

September 2014

Knowledge Management Edition



A job well done. 4ID's OSJA completes its deployment.



Knowledge Management Edition

September 2014

From the Desk of DJAG and CIO

Special points of interest:

- [Perspectives on KM](#)
- [Retirements](#)
- [SVCs in the field](#)
- [JAGC Photos](#)

Inside this issue:

- From the CWOC [4](#)
- KM is Only Good if We Share [5](#)
- Barriers to Knowledge Flow [6](#)
- ITD and KM [7](#)
- TJAGLCS' KM approach [9](#)
- JAGC Birthday at the TJAGLCS [11](#)
- SVCs in the Field [12](#)
- Change of Command at the 13th LOD [14](#)
- NCOA Turns 10 [15](#)
- Retirements [16](#)

My father, an infantryman and Korea and Vietnam veteran, used to say all military tactics and strategy could be summed up by the phrase, "Get there the first-est with the mostest." The concept in the all-important battle for information and knowledge, particularly as we practice law, is the same. You need instant access to the most relevant, authoritative and accurate data and legal opinions possible to competently serve your client and our Army. As the Chief Information Officer (CIO) for our Corps, I have the responsibility to provide you with that access. And I have work to do to meet my responsibility. But, I also need your help. I see the tasks ahead in three areas:

1. Applications. Our Corps must have the right applications; they must be user-friendly, and they must provide us the functionality we need. My task: Priori-

tize our applications (like MJO, CIS, etc.) and have our IT Division continue to refine and improve the applications in priority. Additionally, I recently updated the CIO enterprise mandatory use policies. Your task: Use the virtual suggestion box to identify improvements or additional functionality to current applications.

2. Document libraries. We need access to trustworthy documents (legal opinions, briefs, information papers, etc.), and they must be appropriately stored a) publicly, b) behind the protection of the Army firewall, or c) on the Siplrnet. My task: I have work to do, and I owe you guidance. We are forming a working group to establish and publish rules to improve our business process on what we maintain on JAGCNet, JAGU and various and diverse command and installation



**Major General
Thomas E. Ayres**

legal document libraries. Your task: Continue to share your best products on Mil-Book and JAGCNet as we shape future guidance on long-term document storage.

3. Collaboration. This is where our Corps can bring you the "mostest". We have the tools to share not only the product, but more importantly the knowledge (continued on next page)

"We must leverage our communities of practice to share knowledge..."

(continued from page 2)

that you have from years, if not decades, of experience in our law practice and profession. This is the battle-buddy system at its finest, but on a much larger scale. We must leverage our communities of practice to share knowledge, best practices, lessons learned, and top-notch products. My task: Educate the Corps that we have made a decision that MilSuite is our tool for collaboration. Your task: Use it.

Knowledge management is central to how our Corps and the legal community in general provides legal services in the 21st Century. TJAG has appointed our Chief Warrant Officer of the Corps, CW4 (P) Scott Higdon, as the Corps' Chief of Knowledge Management to assist me in this crucial task. To be sure, KM has to be a team effort. So, help us to help you. And, we look forward to improving our applications, collaboration and document libraries with you in the future, to help you meet your obligations of competent, principled legal services for our Army. Army Strong!
- DJAG

2014 ABA Conference

JAG Corps Receives Multiple Awards



LTG Flora Darpino, TJAG, presents CPT Michael Scaletty with the 2014 American Bar Association's Outstanding Young Military Lawyer of the Year Award.



COL Kevan Jacobson received the ABA's 2014 Outstanding Military Service Career Judge Advocate Award from MG(Ret) John Altenburg, DJAG (1997 to 2001) and the Chairman of the ABA's Standing Committee on Armed Forces Law.



The American Bar Association awarded its 2014 Judicial Education Award to TJAGLCS. The award recognizes a person or institution for excellence in providing high quality judicial education and training to judges. TJAGLCS was recognized for its Military Judge's Course, which trains and certifies all trial and appellate judges in every branch of the military and Department of Homeland Security. It is the first time that any DoD institution has won the award and places TJAGLCS at the forefront of nationally-recognized judicial education programs. Present, from left to right, were COL Tara Osborn, Chief Trial Judge, US Army; Judge Earl Penrod, Chair, ABA National Conference of Specialized Court Judges; COL James Garrett, Dean, TJAGLCS; and LTG Flora Darpino, TJAG.

From the JAGC Chief Warrant Officer and Chief Knowledge Management Officer Focus on Knowledge Management



CW4 Scott Higdon
Chief Warrant Officer

I am sure some of you are wondering what Knowledge Management (KM) does for me and why we continue to beat that drum. The fact of the matter is that KM is at the foundation of how we operate efficiently in the delivery of legal services every day. Knowledge management is simply the process of capturing, distributing, and effectively using knowledge. As the Chief Knowledge Management Officer (CKO) for our Corps, my goal is to ensure we have the systems and resources in place to allow access to that knowledge at the point of need and enable Corps-wide collaboration. To accomplish this, DJAG has highlighted the three major areas we are focused on and why they are critical to our future success.

So what? Isn't that the question you want us to answer? The 'so what' of our efforts in KM is to enable a shared understanding, learning and decision making within our Corps.

You must be willing to collaborate; you must be willing to use and

encourage the use of our applications; and you must be willing to use and populate our document libraries. As CW4 Diaz notes in his *Quill & Sword* piece on "Perspectives From the Field:" "I didn't know what I didn't know." We need to learn to use the applications that make us more effi-

KM is at the foundation of how we operate efficiently in the delivery of legal services every day.

cient and effective legal professionals.

CW4(P) Steddum writes in his *Quill & Sword* article, our Corps' "biggest barrier to knowledge flow is simply our culture." This needs to and will change. Some view the Commu-

nities of Practice (CoPs) as a place where those with too much time on their hands play. Not so; the CoPs are a place of collaboration, and, if used properly, will make those views obsolete.

Change is all around us. Do you remember when the JAG Corps converted our paper (book) libraries to digital? The resistance to that movement was pretty intense and vocal. Over time, however, those resisters became some of the biggest advocates for digital searching, because of the value added in their ability to deliver legal services.

Our KM initiatives are just different ways of doing business, and, as Alan Watts put it, "the only way to make sense out of change is to plunge into it, move with it, and join the dance." It is time to dance. - CWOC



"The only way to make sense out of change is to plunge into it, move with it, and join the dance."

Perspective from the Field:

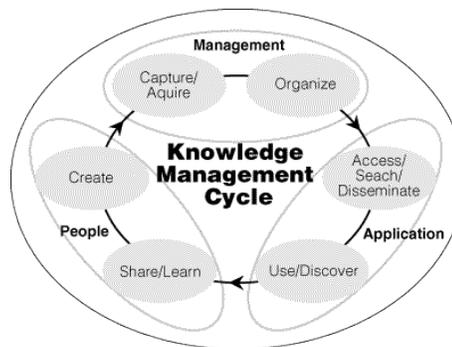
KM— Only as Good as the Information Shared



The JAG Corps (JAGC) has come a long way in developing tools to assist with Knowledge Management (KM). I remember the days of using the Bulletin Board System (BBS) or JAGCNet forums to share information with other legal professionals around the Army. As the BBS faded into the background, the JAGCNet forums were a new opportunity to share information and business practices. Although information was shared on the forums, the same questions were often posted and repeated because of the limited search engine. Now, we have the Communities of Practice (CoPs) in MilSuite. CoPs are much like JAGCNet forums, but with many new features, including a better search capability. While it will take time for KM to become common practice for all members of the JAGC, we must work toward that goal.

CoPs and JAGCnet are both great tools for the JAGC, but they are only as good as the information/knowledge shared. I admit that I am one of the many who “troll” CoPs to see if there is anything there that can help me in my daily duties. I don’t often post items, because I sometimes feel that I don’t know enough about any specific topic, and I don’t want to be the one to ask a stupid question. I now realize that for the JAGC’s KM systems to work, I must contribute more.

At the installation level, common legal questions are often repeated, resulting in unnecessary duplication of work. For example; Fort Swampy processes a Military Air request through its AdLaw shop back to the command, but the action attorney fails to save the



opinion and supporting documents in a local long term repository or on ALCS. This example is more of the norm than the exception around the JAGC. Utilizing a repository allows for quicker future responses to routine questions, since 90% of the work has already been completed. Further, repositories are incredibly valuable since they provide institutional knowledge during the yearly cycle of JAGC personnel changes.

While our commands use SharePoint sites for KM, OSJAs do not share well internally. In the not-so distant past, three-inch binder reading files were reviewed by each division chief before

going to the SJA. Now, most OSJAs have a weekly division chief meeting and brief the SJA about hot topics, but don’t share specifics with the other sections. In addition, technology has unfortunately reduced OSJA-wide exposure to reading files and ongoing actions. Legal Administrators, as “Shared Drive” managers, create compartmentalized section folders that only the members of each section are allowed to access. While this serves a security purpose, it also precludes sharing information and prevents personal/professional growth outside of your assigned duties.

CLAMO also has a great repository of information and resources that help legal professionals develop legal products for their command. While these resources are not exactly knowledge of business practices, the post-deployment After Action Reports are a good example of how proper KM use can benefit your command.

It is up to each of us to make KM work. Even though we have come a long way, we must continue moving forward and look for ways to make our organizations more efficient at the local and Army level.

By CW4 Edwin E. Diaz
Senior Legal Administrator
Joint Base Lewis-McCord

“At the installation level, common legal questions are often repeated, resulting in unnecessary duplication of work”.

To access MilSuite, visit <https://login.milsuite.mil>

Perspective from the Field: Knowledge Management—Barriers to Knowledge Flow

Simply stated, Army Knowledge Management (KM) *is the process* that attempts to negotiate the various barriers to knowledge flow. It does this by finding a path to get the right knowledge, to the right person, at the right time, to facilitate timely decision making. This article examines some JAGC barriers to knowledge flow that we should recognize and overcome whenever possible.

Perhaps the biggest barrier to knowledge flow in the JAGC is the confidential nature of our work. Our practice requires limiting privileged and confidential information to discrete audiences. However, the related lessons learned and non-privileged information can be shared to leverage future work. Collaborative tools, like JAGCnet, milSuite, Defense Connect Online, etc., exist for this purpose.

Despite this truism, our collaborative tools are underutilized for a number of additional reasons. First, how is the feedback being provided when knowledge is shared? Negative feedback has a chilling effect on collaboration. What may seem obvious to us may not be obvious to a junior Soldier. Instead of negative feedback, we should seek to mentor and elevate the discourse by professionally contributing thoughtful comments. Second, collaboration that is ignored by the community also leads to underutilization. In this situation, contributors may feel they are wasting their time



and stop participating in the knowledge sharing process. Third, our human nature is a barrier. We tend to cling to those things that are familiar and comfortable, sometimes even when they are inefficient or counterproductive. This mindset prevents people from moving to collaborative tools in the first place. Finally, the most common reason for not sharing knowledge is our lack of time. While this may be a real challenge, collaborative tools are also time-saving devices. The exchange will never be a zero-sum, but the value of our platforms will not appreciate unless we contribute to them. In order to overcome the existing culture of knowledge hoarding, we must overcome these barriers.

While KM practitioners are primarily responsible for finding ways to bridge KM gaps, KM is everyone's responsibility. We all must look for opportunities to use KM to increase knowledge flow and improve organiza-

tional performance. This can be as simple as asking yourself four questions: (1) what do I know now; (2) what must I know; (3) what can I do now; and (4) what must I do? The delta between what you now know and what you must know is a knowledge gap. The delta between what you can do and what you must do is a performance gap. If properly employed, the KM process can help bridge these gaps. KM systems are optimized when we share our creative solutions to individual knowledge and performance gaps amongst the organization. Failure to collaborate in this manner leaves us mired in a cycle of constantly reinventing the wheel.

How can we overcome these ingrained components of our culture that block the flow of knowledge? Simply put, we must discard old habits that discourage collaboration and embrace innovative tools and practices that shift the paradigm. Now is the time to break with our knowledge-hoarding past and individually share our knowledge for the benefit of the entire JAG Corps.

“Collaboration tools are not a substitute for hard work and research, but they should keep you from working hard without reason. Work hard and smart” - DJAG

By CW4 Jim Stedum
Warrant Officer Career College

Perspective from ITD:

Information Technology Division and KM

Mission

Provide secure, useful, user-friendly, and cost effective information technology and knowledge management enterprise solutions for the JAGC and its clients at all levels of command across the full spectrum of legal operations and JAGC disciplines, enabling the JAGC to effectively deliver legal services.

The Army, as an organization, embraced knowledge management (KM) as a discipline in 2003. How many of us had even heard the term, “knowledge management”, in 2003, let alone knew what it meant? For those of us who still might not know what KM is, FM 6-01.1, *Knowledge Management Operations*, defines KM as “the process of enabling knowledge flow to enhance shared understanding, learning, and decision making.” Fast forward to 2014, and not only is it a major focus of the Army, it is also a major focus of the Judge Advocate General’s Corps (JAGC). But what exactly is KM, and what does it mean to the JAGC? And how does ITD fit into the KM picture? This article will answer those questions by discussing some basic ideas of knowledge management, ITD’s overall mission and purpose, and ITD’s current portfolio of applications.

KM Essentials

According to FM 6.01-1, knowledge is “information that has been analyzed to provide meaning or value or evaluated as to implications for the operation.” It also defines two types of knowledge: tacit (knowledge that resides in an individual’s mind) and explicit (written or otherwise documented information that can be organized, applied, and transferred). In its introduction, FM 6.01-1 summarizes

KM with the phrase, “Know, Show, Grow!” (where “know” is our collective tacit knowledge, “show” is the explicit knowledge to be shared with others, and “grow” is the concept of collaboration which leads to new knowledge). Employing sound KM practices enhances the “grow” phase, improving:

- Collaboration among personnel at different places
- Rapid knowledge transfer between units and individuals
- Reach-back capability to Army schools, centers of excellence, and other resources
- Organizational ability to capture lessons learned
- Effective and efficient use of knowledge in conducting operations and supporting organizational learning

Finally, there are four components essential to a basic understanding of KM. Those four components are:

People: Those inside and outside the organization that create, organize, apply, and transfer knowledge, and the leaders who act on that knowledge.

Processes: The numerous staff and organizational procedures used in the preparation and conduct of operations.

Tools: Information systems and various software used to put knowledge products and services into organized frameworks (i.e., anything that is used to share and preserve information).

Organization: The matrix in which people-processes-tools function to integrate individual learning and organizational learning strategies.

Two of the four components – **people** and **tools** – are particularly relevant to ITD’s roles and responsibilities in KM development within the JAGC. FM 6-01.1 states the importance of people simply: “Of the four components, people are the most vital for successful KM.” It also points out that “an estimated 80 to 90 percent of all knowledge exists as individuals’ experience, expertise, or insights.” So what does this mean to you, the reader? Quite a lot, actually. There are three very important takeaways concerning the role of the individual in successful KM:

- Everybody is a knowledge worker. This relates to the old saying about not reinventing the wheel. If someone else has already come up with a solution, we should be able to share that knowledge for everyone’s benefit by providing access to anyone, anywhere in the organization.

- People must choose to share their knowledge. This is, perhaps, one of the biggest obstacles to effective KM solutions. If people are unwilling to share their knowledge, the organization cannot provide that expertise for others to use. In other words, the conversion of tacit knowledge into explicit knowledge will fail.

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Perspective from ITD:

ITD and KM continued. . .

- Knowledge management is not about technology alone. This may seem like a strange comment coming from ITD, but its truth is undeniable. If people don't communicate and share their tacit knowledge, KM systems and tools will not operate effectively. Technological solutions support the exchange of information, the cataloging of explicit knowledge, and the conversion of tacit knowledge to explicit knowledge, but they do not automatically ensure that people will actually participate.

In the end, KM needs people to be active, willing participants to truly be successful. If we can't get that 90% of knowledge that exists in individuals out to others in the field, we will continue to reinvent the wheel and fail to realize the true potential of our organization. A secondary benefit of people being willing and active participants is the feedback ITD receives from the end users. That feedback is crucial to the continual refinement and improvement of the applications we provide.

The second component – tools – is where ITD truly earns its keep. FM 6-01.1 points out that the mission determines the tools. All of the ITD applications (i.e., tools) have been dictated by – and continue to evolve based upon – the mission. Through these tools, ITD employs the sound KM practices and core competencies discussed in the previous sections. Through this collective employment, ITD is able to form another important KM tool: the global information grid – “the globally interconnected, end-to-end set of information capabilities [and] associated processes for collecting, processing, storing, disseminating, and managing information on demand to warfighters, policy makers, and sup-

port personnel.”

Simply put, ITD's mission is getting the right information to the right person at the right time in order to make an informed decision – in an easy to use and effective manner. ITD accomplishes this mission by utilizing JAGCNet to provide critical strategic communications, legal resources, and mission support for all garrison and deployed operations and to all active and reserve component legal personnel throughout all phases of mission planning and execution.

ITD takes great pride in our efforts to continually refine the JAGC's global information grid and provide KM enterprise solutions for everyone in our family – Soldiers, Civilians, and Family members. If you have any KM questions/comments/suggestions, please call the ITD helpdesk at (703) 693-0000 or submit your suggestions to the virtual suggestion box at <https://www.jagcnet2.army.mil/vsb>.

ITD's Current Tools

ITD currently manages and updates over 50 separate applications.

Military Justice:

- [Military Justice Online \(MJO\)](#)
- [Army Courts-Martial Information System \(ACMIS\)](#)
- [Government Appellate Division \(GAD\)/Defense Appellate Division \(DAD\) Trackers](#)
- [Electronic Docket \(eDocket\)](#)
- [Special Victims Prosecutor \(SVP\) Database](#)
- [Special Assistant United States Attorneys \(SAUSA\) Database](#)
- [Electronic Bench Book \(EBB\)](#)

Administrative Law:

- [Administrative Law Case Tracking System \(ALCS\)](#)
- [Environmental Law Database \(ELD\)](#)
- [Work Management System – Labor & Employment \(WMS-LE\)](#)

Claims:

- [Affirmative Claims Management Program \(ACMP\)](#)
- [Personnel Claims Army Information Management System \(PCLAIMS\)](#)
- [Torts and Special Claims Application \(TSCA\)](#)

Legal Assistance:

- [Client Information System \(CIS\)](#)
- [Office of Soldier's Counsel Case & Reporting System \(OSCCARS\)](#)

Contract and Fiscal Law:

- [Contract and Fiscal Law Division CaseTracker \(KFLD-CT\)](#)
- [Procurement Fraud \(PFraud\)](#)

Other Applications:

- [Academics Application](#)
- [Army Litigation Management System \(ALMS\)](#)
- [Judge Advocate Recruiting Office \(JARO\)](#)
- [Personnel, Plans, and Training Office Management System \(PPTO-MS\)](#)
- [Electronic Judge Advocate War-Fighting System \(e-JAWS\)](#)
- [JAGCNet: Last – but certainly not least – JAGCNet is the central hub for all JAGC applications.](#)

By CW3 Timothy L. Brandenburg
Chief, ITD Operations
Fort Belvoir

Perspective from TJAGLCS: TJAGLCS' Approach to Knowledge Management



The mission of The Judge Advocate General's Legal Center and School (LCS) is to train and educate members of The Judge Advocate General's Corps (JAGC) in legal and leadership skills, conduct strategic planning, and gather lessons learned in support of principled and mission-focused legal services to the Army and the Nation. Knowledge Management (KM) offers a unified approach to sharing the JAGC's tacit and explicit knowledge. Our faculty and staff employs milSuite, JAGCNet, and JAGU to promote a culture of knowledge sharing, broaden and strengthen our connections, and promote education throughout the JAGC.

The LCS demonstrates the value of sharing knowledge by actively leveraging the Corps' KM platforms to educate and train practitioners, consult with subject matter experts, and coordinate with fellow practitioners. Tacit knowledge is shared primarily through Communities of Practice and milBook. Explicit knowledge is shared through JAGCNet Document Libraries (DocLs). Finally, the LCS leverages JAG University (JAGU) to meet students at the point of need with educa-

tional products containing both tacit and explicit knowledge.

Communities of Practice on milBook

Communities of Practice (CoPs) house our Corps' *tacit knowledge*. (e.g. "know-how," best practices, etc). The LCS facilitates CoPs for the Corps' six core competencies and the Leadership, Management, and Training group. Our CoPs are designed to serve as the JAGC's "marketplace of ideas," enabling the Corps' practitioners, subject matter experts, academics, and policy attorneys to share problems, best practices, and solutions. The JAGC's CoPs, open to all "DoD legal practitioners," are hosted on "milBook" behind a CAC-enabled fire wall. This allows both military and civilian legal practitioners from throughout the DoD to join our communities *without AKO sponsorship*. The wide membership aperture enables the LCS to develop relationships beyond the Army and exchange knowledge with students and colleagues throughout the DoD. Within milBook, community members can connect and share their knowledge through discussion boards and blogs.

TJAGLCS believes that the CoPs are a resource *for the Corps, by the Corps*. Our facilitators promote knowledge sharing by marketing our communities to students, monitoring site content, energizing contributions from practitioners and subject matter experts, and, when appropriate, sharing our own knowledge and experience. Our goal is for practitioners to connect, ask tough questions, share best practices, and collaborate on solutions. The JAGC's captains should be the driving force for the CoPs. Our cap-

tains are the Corps' primary source of tacit knowledge. As the most forward Judge Advocates, they are best situated to capture best practices and share their experience with the community. It is our hope that SJAs will incentivize their participation; a single post can result in a significant benefit to the Corps. Additionally, we anticipate that our active community members will continue to share their knowledge and experiences as they become more senior.

Document Libraries

In contrast to CoPs, the JAGC's DocLs are repositories of the Corps' *explicit knowledge* – our articulated, codified, stored knowledge (e.g. deskbooks, handbooks, information papers). Subject matter experts, policy attorneys, and professors are the Corps' source of explicit knowledge. As the authors of regulations, manuals, handbooks, and deskbooks, the Corps' senior practitioners are the key contributors to our DocLs. While the LCS does not have a formal role within the DocLs, our faculty and staff will continue to share our explicit knowledge in the form of after action reviews, handbooks, and deskbooks.

Significantly, the DocLs have public and private facing sides. Given the diversity of our student populations, the public facing functionality is critical to the LCS, and we seek to post as much explicit knowledge as possible, publicly.

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Perspective from TJAGLCS: TJAGLCS' Approach to KM continued. . .

JAG University and Distributed Learning

Working hand in glove with LCS faculty, staff, and visiting subject matter experts, our Distributed Learning (DL) team leverages technology to provide relevant, tailored, and engaging learning experiences to legal practitioners located throughout the world. Our primary DL vehicle is JAG University (JAGU), a site using the *Blackboard* online learning management system.

JAGU enables the LCS to train and educate resident and non-resident student populations throughout the JAGC and broader federal and civilian legal communities at their point of need. Starting with the JAIBC and the 27D AIT course, JAGC personnel begin their careers in JAGU and will stay there throughout their career. JAGU not only hosts mandatory professional military education courses (e.g. the JA Officer Advanced Course), but also provides self-paced, self-development and refresher courses in the JAGC's core disciplines. Further, JAGU is an industry innovator in the "blended" learning model, where face-to-face resident instruction is combined with JAGU online courses and resources to maximize the learning experience. In 2014, JAGU hosted over 30 resident "blended" courses, allowing students to utilize materials and resources from mobile devices during class and for weeks after the course.

In addition to courses, JAGU leverages state of the art technology (i.e. social media, podcasting and streaming

media) to reach students whenever and wherever the need through live and recorded events. JAGU enables faculty/staff to deliver instruction through various means such as "live" webcasting, pre-recorded audio and streaming video lectures, online examinations, practical exercises, discussion boards, wikis and blogs, and to capture lessons learned and suggestions from the field

Communities of Practice (CoPs) are a resource for the Corps, by the Corps.

through surveys and a JAGU helpdesk.

LCS Department Web Pages

Our department web pages educate prospective students about our LCS course offerings, provide access to key resources for practitioners in the field, and introduce our faculty to the public and interested members of the federal government. One central tenant of KM is to avoid "stove piping" content. To that end, visitors of our web pages will not find deskbooks or discussion boards. Instead, they find links to those resources on milBook, DocLs, and on JAGU.

TJAGLCS develops and supports the most capable legal professionals in the world by promoting a culture of knowledge sharing and leveraging technology to transfer our subject matter expertise, know-how, and lessons learned to practitioners in the field. The LCS is committed to employing

the JAGC's KM platforms to connect with the field, share knowledge, and promote a culture of collaboration. KM does not require TJAGLCS to radically transform our institution or business practices. Instead, KM is simply a logical progression in our way of doing business. Our faculty and staff are already generating and storing knowledge, now we will share that knowledge through our KM platforms. Will you?

By Mr. Moe Lescault,
LTC Ben Grimes,
and MAJ Ryan Howard
TJAGLCS



From the Regimental Historian and Archivist: JAG Corps Birthdays — Then and Now

While one might think otherwise, it appears that celebrating the July 29th birthday of our Corps has not always been a high priority – even at our Regimental home in Charlottesville. We do know that celebrating the birthday was important to Major General Myron C. Cramer, who served as The Judge Advocate General from 1941 to 1945, and that the 169th birthday party (1944) was a gala affair in Washington, D.C. Since a short article published in 1944 states that the anniversary of the founding of the Corps “was observed by members of the corps stationed throughout the world,” it is likely that the birthday was celebrated at The Judge Advocate General’s School (TJAGSA), then located on the campus of the University of Michigan in Ann Arbor.

But after TJAGSA was opened in Charlottesville in 1951, July 29th parties seem to have been a rarity. Brigadier General (retired) Ronald Holdaway, who served on the Criminal Law faculty from 1967 to 1969, does not “recall any [JAGC birthday] celebrations ... until quite late in my career. Even then, it was, as I recall, pretty much a Pentagon thing, and, so far as I know, no one else took much, if any notice of it.”

Similarly, Major General (retired) William K. Suter, who served as the Commandant from 1981 to 1984, also does not “recall celebrating the birthday when [he] was at the School.” As General Suter puts it: “Quite frankly, we had too many social obligations, including the USMC [Marine Corps] birthday and Australian national day.”

COL Sharon Riley and SGT Christina Garcia cut the birthday cake on 29 July 2013



BG Stuart Risch cuts the birthday cake with SSG Christina Garcia on 29 July 2014

Major General (retired) Wilton Persons, who served as TJAG from 1971 to 1975 and is one of our most senior living members of the Regiment (he is 90 years old), remembers celebrating the 200th Anniversary of the Corps in 1975. He does not, however, remember that the birthday was celebrated at other times during his long and distin-

guished career in the Corps.

Since the mid-1990s, however, there has been increased interest in observing the founding of our Corps on 29 July 1775 and, today, virtually every post, camp, and station with an Army Judge Advocate presence celebrates the “JAG Corps Birthday.” At TJAGLCS, the Command Judge Advocate has overall responsibility for the event, and the birthday celebration is held in the Atrium, usually late in the morning. It involves a cake-cutting ceremony presided over by the ‘senior’ member of the Corps. Since the transformation of TJAGSA to TJAGLCS, this has been the commanding general if he (or she) is present that day. The most ‘junior’ member of the Corps--- usually a young-in-years and rank MOS 27D paralegal---also participates in the cake cutting. If there is a Judge Advocate Officer Basic Course in session, the junior lieutenant in that course reads a script highlighting the glorious history of our Corps; otherwise, the script is read by the junior Army lawyer in attendance.

This year, the 239th cake-cutting ceremony at TJAGLCS also had a new feature---a slide show presentation of photographs of past Corps birthday celebrations conducted in Charlottesville, with commentary provided by a lieutenant from the 194th Judge Advocate Officer Basic Course.

By the time you read this, the 239th birthday party will have passed into history---with our 240th anniversary on the horizon.

By Fred Borch
Regimental Historian

Perspective from the Field:

An Inside Look at the Special Victim Counsel Program



It's a Thursday afternoon, and a Deputy SJA summons one of his high-speed junior captains into his office. The captain enters and sits, as directed, unsure of what's coming next. "SECDEF has directed each branch to establish an SVC Program, and the SJA has nominated you to serve as SVC for Fort Swampy." "SVC?!?" the bewildered captain thinks. "What's that?!"

In the last year, more than fifty officers across the JAG Corps have had an experience similar to this. Many were selected to serve as Special Victim Counsel (SVCs) since the SVC Program's inception less than a year ago, and more have been added to meet growing demand. Less than a year into this burgeoning and rapidly evolving program, here's an insider's view of the SVC life.

The View from the Trenches

As with any billet in the JAG Corps, relationships make the difference, whether it is with fellow counsel, commanders, staffers, or clients. The success of the SVC Program, and of each SVC, inherently relies on the rela-

tionships SVCs build and maintain. Not only do SVCs work closely with clients, who lean heavily on our guidance through the investigative and judicial processes, but we must also cultivate relationships with trial counsel (TC), defense counsel (DC), Criminal Investigation Division (CID), SHARP personnel, ACS and unit Victim Advocates, medical personnel, and the list goes on.

Of course, SVCs must always advocate for our clients' rights and never sacrifice confidences in the name of building relationships. Our loyalty lies with our clients, and our bar licenses ride on that loyalty. On top of a heavy workload, the SVC role is fraught with ethical conundrums at nearly every turn. This means frequent engagement with a mentor, whether that person is the Chief of Legal Assistance (CLA), the Deputy SJA, the SJA, the SVC Program Manager (COL Jay McKee, OTJAG) and staff, or the SVC Program's bar association hotline.

In addition to professional responsibility, SVCs must know the law as it relates to the quickly evolving area of victim advocacy. An SVC cannot protect a client's rights if he or she does not know what those rights are. In many instances, this means the SVC must learn the nuances of MRE 412 (Sex offense cases; relevance of alleged victim's sexual behavior or sexual predisposition). A strong professional relationship and open communication with the Special Victim Prosecutor (SVP) and TC might alleviate this concern in cases where the victim's and government's interests are substantially aligned, but the SVC must maintain his or her neutrality at all times. Too much assistance to—or from—the government may jeopardize

client confidentiality if a military judge agrees with defense counsel allegations that the SVC has acted as a member of the prosecution.

Client Satisfaction

Client satisfaction is difficult to judge, especially in cases where highly traumatized survivors face protracted and complicated judicial proceedings largely outside of their control. Victims have been thrust into an unknown, and, at times, frustrating process against their will. No two clients are alike, and each will have a different response to sexual assault. Even with the guidance and advocacy of an SVC, victims still have to withstand proce-

The SVC program has over 50 SVCs supporting victims across the Army.

dural delays and endure examinations in interviews, hearings, and at trial.

An SVC can mitigate some of this frustration by working closely with the victim advocate, TC, SVP and DC to stay engaged throughout the investigative and judicial phases. It is imperative for the SVC to identify the needs of the client and quickly respond to that client's needs without compromising the nature of the attorney-client relationship or exceeding the representational scope. This might mean being available at all times and setting other work or personal tasks aside to meet the immediate needs of the client, whatever they might be.

(continued on next page)

Perspective from the field:

An Inside Look at the SVC Program continued. . .

The SVC often plays the role of a therapist, with a law degree, and a liaison between the military justice system and the victim.

By assessing the client’s needs, seeking case updates on behalf of the client, and then relaying that information to the client—even if there is nothing significant to report—the SVC builds a trusting relationship, the cornerstone of client satisfaction. Fortunately, the initial crop of SVCs has been a zealous and forward-leaning group, and both clients and families have been overwhelmingly appreciative of SVC assistance, often regardless of the outcome of the case.

SVC Satisfaction

Professionally, the SVC role requires a significant amount of time. Client interviews and periodic updates; CID/TC/DC interviews; legal research and application; attendance at Article 32 proceedings, Article 39(a) sessions, courts-martial; TDYs, CLEs, and outreach efforts all contribute to the SVC’s demanding workload. Given the newness of the SVC Program, many SVCs have a steep learning curve. Additionally, challenges abound in representing clients with zest. CID, counsel, and commanders may not fully understand the scope of what SVCs do. But each time we break new ground in the SVC Program, the position and program are further defined for the better. Representing victims of sexual assault day-in and day-out can also become emotionally draining. It is imperative for SVCs to take a personal break when they can.

The JAG Corps and the Army are in the midst of interesting, exciting times,

and SVCs are at the heart of it. As “the tip of the spear” of the SVC Program, we have a rare opportunity to mold policy and practice that will affect wave after wave of new SVCs. At the conclusion of a case, SVCs can be proud, knowing they provided consistent, thorough support to a victim of unimaginable trauma. Ultimately, a client’s satisfaction with the SVC is often directly related to the SVC’s efforts, and, likewise, an SVC’s satisfaction is directly related to the client’s satisfaction. Therefore, ensuring that all parties are satisfied depends largely on the SVC’s efforts and ingenuity in representing the client.

Current SVCs are at “the tip of the spear”, shaping an innovative program.

Working with SJAs

Like any Legal Assistance Attorney working in the Legal Assistance office of the OSJA, our leadership accepts and expects Legal Assistance Attorneys to advocate adverse positions from the commands. This is a time honored tradition amongst our Corps: that we, as legal assistance attorneys, will zealously press our client’s rights and wishes. SJAs accept this type of representation and have strongly lent their support in terms of resources, flexibility, leadership and mentorship to help SVCs succeed in representing the victims of sexual assault. It is true that SJAs will not always see eye-to-eye with the victim or the SVC in a particular case. But, if the SVC estab-

lishes and maintains a positive professional relationship with the OSJA and maintains open lines of communication, without disclosing privileged information, the SVC will have the opportunity to flourish, and the SVC Program will be primed to succeed. Our practice over the last nine months has shown this to be true.

Conclusion

Many answers about the SVC Program continue to evolve, and SVCs are truly building the program as it moves forward. Many of the concerns that existed during its inaugural few months have since been addressed, and many more are being solved on a daily basis. The JAG Corps is establishing a new paradigm in American jurisprudence that none at the State or local level has implemented as robustly and successfully. Hand in hand, working together, we have established the “Gold Standard” for victim’s rights in our administrative and military justice system.

By CPTs Cassie Fowler, Joseph Galli, Sara Gluckler, Kate Mitroka, and Kalin Schlueter



From the USAR Legal Command PAO: “Core of the Corps” USAR Unit Change of Command



On 30 May 2014, at the U.S. Army Legal Services Agency, Fort Belvoir, VA, COL Paul A. Marone passed command of the 13th Legal Operations Detachment (Expert) (LOD (E)) to COL William T. McMurry.

The 13th LOD (E) provides a superb capability of highly experienced citizen-attorney-Soldiers, as its assigned Judge Advocates maintain civilian practices in a wide spectrum of the legal field. Private practitioners, corporate & public General Counsels, Assistant U.S. Attorneys, District Attorneys, Public Defenders, law school Deans & professors, and federal & state agency attorneys all combine to make the unit a diverse and immensely valuable asset to the JAG Corps and the U.S. Army. The 30 May 2014 change of command continued this journey and demonstrated the exceptional character, commitment and competence of the U.S. Army Reserve Judge Advocates in enabling seamless "One Team" integration with the Active Army.

In 2012, the U.S. Army Reserve Legal Command transformed from 23 Legal Support Organizations into 28 Legal Operations Detachments (LODs). One of the five new units was the 13th LOD (E), a one of a kind Troop Program Unit (TPU) within the U.S. Army Reserve Legal Command, designed to absorb the former Drilling Individual Mobilization Augmentees

(DIMAs), performing duties and training at three key Active Component JAG Corps operations - OTJAG, USALSA, and TJAGLCS. Originally known as the 13th LOD (IA) for Individual Augmentees, the unit is now designated as the 13th LOD (E). The "E" is for Expert, which recognizes both the specialized nature of the support provided by the unit and its TPU status. COL Marone was selected as the unit's first Commander, effective 1 June 2011. The unit headquarters is in Upper Marlboro, Maryland, but unit members are assigned to duties at OTJAG, USALSA and TJAGLCS - thus the unit motto - "At the Core of the Corps."

COL McMurry served on active duty from 1991 to 1997 including assignments at the U.S. Army Cadet Command, TRADOC, and the Contracting Activity, U.S. Army Tank-Automotive & Armaments Command. His Army Reserve career has included assignments to the Joint Forces Command (then called Atlantic Command), the 154th and 151st Legal Support Organizations, and the headquarters of the U.S. Army Reserve Legal Command, where he was the G-1. COL McMurry comes from OTJAG, where he was the Executive Officer for Reserve Component General Officers. In his civilian career, COL McMurry is an Associate Chief Counsel for NASA.

By LTC Rob Yale
 Legal Command Public Affairs

YouTube video of the ceremony:
<http://youtu.be/wC1Pw0f8E5s>



COL Marone (left) watches as incoming commander COL McMurry passes the 13th LOD (E)'s unit colors to Senior Paralegal NCO SFC Jenny Medina-Celestin

From the Regimental Historian and Archivist: Noncommissioned Officers Academy Celebrates 10 Years



BG Black passes the guidon to first NCOA Commandant, SGM Ray

On 17 June 2004, the Non-Commissioned Officer Academy was activated at the Legal Center and School, with Sergeant Major Michael Ray serving as the first Commandant



Sergeant Major Howard Metcalf, 8th Regimental Sergeant Major, was a major proponent of moving all MOS 27D NCO education to the LCS.

17 June 2014 was an important anniversary for The Judge Advocate General's Legal Center and School (LCS) and the Corps---the 10th anniversary of the Noncommissioned Officers Academy (NCOA). Activated at the LCS on 17 June 2004, the NCOA has educated and trained hundreds of paralegal Noncommissioned Officers (NCOs) in the Army over the last ten years.

The decision to create a stand-alone NCOA was the culmination of a number of events, one of the most important being the Army's creation of "Career Management Field 27 Paralegal" on 1 October 2001. For the first time in history, the Army recognized enlisted personnel in the Corps as paralegals. This new status brought with it an increased recognition that the Corps must take more responsibility for the education and training of NCOs, and that the time had come to centralize all officer, warrant officer, and NCO legal training. Since judge advocates, legal administrators, and court reporters were already being taught at the LCS, the next logical step was to transfer the NCO paralegal courses from The Adjutant General's Soldier Support Institute at Fort Jackson, South Carolina (where they had been taught since 1995), to Charlottesville and the LCS.

Moving NCO education to the LCS was only part of the issue, however, since the larger question was how this

education should be taught, and who would teach it.

While Major General Thomas J. Romig, then serving as The Judge Advocate General, considered a number of options, he ultimately endorsed the idea of establishing a stand-alone NCOA at the LCS. This concept had long been championed by Major General Romig's top enlisted advisor, Sergeant Major Howard Metcalf. Metcalf was convinced that NCO paralegals must be educated alongside judge advocates, legal administrators, and court reporters, because a single, shared learning environment would ensure that the Corps was 'training' the way we would 'fight.'

On 17 June 2004, the NCOA was activated, with Sergeant Major Michael Ray assuming duties as the first Commandant. In October 2004, the first students began arriving for classes and, in the seven months that followed, the NCOA trained 23 senior and 59 junior NCOs. Central to this early time period was a challenging field training exercise (FTX) held at Fort Pickett, Virginia. A full day of the FTX was devoted to urban combat training and improvised explosive device identification, as these were the two most challenging aspects facing paralegals deploying to Afghanistan and Iraq.

In 2005, the NCOA was awarded full accreditation as an academy by the Army's Training and Doctrine Com-

mand (TRADOC) and was also recognized as a "Learning Institution of Excellence." In January 2012, TRADOC again accredited the NCOA as a "Learning Institution of Excellence" (the highest possible accreditation).

Today, the NCOA conducts ten courses over five training cycles a year. Each cycle consists of five weeks and two days. Two concurrent classes are trained each cycle--the Advanced Leader Course and the Senior Leader Course. Education and training is conducted using the seminar format, which shifts the teaching methodology from "what to think" to "how to think."

Students learn through group participation and assignment as discussion leaders. As the NCOA marks its tenth year at the LCS, its presence demonstrates the wisdom of creating a comprehensive training and leader development program in a single, shared learning environment. There is every reason to believe the NCOA will continue to play a prominent and important role in legal education in The Judge Advocate General's Corps.

By Fred Borch
Regimental Historian