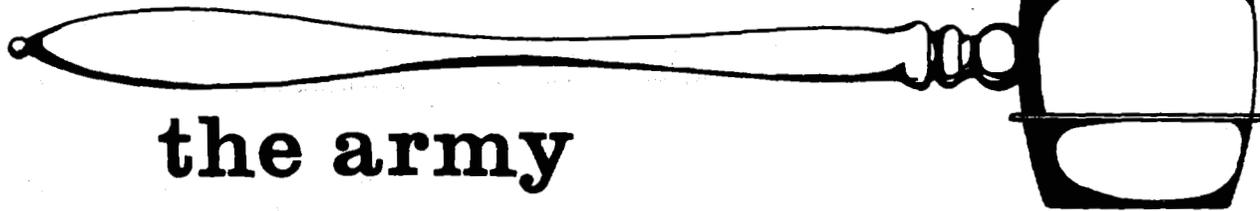


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LAWYER

HEADQUARTERS, DEPARTMENT OF THE ARMY

Department of the Army Pamphlet
27-50-95
November 1980

**DA Publications: Legal Research
On A Shoestring**

CPT Frank G. Brunson, Jr.

29th Graduate Course, TJAGSA

Accurate legal research does not necessarily require a large law library. Shelves full of statutes, case reports, and looseleaf supplements will not assure the military attorney's client of correct legal advice. Access to complex computer banks of legal knowledge is no guarantee that all relevant authority has been consulted. The key to accurate military legal research is effective use of resources available to the attorney. Official publications of the Department of the Army are important resources available to all military attorneys.

This article will review the basics of legal research using DA publications. It is designed to assist attorneys who are unfamiliar with Army publications. The article will discuss methods of identifying, obtaining and using these materials in legal research.

The Army Library Service

DA publications are especially important reference tools in the Army law library because they are readily available and comparatively inexpensive. The importance of these features can be seen by comparison to the publications purchased by the Army Law Library Service (ALLS).

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Since April 1978, ALLS has been part of The Judge Advocate General's School.¹ It is responsible for establishing and maintaining Army law libraries at all active Army commands, installations, and activities.² ALLS maintains computer inventories of each of the 267 libraries under its control.

The major administrative problem faced by the ALLS is the skyrocketing cost of legal reference materials in light of the relatively fixed financial resources available. When spread over the entire system, the ALLS budget does not allow much more than the purchase of "pocket parts" and continuing looseleaf services to keep previously acquired materials current.³

¹*The Army Lawyer*, Nov. 1978, at 31.

²The governing regulation for ALLS is Army Regulation No. 27-5, Army Law Library Service (1 August 1980) (hereinafter cited as AR 27-5). This regulation sets out the procedures for establishing new law libraries, acquiring new materials, accounting for materials on hand, and disposing of excess materials. It lists the responsibilities of command, installation and activity-level law library managers in coordinating the libraries within their jurisdictions.

³An example of this problem is the United States Code Annotated. Although this is the only source of federal statutes maintained by ALLS, it is available in only 193 of the 267 Army libraries. Even though this basic refer-

encing these limitations is the problem of unevenly distributed assets. While some libraries have acquired extra copies of reference materials for the convenience of their attorneys, others lack even the basics. Also, the changing functions of law offices and their clients have left some libraries in possession of materials which are no longer essential to their missions. ALLS is in the process of rectifying some of these imbalances by transferring materials between libraries.

The importance of DA publications in such a background is that they can be acquired and maintained by the local library without being charged against local budgets or the ALLS budget. DA publications are considered nonaccountable materials under the law library system.⁴ They contain a wealth of information useful, and often essential, for legal research.

Identifying Army Publications

An understanding of the form in which Army publications appear is helpful in identifying

ence tool cannot be provided to all libraries, maintaining the current "pocket parts" for the libraries that do have it cost over \$70,000 in Fiscal Year 1980.

⁴AR 27-5, para. 3b(2)(3).

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The Army Lawyer is published monthly by the Judge Advocate General's School. Articles represent the opinions of the authors and do not necessarily reflect the views of The Judge Advocate General or the Department of the Army. Masculine or feminine pronouns appearing

in this pamphlet refer to both genders unless the context indicates another use.

The Army Lawyer welcomes articles on topics of interest to military lawyers. Articles should be typed double spaced and submitted to: Editor, *The Army Lawyer*, The Judge Advocate General's School, Charlottesville, Virginia, 22901. Because of space limitations, it is unlikely that articles longer than twelve typewritten pages including footnotes can be published. If the article contains footnotes they should be typed on a separate sheet. Articles should follow *A Uniform System of Citation* (12th ed. 1976). Manuscripts will be returned only upon specific request. No compensation can be paid for articles.

Individual paid subscriptions are available through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The subscription price is \$12.00 a year, \$2.00 a single copy, for domestic and APO addresses; \$15.00 a year, \$2.50 a single copy, for foreign addresses.

Issues may be cited as *The Army Lawyer*, [date], at [page number].

legal references. DA publications are printed in a variety of formats. The specific format (*e.g.*, Army regulation, DA pamphlet) of an Army publication is that publication's "media." The most important media for legal research purposes are Army regulations, civilian personnel regulations, pamphlets, circulars, field manuals, and training circulars.⁵

Army regulations, pamphlets, and circulars are classified as administrative-type publications. Army regulations are discussed in greater detail elsewhere in this article. DA pamphlets contain informational, instructional, or reference material.⁶ DA circulars contain instructions relating to one-time actions, information or procedures of a temporary nature. Circulars bear an expiration date which normally does not exceed one year from the publication date.⁷

Civilian personnel publications are a specialized group of administrative-type publications. The most valuable for legal research purposes are the Federal Personnel Manual with its supplements, bulletins, and letters, and the civilian personnel regulations (CPR). Of these publications, only the CPR's are published by the Army. The others are issued by the Office of Personnel Management. However, all of these publications are numbered according to the same scheme and are intended to be read together in resolving civilian labor law problems; all are distributed through Army publications channels.

Army field manuals and training circulars are training and organization media, rather than administrative-type publications. Field Manuals contain military doctrine and related instructional and reference materials. DA training circulars, unlike the administrative-type

DA circulars, cover directives or information of an interim nature pertaining to training. The principal field manuals and training circulars of value for legal research are those in the 27-series. Since training circulars are designed for temporary guidance, all current 27-series training circulars are scheduled for conversion to field manuals over the next few years.

All DA publications, regardless of media, are assigned a publication number for identification. Some publications, such as those dealing with civilian personnel or defense acquisition regulations, have numbering systems assigned by agencies outside the Department of the Army. Most, however, are assigned a basic (series) number and subnumber by the Adjutant General's Office. The series number identifies the general category of the publication's subject matter; the subnumber distinguishes a given publication from others in the same series. For example, the 27-series publications are designated in the general category of "legal services" dealing with civil and criminal law; a specific publication within that series will have a subnumber to distinguish it from all other publications in the same media.

Armed with an understanding of the forms in which DA publications appear, the first step in legal research is identification of relevant publications. Before an attorney begins to research any legal issue, an understanding of the context in which it arises is essential. Some legal problems arise in factual settings that are familiar to the attorney; others involve complex technical aspects of the Army that are foreign to the experience of many military attorneys. When treading such unfamiliar ground, it is wise to begin by consulting locally available experts. These experts may simplify the research effort by identifying the specific Army publications which govern their field of expertise. They may be aware of, or provide the attorney access to, relevant publications from sources other than DA. Most important of all, they may provide additional factual information which could completely alter the legal conclusion.

Before undertaking an exhaustive study of property accountability regulations, for exam-

⁵ Army Regulation 310-2, Identification and Distribution of DA Publications and Issue of Agency and Command Publications, Chapter 2 (12 July 1976) (hereinafter cited as AR 310-2). The other media for administrative publications are posters, general orders, court-martial orders, DA orders and memoranda.

⁶ AR 310-2, para. 2-7.

⁷ AR 310-2, para. 2-6.

ple, an attorney faced with a complex report of survey problem might discuss it with supply officers at the local G4 office. Such discussions could help the attorney understand the Army property system and how the various regulations in the field fit together. Having obtained this much knowledge of the subject matter, the attorney can more easily identify the specific portions of the regulations which will be useful.

Another source of preliminary research are what may be called the "hornbook" pamphlets. A number of DA pamphlets in the 27-series have been written for the specific purpose of assisting military attorneys with legal research. Most of these pamphlets are drafted and revised by instructors at The Judge Advocate General's School. These "subject matter experts" possess unique qualifications by virtue of prior experience and full-time assignment to a specific field of military law. Their work product is a most useful tool which should be a first line resource for many legal research problems. The researcher should refer to the citations in these "hornbooks" to compile a more complete bibliography of appropriate DA publications and other references dealing with the question at hand. The "hornbook" pamphlets also provide background material and specific answers to many research problems.

While these "hornbooks" are often the first step in legal research, they should seldom be the only step. The guidance contained in these pamphlets represents only the conclusions of the authors; that they have been issued as official publications adds nothing to their authority. DA pamphlets, unlike Army regulations, are published for information and reference only and not to promulgate policy for the Department of the Army.

Further, while the "hornbook" pamphlets and other DA publications are updated at fairly regular intervals, they may not reflect the most recent changes in statutes, regulations or case law. In some cases, recent legal developments are announced by DA message or by such publications as *The Army Lawyer*, *The Advocate*, or *Military Law Review*. More often, however, attorneys will need to supplement their re-

search by referring to statutes, regulations, and case law.

A third method of identifying Army publications is US Department of Army Pamphlet No. 310-1, Index of Administrative Publications (1 June 1980), hereinafter referred to as DA Pam 310-1.⁸ This index lists all current Army regulations, DA circulars, DA Pamphlets, as well as Department of Defense publications. It also lists civilian personnel publications and miscellaneous publications, such as the Manual for Courts-Martial and Defense Acquisition Regulations (listed under their former title, Armed Services Procurement Regulations). The pamphlet also lists obsolete publications. Perhaps the most useful portion of the pamphlet, however, is an alphabetical index of the titles and general subject matter of each of the administrative-type publications mentioned above. This alphabetical index is a quick method of locating an administrative publication when the title and series number are unknown.

To find such a publication, search the index for the general subject matter of the publication. Begin with the broadest categories that cover a particular topic (*e.g.*, search for "Freedom of Information Act" instead of "initial denial authority"). After finding the number and title of the publication, move to the publications lists in the front of the index pamphlet to determine the basic date, number of changes, distribution level (company, brigade, division, etc.), and proponent of the publication.

⁸DA publications not listed in DA Pam 310-1 are indexed by DA Pam 310-2, Index of Blank Forms; DA Pam 310-2, Index of Doctrinal, Training, and Organizational Publications; DA Pam 310-99, Index of Obsolete Forms/Publications, or other indexes in the DA Pam 310-series. Graphic Training Aids (such as GTA 19-6-2, Procedures for Informing Suspect/Accused Persons of Their Rights (July, 1972) and GTA 27-1-2, Army Rules for Imposing Nonjudicial Punishment for Minor Offenses (August, 1979)) are indexed in DA Pam 108-1, Index of Army Motion Pictures and Related Audio-Visual Aids (30 January 1979). The orders and memoranda mentioned in note 5, *supra*, are not indexed in DA publications.

Working with the indexes of DA Pam 310-1, the researcher will note that this pamphlet has been issued only in microfiche since the March 1980 issue. All other indexes in the DA Pam 310-series are also available only in microfiche. Hardcopies are no longer published because recent studies have shown that micropublications are easier and cheaper to produce, distribute, and store than paper publications.⁹ Army law libraries should now be equipped with at least one microfiche viewer¹⁰ to take advantage of these indexes and other legal research materials available.¹¹ These units are fairly inex-

⁹Letter to All Publication Account Holders, DAAG-PAM, SUBJECT: Micropublishing DA Publications, 1 August 1979.

¹⁰CTA 50-909 authorizes unit acquisition of microfiche viewers. Two viewers are commonly available: full-size and three-quarter size table top units with dual 24X and 48X lens. Special purpose viewers and viewer-printers on GSA schedules may also be obtained through supply channels or local purchase under certain conditions. U.S. Dep't of Army Circular No. 310-80-, Army Micropublishing Program, para. 10 (publication pending).

¹¹The Adjutant General's Center (TAGCEN) has begun a phased program to introduce micropublishing into DA publications. U.S. Department of Army Circular No. 310-80-__, Army Micropublishing Program (publication pending). At present it is expected that 10 to 20 percent of all DA publications will be converted to microfiche. TAGCEN is making a case-by-case determination of which publications can most effectively be distributed in microfiche. In addition to the indexes, TAGCEN's micropublishing program has already been expanded to include several Army regulations, DA pamphlets, and other publications.

The Federal Legal Information Through Electronics (FLITE) program also makes several micropublications available to law libraries. The Court-Martial Reports—Court of Military Appeals Key Word In Context (KWIC) Index covers volumes 1 through 47 of the Court-Martial Reports (CMR) with computerized listings of selected key words or phrases. Another FLITE index covers all fifty CMR volumes (plus the two advance sheet volumes which became a part of the Military Justice Reporter system). It reproduces the headnotes of the entire CMR series, arranged alphabetically by headnote title. A third FLITE index has been recently published. It contains a KWIC index of the new Military Rules of Evidence. These indexes may be obtained from FLITE. See note 19, *infra*, for the address of FLITE.

Added to the materials already available from TAGCEN and FLITE is the possibility that future replace-

ment copies of the CMR system will be issued only in microfiche. CMR is presently out of print; reprinting clothbound copies would be even more expensive than the commercially marketed books purchased by ALLS, because of the higher per-unit cost of printing books for a relatively small number of potential users. Publishing replacement volumes in microfiche is one alternative which is receiving serious consideration.

Obtaining DA Publications for the Law Library

Once a specific publication has been identified, the next problem is finding it. The law library manager or local judge advocate has the responsibility for obtaining these materials. Some military law libraries contain fairly complete, current, and accurately updated DA publications; others do not. No agency or command is authorized a complete set of Army regulations or other publications.¹² However, those publications which are needed to accomplish the office's mission should be available. Military attorneys should not develop the habit of establishing private collections of regulations. Such collections quickly become outdated and are not updated through official publication accounts.

Initial distribution and resupply of DA publications may be obtained from The Adjutant General's Publications Center in Baltimore by publication account holders. Active duty staff judge advocate offices at division level are authorized to obtain a publication account.¹³ The mechanics of ordering DA publications are fairly straightforward. To establish initial distribution of publications, an account holder completes one or more DA 12-series forms, indicating by checkmarks in appropriate blocks the kinds of publications needed for the law li-

¹²DA Pam 310-1, para. 15.

¹³AR 310-2, para. 3-11(a)(2) (C3, 15 May 1980).

brary.¹⁴ These forms are then forwarded through the local publications control officer to the Publications Center. To obtain resupply of damaged or missing items, DA Form 4569 or, where available, requests via the automatic digital network (AUTODIN), are used.¹⁵

Attorneys who are not authorized separate publication account numbers for their law libraries may be supported by larger law libraries in their area. Where such support is not available, judge advocates may obtain their publications through command publication accounts. Commanders of units from major commands to separate companies are authorized to hold publication accounts.¹⁶ While there are restrictions on obtaining certain 27-series pamphlets through command channels,¹⁷ these pamphlets may be obtained when they are requested for use by attorneys.

The mission of the law office controls the kinds of publications needed for the library. All law libraries should contain the 27-series regulations, pamphlets, subject schedules, field manuals, and training circulars. Beyond these basics, library managers should consider the time and effort required to maintain a large number of seldom-used reference materials. The availability of these materials from other nearby sources should also be considered.

Obtaining current DA publications is not nearly as difficult as obtaining superceded regulations. Attorneys occasionally need to consult these references to determine the substance of previous directives. The easiest means of access to superceded regulations is to maintain them in the office law library. As regulations,

¹⁴ AR 310-2, Chapter 3, Section III.

¹⁵ AR 310-2, Chapter 3, Section IV.

¹⁶ AR 310-2, para. 3-11(a)(1).

¹⁷ Certain DA pamphlets in the 27-series are distributed by The Adjutant General Publications Center for use by military attorneys only. See Baltimore Publications Center Bulletin No. 6, 19 March 1979. Attorneys who encounter difficulty obtaining 27-series pamphlets because of this restriction should write to Commandant, TJAGSA, ATTN: JAGS-DDL, Charlottesville, VA 22901.

or portions of them, are superceded by changes or revisions, the superceded materials should be moved to a separate shelf where they cannot be confused with current publications. When the desired regulation cannot be found in local libraries, a copy may sometimes be obtained from the library of The Judge Advocate General's School. Another source of copies of superceded regulations is The Army Library, The Pentagon, WASH DC 20310.

After a researcher has identified and obtained all the DA publications relevant to a legal question, other sources of reference outside the Department of the Army may be considered. Publications of the other military departments may be obtained without cost pursuant to an interservice agreement.¹⁸ The Federal Legal Information Through Electronics (FLITE), service provides computer-assisted searches of a wide variety of federal law sources.¹⁹ The ALLS is developing minimum functional inventories, or lists of civilian law materials which will be purchased for law libraries to the extent that funds become available.²⁰ Local funds may be used to buy and maintain law books for the library.²¹

Using DA Publications

One common error in using Army publications as authority is failure to insure that the text is current. Citation of a superceded regu-

¹⁸ AR 310-2, para. 3-33.

¹⁹ The FLITE service provides computer-assisted searches of approximately forty sources of federal statutes, case reports and opinions. Included among these sources are Court-Martial Reports, Military Justice Reporter, Manual for Courts-Martial, Defense Acquisition Regulations, Board of Contract Appeals Decisions, Comptroller General Opinions, Digests of Selected Opinions of the Judge Advocates General, Geneva Conventions, Selected International Agreements, Federal Reporter, and Federal Supplement. A complete listing of FLITE services is available in the quarterly FLITE Newsletter. FLITE attorneys may be contacted by mail, TWIX, or telephone for computer-assisted legal research services. The address is FLITE, Denver, CO 80279. Telephone (303) 370-7531; Autovon 926-7551; FTS 326-7531.

²⁰ AR 27-5, para. 9.

²¹ AR 27-5, para. 9e.

lation, expired circular or rescinded pamphlet can be confusing and dangerous. Avoid such problems by checking to be sure that the basic date on the first page of the publication agrees with the listing in the current issue of DA Pam 310-1. Then make sure that all the changes listed in the tables have been properly posted.

Interim changes should be posted in the front of the publication and noted with pen or pencil in the relevant portions of the basic text. DA publications are no longer supplemented by electrical message.²² Therefore the only electrical messages filed with publications should be those which give advance notice of a pending change. While interim changes are not listed in DA Pam 310-1, recent changes to many DA publications used in legal research may be found in the "Current Materials of Interest" section of *The Army Lawyer*.

The organization of DA publications varies considerably with the media and subject matter. However some features are common to most publications. Most have an introductory statement which identifies the target audience, the scope and the authority for the publication. When using an unfamiliar publication, an attorney should refer to this paragraph to be sure of being in the right "ballpark." Researching a regulation applicable only to CONUS installations or national guard units may not be helpful to an active duty judge advocate in Berlin.

Unless the publication is only a few pages long, a table of contents and perhaps an index will be provided. Study the table of contents carefully to get a feel for the organization of the material before turning to a specific paragraph. Indexes can be shortcuts to relevant information. However, some indexes are merely alphabetical listings of the subject headings taken from the table of contents. Important portions of the publication may be easily overlooked in such an index.

The proponent of an Army publication (*i.e.*, the agency responsible for its preparation, coordination, and approval) is identified in each publication in a bold face block on the last page.

²² AR 310-2, para. 1-17 (C12, 15 September 1979).

This information can be useful in identifying the specific office within an agency which is responsible for the subject matter of the publication. For example, although the nominal proponent (listed in DA Pam 310-1) for US Dep't of Army Pamphlet No. 27-17, Procedural Guide for Article 32(b) Investigating Officers (15 May 1980) is the Office of The Judge Advocate General, the last page indicates that the manuscript was actually drafted by the Criminal Law Division of The Judge Advocate General's School. Thus specific questions and comments related to the pamphlet should be directed to the School rather than the Pentagon.

Attorneys using DA publications in legal research must be alert to the special status of Army Regulations. They announce policies and responsibilities, and prescribe administrative procedures of the Department of the Army.²³ Strict compliance with the letter of Army Regulations is intended.²⁴ Failure to comply with regulations may result in an administrative action being declared void, or may result in criminal liability for violation of certain punitive regulations.

All Army Regulations are published by authority of the Secretary of the Army pursuant to authority granted by Congress.²⁵ Some regulations are published to direct compliance with a federal statute; others conform Army practice to Executive or Department of Defense (DOD) regulations; still others establish Army policy in otherwise unregulated areas. Occasionally an Army regulation will come into conflict with the clear mandates of federal statutory or constitutional law. When this happens, the regulation must yield.²⁶

A more frequently encountered problem is an Army regulation which, although appropriate for the guidance of the Army as a whole, does

²³ AR 310-2, para. 2-4a.

²⁴ US Dep't of Army Pamphlet No. 27-21, Military Administrative Law Handbook, para. 8.3c(1) (C4, 15 May 1980) (hereinafter cited as DA Pam 27-12).

²⁵ 10 U.S.C. §3012(g)(1976).

²⁶ 26 Op. Atty Gen. 6 (1906).

not meet the requirements of a certain command. In such a case, the judge advocate may be called upon for advice as to obtaining an exception to the requirements of the regulation. Whether such an exception will be granted in a given case may be a matter of discretion, but the threshold question of whether it *can* be granted and at what military level is a legal problem. Exceptions cannot be granted by the Department of the Army to regulations which enforce federal statutes or constitutionally mandated procedures. These requirements will remain in effect as long as the federal law on which they are based is unchanged.

When an Army regulation is published pursuant to a DOD or Executive directive, a request for an exception can be granted only at the level which promulgated the underlying directive. Such a request would be forwarded through command channels to the Secretary of Defense or the President, detailing the scope of the desired exception and the reason for it.

Exceptions to Army regulations not mandated by federal law or DOD/Executive directive may be granted by the Secretary of the Army. A request for an exception to this type of regulation should be addressed through command channels to the Secretary of the Army.

The determination of whether a regulation is mandated by federal statute or other authority is sometimes difficult. Some regulations refer the user to controlling federal law in the introductory paragraphs. The subject matter of some regulations is clearly too mundane to be prescribed by statute. In other cases it may be necessary to inquire through technical channels to determine the basis for promulgation of a regulation.

Sometimes a command will not need an exception to a regulation so much as an interpre-

tation of how it should be applied in a given case. An important source of regulatory interpretation is the written legal opinion of The Judge Advocate General (TJAG). TJAG opinions are administrative advisory opinions based on questions presented in specific fact patterns. Selected opinions are digested and published for general guidance.²⁷ Since 1971, these digests have been published in *The Army Lawyer*. The cumulative index of *The Army Lawyer* in the October, 1978 issue, and subsequent annual supplements published each December, provide an index to these opinions.

Under certain restricted circumstances, staff judge advocates may request an original legal opinion from The Judge Advocate General.²⁸ An alternative procedure is to request a copy of a previous TJAG opinion involving a similar regulation or fact pattern. Whether an original opinion or a copy of a previously issued opinion is sought, the request should normally be in writing through legal channels to the Office of The Judge Advocate General.

Summary

This article has considered only some of the methods and advantages of using Department of the Army publications in legal research. These publications may not be sufficient to resolve all legal research problems without consulting other sources, but very few questions in military law can be fully answered without reference to them.

In a time of increasingly scarce resources and higher costs for library materials, law library managers should insure that their collection of DA publications is adequate and current.

²⁷ See DA Pam 27-21, para. 8.4 for sources of TJAG opinion digests prior to 1971. Access to selected TJAG opinions is available through FLITE; see note 20, *supra*.

²⁸ *The Army Lawyer*, May 1980, at p. 58.

FROM THE DESK OF THE SERGEANT MAJOR

by Sergeant Major John Nolan



I am often asked about enlisted career development. The Army provides enlisted personnel of all grades exceptional opportunities for development of their potential. Development of personal potential will lead with relative certainty to rewarding assignments of importance to the Corps. Programs for career development have been progressively improved

by the best talents in this complex field. The goal of the Army's program of career planning and the progressive development of each individual is to prepare enlisted personnel to perform with maximum effectiveness the ever-changing functions supporting the Army mission. The overall career plan is basically as follows:

Training	Grade/Skill Level	Career Development
USASMA	<i>Skill Level 5</i>	<i>Advanced Contribution and Development.</i> Skill levels 4 and 5 are periods of attaining career realization and of advanced professional standing.
	E-9 E-8	
	<i>Skill Level 4</i>	
	E-7	
ANCOC	<i>Skill Level 3</i>	<i>Intermediate Professional Development and Re-Evaluation.</i> Skill levels 2 and 3 are periods of diverse assignments and advanced schooling.
PLC	E-6	
BTC	<i>Skill Level 2</i>	
	E-5	
	<i>Skill Level 1</i>	<i>Basic Military Development.</i> Skill level 1 is the period of initial career direction. Enlisted personnel are trained in basic concepts and administrative duties which support the Judge Advocate General's Corps. This is the most critical period. Enlisted personnel develop lasting traits of attitude and understanding of the Corps and their roll in providing the required administrative support functions.
	E-4 E-3 E-2	
AIT	E-1	
BT		

USASMA = US Army Sergeants Major Academy

ANCOC = Advanced NCO Course

BTC = Basic Technical Course

PLC = Primary Leadership Course for first-line supervisors; may be taken as an E-4 or E-5

AIT = Advanced Individual Training

BT = Basic Training

Subcourse Certificates

Certificates of completion for Army correspondence subcourses are no longer filed in the Official Military Personnel File (OMPF). Only the final document indicating that the entire course has been completed is now filed in the OMPF. Subcourse completion certificates for personnel in grades E-1 through E-5 are filed in the Military Personnel Records Jacket (MPRJ), which is maintained in the local Military Personnel Office. When the entire course is completed, the course completion certificate is substituted for the subcourse completion certificates, which are then removed from the MPRJ. Subcourse completion certificates are not filed in the MPRJ of personnel in the grades of E-6 and above. When a correspondence course is completed, the service school sends a copy of the final certificate to MILPERCEN for filing in the OMPF. Legal clerks and court reporters should check with their local Military Personnel Office to ensure they have received credit for courses taken.

SQT

Following are two frequent questions concerning the SQT program:

Can an individual appear before a promotion board if he or she has no test score? As provided in Chapter 7, AR 600-200, soldiers who do not have an SQT score through no fault of their own may compete for promotion in their CPMOS. Promotion points in Item 4, DA Form 3355 (Promotion Point Worksheet) will be computed using the no-fault provision.

Does an individual in the process of changing PMOS still have to take the test in the

former PMOS? As provided in Chapter 5, AR 600-200, as long as an individual is in an OJT or training status he or she may be exempted with an approved waiver from Department of the Army. The minimum score where no points are given on the test is 59. On the reverse side of DA Form 3355, dated 1 Oct 79, is a listing of points given per test score ranging from 60-150.

Because of the promotion and SQT information, I encourage all enlisted personnel to become familiar with AR 600-200, especially Chapters 5 and 7.

General Information

a. The basic Legal Clerk Correspondence Course is now being revised at the Soldier Support Center, Fort Benjamin Harrison, Indiana. The revised course is expected to be available in October 1981.

b. The next ANCOC class is scheduled for September 1981. It is currently projected that approximately 50 legal clerks and court reporters will be selected to attend this class.

Publications

DA Cir 310-80-2, Soldiers Manuals (Field Manuals), Trainer's Guides (Field Manuals), Job Books (Training Circulars), dated 1 August 1980, has been distributed to the field. Chief clerks are encouraged to familiarize themselves with this publication.

Promotion

Congratulations to Sergeant Major Gene M. Black who was promoted to that grade on 1 October 1980.

Administrative and Civil Law Section

Administrative and Civil Law Division, TJAGSA

The Judge Advocate General's Opinions

(Standards of Conduct—Gifts) Improper Official Correspondence Soliciting DA Personnel For Contributions For Gifts Which May Exceed Nominal Value To Be Presented On

Swearing In And Retirement Occasions.
DAJA-AL 1980/1323, 5 March 1980.

A request for opinion was submitted to The Judge Advocate General concerning a violation of AR 600-50 by the use of letters sent on offi-

cial stationary requesting voluntary contributions toward a gift to be presented at retirement/swearing in activities.

The Judge Advocate General advised that the subject letter presented the potential of causing a violation of para. 2-3, AR 600-50 by suggesting that checks be used for contributions from subordinates with the aggregate amount being used for a gift likely to be of more than nominal value on the occasion of the swearing in/retirement of superiors. Para. 2-3, AR 600-50 prohibits the solicitation of contributions from other DOD personnel, making contributions to official superiors, and accepting gifts from subordinates. The Judge Advocate General found that the limited exceptions to this regulation do not include contributions or gifts which may exceed nominal value or gifts honoring superiors with whom there is no preexisting official relationship. Accordingly, The Judge Advocate General opined that a voluntary gift of nominal value (i.e., a gift of a sentimental nature with little or no intrinsic value to one other than the recipient, such as a flower arrangement) may be properly presented at retirement, but that a gift of this kind from subordinates upon the assumption of duties is ordinarily improper.

The Judge Advocate General further found that the use of stationary bearing the official Army indicia for this purpose clearly violated para. 1-7c(12), AR 340-3 which limits the use of such items to matters relating exclusively to Government business. (§ 137.22, U.S. Postal Service Domestic Mail Manual (30 July 1979).

(Standards Of Conduct-General) *Request To Conduct A "Monte Carlo" Type Activity In An Officers' Club Approved.* DAJA-AL 1980/1767, 8 May 1980.

An installation requested the approval of The Judge Advocate General as the proponent of AR 600-50, to hold a "Monte Carlo" type activity at an Officers' Club. Although the primary purpose of the affair was entertainment rather than fund raising, the Officers' Club anticipated a small profit. For a \$5.00 entrance

fee, the participant would be given play money which was to be used in playing games of chance. The play money was to be redeemed for merchandise such as baked goods made by the Wives' Club. The plan also included the awarding of door prizes.

The Judge Advocate General stated that, in the future, a request for an exception to AR 600-50 should be made through the MACOM, but that in this instance, conditional approval to conduct games of chance on the installation would be granted. DOD personnel are prohibited from participating in any gambling activity, including a lottery or pool, or a game for money or property while on Government owned, leased, or controlled property, except when such activities have been specifically approved by the Head of the DOD component. Para. XIII, DOD Dir 5500.7, 15 January 1977; Para 2-7, AR 600-50.

Para 3-4a, AR 230-60, 30 April 1975 specifies that clubs will not sponsor, conduct or allow any activity that is in violation of Federal laws governing gambling. That restriction does not apply to "non-gambling type card games, and other nominal games of chance, provided the games conform with local laws and are conducted with such discretion as to avoid public criticism". Although prior OTJAG opinions concluded that "Monte Carlo Nites" involve more than the nominal games of chance permitted under para. 3-4a, the TAGCEN Club Management Directorate has approved "Monte Carlo" nights as authorized activities for Army clubs as long as they conform with local law. The local District Attorney indicated that the proposed activity did not violate local laws.

To assure compliance with applicable Federal and State law, The Judge Advocate General stipulated that authorization to conduct the activity was subject to several conditions. First, the activity must be conducted in an area under exclusive Federal jurisdiction or an area where approved by the installation commander and not prohibited by local law. Second, reference to random give away programs should not be made in any document sent through the U.S.

Mail. Third, as concurrent jurisdiction is involved, the Club must look both to 18 U.S.C. 1302 and the state statutes to assure that

"gambling devices", as defined in those statutes, are not operated or possessed as part of the activity.

Legal Assistance Items

Major Joel R. Alvarey, Major Joseph C. Fowler, and Major Walter B. Huffman

Administrative and Civil Law Division, TJAGSA

New Legislation

Maryland has now joined a growing number of states which award rehabilitative, rather than permanent, alimony. In Md. Ann. Code, art. 16, §§ 1, 2, 3, and 5, the Maryland Legislature specified that courts should consider all relevant factors concerning the financial needs

of the parties and the circumstances surrounding the breakup of the marriage in awarding alimony. The statute also directs courts to award alimony only for the period of time needed to allow the receiving party to become self-supporting in a manner not unconscionably disparate with the paying party.

Judiciary Notes

US Army Legal Services Agency

For the month of September 1980, the Army Court of Military Review corrected the initial promulgating orders by issuing Court-Martial Order Correcting Certificates in the following cases:

- a. Failure to add the words "By military judge," after the word "Sentence," when trial was by military judge alone—two cases.
- b. Erroneously setting forth the specification of a Charge—two cases.
- c. Failure to reflect that certain specifications of a Charge had been dismissed and motions for finding of not guilty sustained—one case.

Digests—Article 69, UCMJ, Applications

In *Washington*, SPCM 1980/4779, the accused was charged with violation of paragraph 16a, USAREUR Regulation 632-10, dated 1 April 1977, by the indirect purchase of rationed merchandise. However, when read in its entirety, paragraph 16a prohibits only those indirect purchases which would allow the purchaser to exceed his/her individual ration allowance. To properly advise the accused of the particular acts which violate the cited regulation, the specification must allege that the indirect purchases exceeded the accused's individual ration allowance. The specification in *Washington* did not do so, either explicitly or implicitly. Therefore, the specification was fatally defective. Relief was granted. The findings and sentence were set aside.

A Matter of Record

Notes from Government Appellate Division, USALSA

1. Apprehension, Search, and Seizure:

The law of apprehension, search, and seizure is so convoluted and fraught with uncertainty

that trial counsel should seldom rely on a single theory of admissibility for items seized. So doing often results in needlessly sketchy records and may raise a multitude of unnecessary

questions. For example, in a recent case, the prosecution relied exclusively on a plain view theory of admissibility of items seized in an automobile and failed to develop facts to support an exigent circumstances search based on probable cause. Developing the record for alternate theories of admissibility seldom involves significant additional time or expense and greatly enhances the prospects for appellate success.

2. Crimes (Larceny):

In several recent cases, trial counsel have been frustrated in trying to prove losses by means of inventories. The first requirement is that a physical, post-offense inventory to be taken, pursuant to SOP or regulation, in order to ascertain the number of items present. Preferably, the inventory will result in a record of regularly conducted activity or a public record or report. M.R.Ev. 803(6) and (8). If so, only the property book or records officer is needed to lay the foundation for this record or report and for the other records which will establish the number of items that were supposed to be on hand. The difference in count between the two sets of records is the loss. The Manual's restriction against the use of documents prepared principally for prosecution may be gone. But the need to establish that the post-offense inventory and report were conducted pursuant to regulation or SOP, and not as a result of police or prosecution request, persists. Otherwise, the personnel involved in preparing the inventory may be deemed to be "acting in a law enforcement capacity" and the report may still be excluded. M.R.Ev. 803(8) and the Analysis to Rules 803(6) and (8).

If the post-offense inventory did not result in a report, all personnel involved will have to testify regarding the items they personally counted. These results must then be compared with the documents which establish the quantities that were supposed to be on hand. Note that the property book or records officer cannot testify to what others counted and verbally reported to him, as that would be hearsay. References: Paragraphs 143a(2)(g) and (h), and 144b and c, Manual (superseded); M.R.Ev.

803(6), (7), (8), and (24); *United States v. Livingston*, 7 M.J. 638 (ACMR 1979), *affirmed*, 8 M.J. 278 (CMA 1980).

3. Crimes (Sex Offenses):

In many sex offenses the fact that the accused is not married to the victim is a critical element. Usually, the victim must be asked whether or to whom she was married at the time of the offense. Occasionally the question is overlooked with tragic results. The mere fact that the victim and the accused had different last names may not be enough.

4. Making a Complete Record:

In a recent drug case the issue on appeal was sufficiency of the evidence. The Government's evidence connecting appellant to the drugs came down to the testimony of only one witness, a fellow servicemember. After appellant was apprehended for an unrelated crime in a common area, he began making furtive head gestures to this witness. Subsequently, with his hands cuffed behind his back, he attempted to point something out to the witness. Neither of these gestures were described for the record. Later, appellant approached the witness asking ostensibly for a cigarette. He also indicated that "that thing [a package which contained drugs and was resting on a door handle] is worth \$100.00 to you." Still later, again on a pretext, he told the witness, "meet me at the mess hall at 4:30." Presumably, with military police and command personnel milling about, these latter statements were not intended for general consumption. However, there is no description in the record of appellant's manner of delivery in making these statements. While these omissions may not be fatal they illustrate the need constantly to be aware of descriptions in the record. This is particularly important where the courts of review have fact-finding power.

5. Military Judge (Advising Accused):

Recently a military judge failed properly to advise an accused of his right to individual military counsel under Article 38(b), UCMJ. He

told the accused that counsel could be "someone in the Army." Of course, the right extends to any military counsel in the armed forces who is reasonably available. Article 38(b), UCMJ;

United States v. Copes, 23 USCMA 578, 50 CMR 843 (1975); *United States v. Johnson*, 23 USCMA 148, 48 CMR 764 (1974). Trial counsel should carefully monitor the military judge.

Reserve Affairs Items

Reserve Affairs Department, TJAGSA

1. USAR Mutual Support to Active Military Installations

The Reserve Judge Advocate Mutual Support program is designed to allow USAR judge advocates to interface with active duty judge advocates by having reserve judge advocates perform training at installation judge advocate offices. This program, authorized by AR 11-22, allows such reserve judge advocates to become more proficient in functional areas which they will be required to perform if mobilized. A review of statistical information discloses that:

1. a. During calendar year 1979, Reserve judge advocates assigned to troop program units provided 90,726 hours in support of active armed forces military installations. The hours are broken down as follows:

Legal Assistance	60,583
Claims	5,275
Criminal Law	7,762
Administrative Law	5,643
Environmental Law	261
Labor Law	182
Contract Law	1,758
ROTC Instruction	1,935
Other	7,327
Total	90,726

(These figures include Annual Training (2 weeks) by JAG unit personnel as well as support provided on weekends in lieu of drill.)

b. In addition to this support to the active armed forces, Reserve judge advocate TPU personnel provided 37,992 hours of legal serv-

ices in support of USAR Inactive Duty Training (IDT) activities in the following categories:

Boards	3,608
Investigations	1,853
Labor Relations	661
Reports of Survey/Line of Duty	1,315
Legal Assistance	5,425
Other Staff Actions	394
Pre-mobilization Legal Counseling	6,321
Special Work for CG	3,690
Other	6,832
Special Training	7,893

Total 37,992

2. Most of the above-stated hours were provided by personnel assigned to Reserve Judge Advocate General Service Organizations (19 Military Law Centers and 98 functional JAG detachments). In addition to these 117 JAGSO units, the above data reflects hours of 19 U.S. Army Reserve Commands and that of 12 USAR Training Divisions as well as over 273 miscellaneous units with judge advocate personnel. As of 30 June 1980, 836 USAR judge advocates were assigned to the Reserve Judge Advocate Troop Program Unit positions mentioned above.

2. Summer A.T. Tour Available

The 5064th U.S. Army Garrison will be attending Annual Training from 27 June through 11 July 1981 at Camp Grayling, MI, and from 11 through 25 July 1981 at Fort Chaffee, AR. The garrison will be understrength by one JAGC officer during each two-week session. Any JAGC, USAR officer of the IRR in-

terested in serving with the unit at either of the sessions should contact LTC Estes D. Brockman, JAGC, USAR, 1800 Michigan State Plaza Building, 1200 Sixth Avenue, Detroit, MI 48226, phone (313) 256-2519 or 352-9884. Officers in the grades of captain, major, or lieutenant colonel are invited to apply.

3. Special Legal Assistance Program

The Special Legal Assistance Program allows reserve component judge advocates to provide legal assistance to eligible personnel (see paragraph 2, AR 608-50) who would otherwise not have such legal assistance services available to them. The program was created in 1973 to insure that legal assistance would be available to personnel and dependents assigned to units without internal judge advocate support (ROTC detachments, USAR Army Recruiting Offices, or other active Army installations or detachments with no judge advocate available). This program is specifically authorized by paragraph 5b(2), AR 608-50. Special Legal Assistance Officers receive retirement points in accordance with Rule 16, AR 140-185, on the

basis of one retirement point for each accumulated period of two hours of legal services not to exceed two points in any one calendar day. These officers do not receive any pay or professional fee from the client for their services as Special Legal Assistance Officers. Officers assigned to units (i.e. drill pay positions) may perform legal assistance as part of the mutual support program or as Special Legal Assistance Officers and receive retirement point credit and drill pay. For Control Group officers, the retirement points are recorded on the Record of Individual Performance of Duty (DA Form 1380) and then forwarded to RCPAC (ATTN: AGUZ-PMS-R) for coding into the officer's records. A roster of reserve Component judge advocates currently designated as Special Legal Assistance Officers is printed below. Reserve component judge advocates who have completed the Judge Advocate Officer Basic Course and who are interested in designation as a Special Legal Assistance Officer should write to the Commandant, The Judge Advocate General's School, ATTN: JAGS-RA, Charlottesville, Virginia 22901 requesting such designation.

ROSTER OF RESERVE JUDGE ADVOCATES DESIGNATED AS SPECIAL LEGAL ASSISTANCE OFFICERS PURSUANT TO PARAGRAPH 5b(2), AR 608-50

<i>State and City</i>	<i>Name</i>	<i>Business Address</i>	<i>Telephone Number</i>
Alabama Mobile	Gonzales, Joseph A., MAJ	Office of Counsel U.S. Army Corps of Engineers P.O. Box 2288 Mobile, AL 36628	205-690-2491
Connecticut Bridgeport	Bernhard, George K., CPT, USAR Contr Gp, RCPAC (Reinf)	P. O. Box 1538 Bridgeport, CT 06601	203-334-9421
District of Columbia	George, W. Peyton, LTC, USAR 352d CA Cmd	Suite 540, 1701 Pennsylvania Avenue NW Washington, DC 20006	202-333-2350
Florida Coral Gables	Shepherd, Frank A., CPT, USAR 168th JAG Det	5729 Marius Street Coral Gables, FL 33146	305-358-8181
	Thomson, John M., LTC, USAR Contr Gp, RCPAC, MOB DES	Suite 804, 2600 Douglas Road Coral Gables, FL 33134	305-445-5475
Miami	Chait, Jere N., LTC, USAR 172d JAG Det	10121 Kendale Boulevard Miami, FL 33176	305-541-2595
	Lilly, Lawrence G., LTC, USAR 168th JAG Det	8541 S.W. 152d Street Miami, FL 33157	305-350-4720

<i>State and City</i>	<i>Name</i>	<i>Business Address</i>	<i>Telephone Number</i>
	Raattama, Henry H., Jr., CPT, USAR 168th JAG Det	1600 South East First National Bank Building Miami, FL 33131	305-358-5100
	Rennella, Cosme E., CPT, USAR 168th JAG Det	2280 S.W. 23rd Terrace Miami, FL 33145	305-642-3900
Palm Beach	Caldwell, Manley P., LTC, USAR Contr Gp, RCPAC	324 Royal Palm Way P.O. Box 2775 Palm Beach, FL 33480	305-655-0620
Pompano Beach	Sullivan, William F., MAJ, USAR 172d JAG Det	2401 East Atlanta Boulevard Pompano Beach, FL 33062	305-781-7600
Kentucky Paris	Davenport, Peter M., MAJ Contr Gp, RCPAC, MOB DES	Bellevie Farm, Route 6 Paris, Kentucky 40361	606-254-5531
Louisiana New Orleans	Connolly, George C., Jr., COL HHD LA ARNG	1740 Lark Street New Orleans, LA 70122	504-525-1270
Massachusetts Acton	Hogan, Henry J., CPT, USAR 187th Inf Bde	69 Great Road Acton, MA 01720	617-897-8821
New York New York	Katz, Michael A., MAJ, USAR Contr Gp, RCPAC, MOB DES	30 Rockefeller Plaza, 29th Floor New York, NY 10112	212-397-3877
	Kruteck, Laurence R., LTC, USAR Contr Gp, RCPAC, MOB DES	1370 Avenue of The Americas New York, NY 10019	212-757-4000
Ohio Dayton	Hunt, Carroll E., COL, USAR 9th Mil Law Cen	Suite 1520, Hulman Bldg. 120 West 2d Street Dayton, OH 45402	513-223-0808
Oklahoma Oklahoma City	Gray, Linda L., 1LT, USAR 353d Eng Gp	630 Hightower Building Oklahoma City, OK 73102	
Tulsa	Hood, William W., Jr., MAJ Contr Gp, RCPAC	212 Beacon Building Tulsa, OK 74103	918-538-5825
Pennsylvania Greensburg	DeBernardo, Anthony W., Jr., CPT USAR, Contr Gp, RCPAC	11 North Main Street Greensburg, PA 15601	412-722-3848
Philadelphia	Jaffee, Jerome, LTC, USAR Contr Gp, RCPAC	Suite 1508, 1315 Walnut Street Philadelphia 19107	215-563-1288
Pittsburgh	Yourick, Frank E., Jr, CPT, USAR Contr Gp, RCPAC, MOB DES	902 Stevendale Drive Pittsburgh, PA 15221	412-351-1437
South Carolina Charleston	Staubes, Chris B., Jr., MAJ, USAR 1182d USATTU(A)	P.O. Box 154 Charleston, SC 29402	803-577-2026
Texas Amarillo	Hill, Edward H., COL, USAR 4166 USAR School	1500 Amarillo National Bank Bldg P.O. Box 9158 Amarillo, TX 79105	806-376-5613
Copperas Cove	Price, F. W. (Bill), CPT, USAR	P.O. Box 111 Copperas Cove, TX 76522	
Dallas	Thomas, Evan E., MAJ, USAR 493d Eng Gp	203 North Venice Duncanville, TX 75116	214-330-3642
El Paso	Boyaki, Walter L., CPT, USAR 22d JAG Det	9356 Lait El Paso, TX 79925	915-566-8688
	Miranda, Ralph G., MAJ, USAR 22d JAG	4621 Pershing Drive El Paso, TX 79903	915-566-8688
	Shelton, Glen H., MAJ, USAR Contr Gp, RCPAC	303 Texas Suite 206 El Paso, TX 79901	
Vermont Randolph	Burstein, Richard I., MAJ, USAR 167th Spt Gp	30 South Main Street Randolph, VT 05060	802-728-9788
Virginia Norfolk, VA	Cloud, John M., LTC, USAR 300th Spt Gp Area	214 Executive Building Janaf Shopping Center Norfolk, VA 23502	804-461-6803

<i>State and City</i>	<i>Name</i>	<i>Business Address</i>	<i>Telephone Number</i>
	Furr, Carter B. S., LTC, USAR 300th Spt Gp Area	333 West Freemason Street Norfolk, VA 23510	804-622-3239
Washington Redmond	Diesen, Charles F., LTC, USAR 124th ARCOM	16275 N.E. 85th Street Redmond, WA 98052	206-885-2630
Wisconsin Bayside	Lukoff, Mark, CPT, USAR 95th JAG Det	8770 North Pelham Parkway Bayside, WI 53217	414-224-4805
Rhineland	Owen, Jack F., LTC, USAR Contr Gp, RCPAC	126 E. Davenport Rhineland, WI 54501	715-369-2050
APO New York	Shiles, Jerry E., CPT, USAR Contr Gp, RCPAC	Chief, Legal Assistance HQ, 21st SUPCOM-OSJA APO New York 09325 (Europe)	063-186-8304
	Lyons, Michael A., CPT, USAR HQ, USMTM	HQ, USMTM ATTN: Legal Officer APO New York 09616 (Saudi Arabia)	
	Larson, Charles W., LTC, USAR HQ, USMTM	HQ, USMTM, Box No. 1211 APO New York 09038 (Saudi Arabia)	

4. Mobilization Designee Vacancies

A number of installations have recently had new mobilization designee positions approved and applications may be made for these and other vacancies which now exist. Interested JA Reservists should submit Application for

Mobilization Designation Assignment (DA Form 2976) to The Judge Advocate General's School, ATTN: Colonel William L. Carew, Reserve Affairs Department, Charlottesville, Virginia 22901.

Current positions available are as follows:

<i>GRD</i>	<i>PARA</i>	<i>LINE</i>	<i>SEQ</i>	<i>POSITION</i>	<i>AGENCY</i>	<i>CITY</i>
MAJ	01N	01A	02	Judge Advocate	Fitzsimmons City	Aurora, CO
MAJ	05	02B	01	Legal Officer	Ofc Gen Counsel	Washington, DC
LTC	06	04	09	Military Judge	US Army Legal Services Agency	Falls Church, VA
MAJ	06	07	10	Mil Judge (SPCM)	US Army Legal Services Agency	Falls Church, VA
CPT	07	06	02	Judge Advocate	US Army Legal Services Agency	Falls Church, VA
MAJ	08	05	02	Judge Advocate	US Army Legal Services Agency	Falls Church, VA
MAJ	08	05	03	Judge Advocate	US Army Legal Services Agency	Falls Church, VA
CPT	08	07	01	Judge Advocate	US Army Legal Services Agency	Falls Church, VA
CPT	09	08	02	Judge Advocate	US Army Legal Services Agency	Falls Church, VA
LTC	04	08	01	Deputy Chief	USA Clms Service	Ft Meade, MD
LTC	05A	02	01	Deputy Chief	USA Clms Service	Ft Meade, MD
LTC	09C	03	01	JA POW & War Cr	Ofc Judge Advocate General	Washington, DC

GRD	PARA	LINE	SEQ	POSITION	AGENCY	CITY
MAJ	10D	03	01	JA Pers Law Br	Ofc Judge Advocate General	Washington, DC
LTC	11A	04	01	JA Opinions Br	Ofc Judge Advocate General	Washington, DC
LTC	17A	02	01	Asst C Debar Sus	Ofc Judge Advocate General	Washington, DC
CPT	04A	04	01	Legal Editor	The Judge Advocate General's School	Charlottesville, VA
CPT	04	04	02	Asst SJA	MTMC Eastern Area	Bayonne, NJ
CPT	01	05	01	Judge Advocate	Gult Outport	New Orleans, LA
MAJ	78B	02	01	Cmd JA	USA Depot	Corpus Christi, TX
MAJ	07	02	01	Judge Advocate	USARSCH Technology Sch	Moffet Field, CA
MAJ	26D	01A	01	Legal Advisor	USA TSARCOM	St. Louis, MO
CPT	03B	01B	03	Trial Counsel	USA Garrison	Ft. Devens, MA
LTC	05A	01	01	Ch Mil Affairs	USA Garrison	Ft. Bragg, NC
MAJ	05A	04	01	Judge Advocate	USA Garrison	Ft. Bragg, NC
LTC	05B	01	01	Ch Mil Justice	USA Garrison	Ft. Bragg, NC
MAJ	05B	03	01	Trial Counsel	USA Garrison	Ft. Bragg, NC
CPT	05B	04	01	Asst Judge Advocate	USA Garrison	Ft. Bragg, NC
CPT	05B	05	01	Asst Judge Advocate	USA Garrison	Ft. Bragg, NC
CPT	05B	07	01	Defense Counsel	USA Garrison	Ft. Bragg, NC
CPT	05B	08	01	Trial Counsel	USA Garrison	Ft. Bragg, NC
MAJ	05C	02	01	Judge Advocate	USA Garrison	Ft. Bragg, NC
MAJ	05D	01	01	Claims Off	USA Garrison	Ft. Bragg, NC
CPT	03A	02	02	Trial Counsel	101st ABN Division	Ft. Campbell, KY
CPT	03A	02	04	Trial Counsel	101st ABN Division	Ft. Campbell, KY
CPT	03B	02	04	Defense Counsel	101st ABN Division	Ft. Campbell, KY
CPT	03D	06	02	Asst SJA-DC	USA Garrison	Ft. Stewart, GA
MAJ	03E	01	01	Asst SJA	USA Garrison	Ft. Stewart, GA
CPT	52C	02	02	Asst SJA	USA Garrison	Ft. Stewart, GA
LTC	03	02	01	Deputy SJA	USA Garrison	Ft. Hood, TX
MAJ	03B	02	01	Trial Counsel	USA Garrison	Ft. Hood, TX
MAJ	03C	01	01	Defense Counsel	USA Garrison	Ft. Hood, TX
MAJ	03D	02	02	Asst Judge Advocate	USA Garrison	Ft. Hood, TX
MAJ	03E	01	01	Ch Legal Asst Of	USA Garrison	Ft. Hood, TX
CPT	03E	03	01	Legal Asst Off	USA Garrison	Ft. Hood, TX
CPT	03E	03	02	Legal Asst Off	USA Garrison	Ft. Hood, TX
MAJ	03F	01	01	Claims Officer	USA Garrison	Ft. Hood, TX
CPT	03F	03	01	Asst Claims Off	USA Garrison	Ft. Hood, TX
MAJ	03B	01	01	Ch Def Counsel	5th Inf Div	Ft. Polk, LA
CPT	03B	03	01	Def Counsel	5th Inf Div	Ft. Polk, LA
CPT	03B	03	02	Def Counsel	5th Inf Div	Ft. Polk, LA
CPT	03B	03	03	Def Counsel	5th Inf Div	Ft. Polk, LA
CPT	03B	03	04	Def Counsel	5th Inf Div	Ft. Polk, LA
CPT	03B	04	02	Trial Counsel	5th Inf Div	Ft. Polk, LA
MAJ	03C	01	01	Asst SJA	5th Inf Div	Ft. Polk, LA
MAJ	03C	01	02	Asst SJA	5th Inf Div	Ft. Polk, LA

GRD	PARA	LINE	SEQ	POSITION	AGENCY	CITY
MAJ	03C	01	02	Ch Mil Justice	USA Garrison	Ft. Sheridan, IL
MAJ	02A	02	01	Ch Def Counsel	USA Garrison	Ft. Riley, KS
MAJ	02B	03	01	Ch Legal Asst	USA Garrison	Ft. Riley, KS
CPT	02B	04	01	Asst JA	USA Garrison	Ft. Riley, KS
CPT	02C	02	01	Asst JA	USA Garrison	Ft. Riley, KS
CPT	03B	03	02	Judge Advocate	USA Garrison	Sparta, WI
CPT	03B	03	03	Judge Advocate	USA Garrison	Sparta, WI
CPT	03B	03	04	Judge Adcoate	USA Garrison	Sparta, WI
CPT	03C	02	02	Mil Aff Leg Asst Of	USA Garrison	Sparta, WI
MAJ	66	02	01	Judge Advocate	USA Garrison	Sparta, WI
MAJ	03D	01	01	Ch Admin Law Br	USA Garrison	Ft. Lewis, WA
CPT	21J	01	01	Judge Advocate	USA Garrison	Ft. Lewis, WA
CPT	03B	02	01	Judge Advocate	USA Garrison	Ft. Buchanan, PR
MAJ	03D	01	01	Ch Judge Advocate	USA Garrison	Ft. Buchanan, PR
CPT	03D	02	01	Judge Advocate	USA Garrison	Ft. Buchanan, PR
CPT	03E	02	01	Judge Advocate	USA Garrison	Ft. Buchanan, PR
CPT	07A	03	02	Judge Advocate	AVN Center	Ft. Rucker, AL
CPT	07A	04	01	Mil Judge	AVN Center	Ft. Rucker, AL
CPT	38A	03	02	Asst SJA	USA Garrison	Ft. Chaffee, AR
CPT	38A	03	05	Asst SJA	USA Garrison	Ft. Chaffee, AR
CPT	38A	03	06	Asst SJA	USA Garrison	Ft. Chaffee, AR
CPT	38A	03	07	Asst SJA	USA Garrison	Ft. Chaffee, AR
MAJ	38B	02	01	Admin Law Off	USA Garrison	Ft. Chaffee, AR
MAJ	38B	02	02	Admin Law Off	USA Garrison	Ft. Chaffee, AR
CPT	38B	04	01	Asst SJA	USA Garrison	Ft. Chaffee, AR
CPT	38B	04	02	Asst SJA	USA Garrison	Ft. Chaffee, AR
CPT	38B	04	03	Asst SJA	USA Garrison	Ft. Chaffee, AR
MAJ	06	02	01	Dep SJA	USA Admin Center	Ft. B Harrison, IN
CPT	10D	06	01	Instr	USA Intel Cen Sch	Ft. Huachuca, AZ
CPT	10D	06	03	Instr	USA Intel Cen Sch	Ft. Huachuca, AZ
MAJ	04A	05	01	Instr Mid East	USAIMA CA Satl Sch E	Ft. Bragg, NC
MAJ	12	02	02	Asst JA	ARNG TSA Cp Atterbury	Edinburg, IN
MAJ	04A	03	01	Sr Def Counsel	USA Infantry Center	Ft. Benning, GA
CPT	04A	05	01	Defense Counsel	USA Infantry Center	Ft. Benning, GA
LTC	04B	02	01	Asst Ch MALAC	USA Infantry Center	Ft. Benning, GA
CPT	04B	04	01	Admin Law Off	USA Infantry Center	Ft. Benning, GA
CPT	04B	05	02	Admin Law Off	USA Infantry Center	Ft. Benning, GA
CPT	04B	07	03	Legal Asst Off	USA Infantry Center	Ft. Benning, GA
CPT	04B	08	01	Claims Off	USA Infantry Center	Ft. Benning, GA
MAJ	05F	02	01	Mil Affairs Off	USA Armor Center	Ft. Knox, KY
CPT	08C	01A	02	Trial Counsel	172d Inf Bde	Ft. Richardson, AK
CPT	08C	02A	01	Defense Counsel	172d Inf Bde	Ft. Richardson, AK
CPT	08C	02A	02	Defense Counsel	172d Inf Bde	Ft. Richardson, AK
MAJ	28B	04	01	Trial Counsel	USA AD Center	Ft. Bliss, TX
CPT	05A	04	01	Trial Counsel	USA FA Center	Ft. Sill, OK
CPT	05A	04	02	Trial Counsel	USA FA Center	Ft. Sill, OK
CPT	05A	07	01	Defense Counsel	USA FA Center	Ft. Sill, OK

GRD	PARA	LINE	SEQ	POSITION	AGENCY	CITY
CPT	05A	07	02	Defense Counsel	USA FA Center	Ft. Sill, OK
CPT	05A	07	03	Defense Counsel	USA FA Center	Ft. Sill, OK
MAJ	05B	03	01	Admin Law Off	USA FA Center	Ft. Sill, OK
MAJ	05B	03	02	Admin Law Off	USA FA Center	Ft. Sill, OK
CPT	05B	05	01	Proc Fis Law Off	USA FA Center	Ft. Sill, OK
CPT	05B	07	01	Legal Assist Off	USA FA Center	Ft. Sill, OK
CPT	05B	07	02	Legal Assist Off	USA FA Center	Ft. Sill, OK
CPT	05B	07	03	Legal Assist Off	USA FA Center	Ft. Sill, OK

CLE News

1. Resident Course Quotas

Attendance at resident CLE courses conducted at The Judge Advocate General's School is restricted to those who have been allocated quotas. Quota allocations are obtained from local training offices which receive them from the MACOM's. Reservists obtain quotas through their unit or RCPAC if they are non-unit reservists. Army National Guard personnel request quotas through their units. The Judge Advocate General's School deals directly with MACOM and other major agency training offices. Specific questions as to the operation of the quota system may be addressed to Mrs. Kathryn R. Head, Nonresident Instruction Branch, The Judge Advocate General's School, Army, Charlottesville, Virginia 22901 (Telephone: AUTOVON 274-7110, extension 293-6286; commercial phone: (804) 293-6286; FTS: 938-1304).

2. The 11th Contract Attorneys Advanced Course

The 11th Contract Attorneys Advanced Course will be held 5-9 January 1981. The theme for this year's offering will be AN UPDATE OF SIGNIFICANT AREAS OF CONTRACT LAW. Among the topics to be covered are CITA, ADPE Acquisition, and New Conflicts of Interest Regulations. Any questions relating to the Contract Attorneys Advanced Course should be directed to Major Riggs L. Wilks, Jr., Contract Law Division, FTS 938-1309, AUTOVON 274-7110 and ask for commercial number (804) 293-3938.

3. TJAGSA CLE Courses

December 4-6: USAR JAGC Conference.

December 8-12: 8th Advanced Administrative Law (5F-F25).

December 8-19: 86th Contract Attorneys Course (5F-F10).

December 15-17: 5th Government Information Practices (5F-F28).

January 5-9: 16th Law of War Workshop (5F-F42).

January 5-9: 11th Contract Attorneys Advanced (5F-F11).

January 12-16: 2nd Negotiations, Changes, and Terminations (5F-F14).

January 19-23: 8th Legal Assistance (5F-F23).

January 26-30: 58th Senior Officer Legal Orientation (5F-F1).

February 2-5: 10th Environmental Law (5F-F27).

February 2-Apr 3: 95th Basic Course (5-27-C20).

February 9-13: 9th Defense Trial Advocacy (5F-F34).

February 18-20: 3d CITA Workshop (TBD).

February 23-27: 2nd Prosecution Trial Advocacy (5F-F32).

March 2-6: 20th Federal Labor Relations (5F-F22).

March 9-20: 87th Contract Attorneys (5F-F10).

April 6-10: 59th Senior Officer Legal Orientation (5F-F1).

April 13-14: 3d U.S. Magistrate Workshop (5F-F53).

April 27-May 1: 11th Staff Judge Advocate Orientation (5F-F52).

May 4-8: 60th Senior Officer Legal Orientation (Army War College) (5F-F1).

May 4-8: 3d Military Lawyer's Assistant (512-71D20/50).

May 11-15: 1st Administrative Law for Military Installations (TBD).

May 18-June 5: 22nd Military Judge (5F-F33).

June 1-12: 88th Contract Attorneys (5F-F10).

June 8-12: 61st Senior Officer Legal Orientation (5F-F1).

June 15-26: JAGSO Reserve Training.

July 6-17: JAGC RC CGSC

July 6-17: JAGC BOAC (Phase IV).

July 20-31: 89th Contract Attorneys (5F-F10).

July 20-August 7: 23d Military Judge Course (5F-F33).

August 3-October 2: 96th Basic Course (5-27-C20).

August 10-14: 62nd Senior Officer Legal Orientation (5F-F1).

August 17-May 22, 1982: 30th Graduate Course (5-27-C22).

August 24-26: 5th Criminal Law New Developments (5F-F35).

September 8-11: 13th Fiscal Law (5F-F12).

September 21-25: 17th Law of War Workshop (5F-F42).

September 28-October 2: 63d Senior Officer Legal Orientation (5F-F1).

4. Civilian Sponsored CLE Courses

For further information on civilian courses, please contact the institution offering the course, as listed below:

AAA: American Arbitration Association, 140 West 51st Street, New York, NY 10020.

AAJE: American Academy of Judicial Education, Suite 437, Woodward Building, 1426 H Street NW, Washington, DC 20005. Phone: (202) 783-5151.

ABA: American Bar Association, 1155 E. 60th Street, Chicago, IL 60637.

AICLE: Alabama Institute for Continuing Legal Education, Box CL, University, AL 36486.

ALIABA: American Law Institute-American Bar Association Committee on Continuing Professional Education, 4025 Chestnut Street, Philadelphia, PA 19104.

ARKCLE: Arkansas Institute for Continuing Legal Education, 400 West Markham, Little Rock, AR 72201.

ATLA: The Association of Trial Lawyers of America, 20 Garden Street, Cambridge, MA 02138.

BCGI: Brandon Consulting Group, Inc., 1775 Broadway, New York, NY 10019.

BNA: The Bureau of National Affairs Inc., 1231 25th Street, N.W., Washington, DC 20037.

CALM: Center for Advanced Legal Management, 1767 Morris Avenue, Union, NJ 07083.

CCEB: Continuing Education of the Bar, University of California Extension, 2150 Shattuck Avenue, Berkeley, CA 94704.

CCH: Commerce Clearing House, Inc., 4025 W. Peterson Avenue, Chicago, IL 60646.

- CCLE:** Continuing Legal Education in Colorado, Inc., University of Denver Law Center, 200 W. 14th Avenue, Denver, CO 80204.
- CLEW:** Continuing Legal Education for Wisconsin, 905 University Avenue, Suite 309, Madison, WI 53706.
- DLS:** Delaware Law School, Widener College, P.O. Box 7474, Concord Pike, Wilmington, DE 19803.
- FBA:** Federal Bar Association, 1815 H Street, N.W., Washington, DC 20006. Phone: (202) 638-0252.
- FJC:** The Federal Judicial Center, Dolly Madison House, 1520 H Street, N.W., Washington, DC 20003.
- FLB:** The Florida Bar, Tallahassee, FL 32304.
- FPI:** Federal Publications, Inc., Seminar Division Office, Suite 500, 1725 K Street NW, Washington, DC 20006. Phone: (202) 337-7000.
- GCP:** Government Contracts Program, George Washington University Law Center, Washington, DC.
- GICLE:** The Institute of Continuing Legal Education in Georgia, University of Georgia School of Law, Athens, GA 30602.
- ICLEF:** Indiana Continuing Legal Education Forum, Suite 202, 230 East Ohio Street, Indianapolis, IN 46204.
- ICM:** Institute for Court Management, Suite 210, 1624 Market St., Denver, CO 80202. Phone: (303) 543-3063.
- IPT:** Institute for Paralegal Training, 235 South 17th Street, Philadelphia, PA 19103.
- KCLE:** University of Kentucky, College of Law, Office of Continuing Legal Education, Lexington, KY 40506.
- LSBA:** Louisiana State Bar Association, 225 Baronne Street, Suite 210, New Orleans, LA 70112.
- MCLNEL:** Massachusetts Continuing Legal Education—New England Law Institute, Inc., 133 Federal Street, Boston, MA 02108, and 1387 Main Street, Springfield, MA 01103.
- MOB:** The Missouri Bar Center, 326 Monroe, P.O. Box 119, Jefferson City, MO 65101.
- NCAJ:** National Center for Administration of Justice, Consortium of Universities of the Washington Metropolitan Area, 1776 Massachusetts Ave., NW, Washington, DC 20036. Phone: (202) 466-3920.
- NCATL:** North Carolina Academy of Trial Lawyers, Education Foundation Inc., P.O. Box 767, Raleigh, NC. 27602.
- NCCDL:** National College of Criminal Defense Lawyers and Public Defenders, Bates College of Law, University of Houston, Houston, TX 77004.
- NCDA:** National College of District Attorneys, College of Law, University of Houston, Houston, TX 77004. Phone: (713) 749-1571.
- NCJFCJ:** National Council of Juvenile and Family Court Judges, University of Nevada, P.O. Box 8978, Reno, NV 89507.
- NCLE:** Nebraska Continuing Legal Education, Inc., 1019 Sharpe Building, Lincoln, NB 68508.
- NDAA:** National District Attorneys Association, 666 North Lake Shore Drive, Suite 1432, Chicago, IL 60611.
- NITA:** National Institute for Trial Advocacy, University of Minnesota Law School, Minneapolis, MN 55455.
- NJC:** National Judicial College, Judicial College Building, University of Nevada, Reno, NV 89507.
- NPI:** National Practice Institute Continuing Legal Education 861 West Butler Square, 100 North 6th Street, Minneapolis, MN 55403. Phone: 1-800-328-4444 (In MN call (612) 338-1977).
- NYSBA:** New York State Bar Association, One Elk Street, Albany, NY 12207.

NYSTLA: New York State Trial Lawyers Association, Inc., 132 Nassau Street, New York, NY 12207.

NYULT: New York University, School of Continuing Education, Continuing Education in Law and Taxation, 11 West 42nd Street, New York, NY 10036.

OLCI: Ohio Legal Center Institute, 33 West 11th Avenue, Columbus, OH 43201.

PATLA: Pennsylvania Trial Lawyers Association, 1405 Locust Street, Philadelphia, PA 19102.

PBI: Pennsylvania Bar Institute, P.O. Box 1027, 104 South Street, Harrisburg, PA 17108.

PLI: Practising Law Institute, 810 Seventh Avenue, New York, NY 10019. Phone: (212) 765-5700.

SBM: State Bar of Montana, 2030 Eleventh Avenue, P.O. Box 4669, Helena, MT 59601.

SBT: State Bar of Texas, Professional Development Program, P.O. Box 12487, Austin, TX 78711.

SCB: South Carolina Bar, Continuing Legal Education, P.O. Box 11039, Columbia, SC 29211.

SLF: The Southwestern Legal Foundation, P.O. Box 707, Richardson, TX 75080.

SNFRAN: University of San Francisco, School of Law, Fulton at Parker Avenues, San Francisco, CA 94117.

TBI: The Bankruptcy Institute, P.O. Box 1601, Grand Central Station, New York, NY 10017.

UDCL: University of Denver College of Law, 200 West 14th Avenue, Denver, CO 80204.

UHCL: University of Houston, College of Law, Central Campus, Houston, TX 77004.

UMLC: University of Miami Law Center, P.O. Box 248087, Coral Gables, FL 33124.

UTCLE: Utah State Bar, Continuing Legal Education, 425 East First South, Salt Lake City, UT 84111.

VACLE: Joint Committee of Continuing Legal Education of the Virginia State Bar and The Virginia Bar Association, School of Law, University of Virginia, Charlottesville, VA 22901.

VUSL: Villanova University, School of Law, Villanova, PA 19085.

February

1-6: ALIABA, Basic Estate & Gift Taxation, Scottsdale, AZ.

8-9: ALIABA, ABA Section of Taxation Advanced Study Sessions, Houston, TX.

9-10: PLI, Estate & Financial Planning for Closely Held Corporation, Atlanta, GA.

12: AICLE, Criminal Practice, Birmingham, Montgomery, AL.

12-13: ALIABA, Environmental law, Washington, DC.

12-13: NYULT, Corporate Taxation, New York City, NY.

12-13: PLI, Income Taxation of Estates & Trusts, San Francisco, CA.

12-14: PLI, Medical Malpractice Litigation, Los Angeles, CA.

13: GICLE, Employment Discrimination, Atlanta, GA.

15-20: NCDA, Experienced Prosecutor Course, Hilton Head, SC.

19: AICLE, Discovery, Mobile, AL.

19-20: PLI, Employee Benefits Institute, Los Angeles, CA.

19-20: PLI, Accounting & Accountability, New York City, NY.

12-20: PLI, Advanced Will Drafting, New York City, NY.

20: AICLE, Discovery, Birmingham, AL.

20: FBA, Grant Law Conference, Washington, DC.

26-27: PLI, Criminal Advocacy: Post Conviction Alternatives, San Francisco, CA.

26-27: NYULT, Financial Planning Institute, New York City, NY.

27-28: GICLE, Estate Planning Institute, Athens, GA.

Current Materials of Interest

1. Book Review

Bonnie, R.J., and C. Slobogin, *The Role of Mental Health Professionals in the Criminal Process: The Case for Informed Speculation*, 66 Va. L. Rev. 427 (1980).

Kanowitz, L., "Benign" Sex Discrimination: *Its Troubles and Their Cure*, 31 Hastings L. J. 1379 (1980).

Sussman, Leon N., M.D., *Paternity Testing by Blood Grouping*, Second Edition, Charles C. Thomas, Springfield, Ill., 1976, 208 pp., \$21.00.

Westbrook, *Law and Treaty Responses to International Child Abductions*, 20 Va. J. Int'L. 669 (1980).

2. Current Messages and Regulations

The following lists of recent messages and changes to selected regulations is furnished for your information in keeping your reference materials up to date. All offices may not have a need for and may not have been on distribution for some of the messages and/or regulations listed.

Regulations

NUMBER	TITLE	CHANGE	DATE
AR 27-1	Judge Advocate Legal Services	901	1 Oct 80
AR 27-10	Legal Services	20	15 Aug 80
AR 55-46	Travel of Dependents Accompanying Military Personnel and Civilian Personnel To, From, or Between Overseas Areas	1	1 Sep 80
AR 65-75	Unit Mail Service	1	1 Sep 80
AR 135-100	Appointment of Commissioned and Warrant Officers of the Army	11	15 Sep 80
AR 135-155	Promotion of Commissioned Officers and Warrant Officers Other Than General Officers	903	12 Sep 80
AR 135-178	Separation of Enlisted Personnel	3	15 Aug 80
AR 140-10	Assignments, Attachments, Details, and Transfers	904	12 Sep 80
AR 195-6	Department of Army Polygraph Activities		1 Sep 80
AR 670-1	Wear and Appearance of Army Uniforms and Insignia	908	19 Sep 80
DA Pam 40-10	Contraception		Sep 80
DA Pam 310-1	Index of Administrative Publications (Supersedes DA Pam 310-1, 1 Jun 80)		1 Sep 80
DA Pam 608-33	Casualty Assistance Handbook (Supersedes DA Pam 608-33, 11 Aug 71)		15 Sep 80

By Order of the Secretary of the Army:

E. C. MEYER
General, United States Army
Chief of Staff

Official:

J. C. PENNINGTON
Major General, United States Army
The Adjutant General

