosuka based JAGs, LNs, civilians and OGC are members, has won a very prestigious award from the Nippon Zenkokai Association. Nippon Zenkokai Association is a non-profit organization within the Prime Minister's Office of the Japanese Government. This annual award, which was founded in 1951, is presented to individuals whose gallant or benevolent acts are remarkably beneficial to their neighbors or the general public. In calendar year 2006, YLA members from local commands, including Naval Legal Service Office, Pacific, Region Legal Service Office, Japan, Commander, Seventh Fleet, and USS KITTY HAWK Strike Group Five organized fund raisers to benefit the community. The fund raisers included a golf tournament in May, open to U.S. military and Japanese nationals, at Camp Zama.

### *TF-134 Award to Legalman Chief*

LNC Ron Van Harten from the RLSO EURSWA Naples received his Defense Meritorious Service Medal from Major General Stone, the Marine Commanding General of TF-134 in Iraq.





# AWARDS

JAG reservist **CAPT Dan Lutz** and **CDR.(S) William Bailey** have received SECNAV recognition for their volunteer assistance to the Department of the Navy's Severely Injured Marines and Sailors Pilot Program (SIMS). Drawing on their civilian legal expertise and organizational skills, CAPT Lutz and CDR.(S) Bailey successfully obtained guardianship over the person and estate of a comatose Marine severely injured by an IED attack. This included navigating a myriad of legal issues involving guardianship, tax, Social Security benefits, and administrative law.

**LNC(SW/AW) Renate M. Williams** was awarded Commander, Navy Region Northwest Outstanding Navy Legal Professional by Rear Adm. Van Buskirk, Commander, Carrier Strike Group NINE. LNC Williams is fleet-focused and mission oriented. A dynamic leader with extraordinary managerial skills, in this last year alone LNC Williams has expertly processed Administrative Separations, Non-Judicial Punishment appeals, complex JAG Manual investigations, Special Courts Martial and Summary Courts Martial post-trial reviews, several Freedom of Information Act requests, Detachments for Cause, and Officer Misconduct Reports. During the 2004/2005 surge deployment, LNC Williams was an essential member of the operational law team during the Operation UNIFIED ASSISTANCE Tsunami Relief Mission. She quickly prepared a website, quick reference guides and numerous operational law briefs used throughout the Strike Group during this unprecedented crisis that garnered the world's attention. Her efforts led the collection of toys that were flown ashore for children injured in the Indonesian earthquake and tsunami. A catalyst for morale, LNC Williams consistently seeks out responsibility and makes excellence the hallmark of everything she does. Her service and dedication have directly improved the quality and efficiency of the Navy's legal system.

**LN1 Tinamarie Whiteside** received a Navy-Marine Corps Achievement Medal for her support to RLSO SW as a para-legal, court reporter, and transcriptionist on numerous courts-

martial. Additionally, **LCDR Sandy Hodgkinson**, **LCDR Jonathan Shapiro**, and **CDR. Russell Verby** were awarded Navy-Marine Corps Commendation Medals for their support to the Active Component on matters including working on NATO agreements and other international law issues and serving as a court commissioner with NMCCA. **CAPT Timothy Hannon** and **CAPT Ben Abalos** received Meritorious Service Medals for their support, respectively, as an appellate judge and a strategist with the SECNAV's Office of Total Force Transformation.

## *Region Legal Service Office - Japan*



Awardees included (left to right)

\* BM3(SW) Amanda G. Pelham - RLSO Japan Sailor of the Quarter \* LCDR Kimberly Kelly - Navy Commendation Medal (EOT) \* LN1(SW/AW) Wanda L. Smylie - Navy Achievement Medal (3rd Award/RLSO Japan 2006 SOY) \* LCDR Alison Hoyt - RLSO Japan Junior Officer of the Quarter \* Mrs. Elsa Perez - Meritorious Civilian Service Award \* Mrs. Hiromi Takahashi - RLSO Japan Civilian of

These are only a few who have been recognized through the JAG Corps during the recent months. Many others not named here received awards from non-JAG commands for their outstanding services to those commands, and we will continue to highlight their achievements in coming issues. Congratulations to all who have received awards!

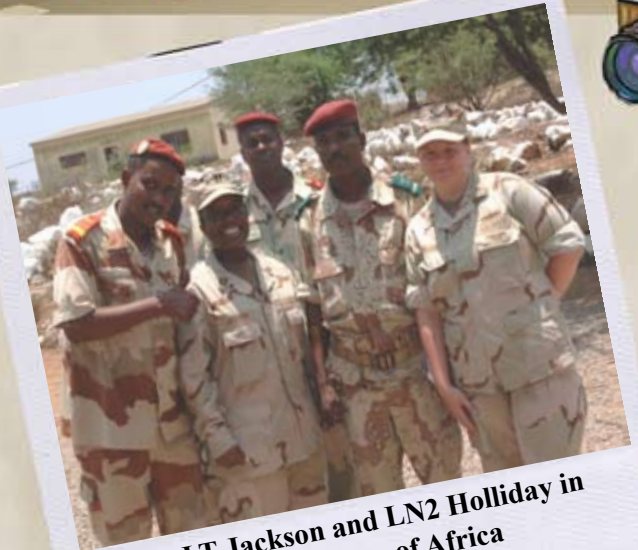
*See your name in print! Submit your command awards or photos to [natalie.morehouse@navy.mil](mailto:natalie.morehouse@navy.mil)*



# PHOTOS FROM THE FLEET



LN2 Thomas, LN2 Stewart-Potter, LN1 Galentine,  
IA training at Fort Jackson



LT Jackson and LN2 Holliday in  
the Horn of Africa



LT Dave Melson, of TF-134, with the MGen.  
Scott Black, Judge Advocate General of the  
Army



MSgt. Rubio and LN2 Jeter in Afghanistan



LN2 Cavazos receiving an award from her IA unit



Naval Legal Service Office Pacific  
Change of Command



# PHOTOS FROM THE FLEET



Rear Adm. Bruce MacDonald speaks to Navy and Air Force attorneys and paralegals assigned to Task Force 134, in the Al Faw Palace



Detainee Operations Team Ramadi



Navy Legal Service Office Pacific Change of Command



LT Andrew Cobin during a two day survival training in the Djiboutian desert with the French Foreign Legion



LNC Ron Van Harten and fellow legalman of TF-134



Legalmen training for IA at Fort Jackson





*JAG Corps  
Plains of Command*