

147. Selection & Tenure of Military Judges

- A. How are military judges selected for each Service?
- B. What training do they receive?
- C. How long do they serve as military judges?
- D. What specific training do military judges receive regarding sentencing?
- E. What training do military judges receive regarding adult sexual assault cases, including selecting appropriate sentences?

USA	<p>Answer A:</p> <ul style="list-style-type: none">• Military Judges are selected by The Judge Advocate General, upon recommendation by the Chief Trial Judge. Policy for the selection of military judges is set forth in the attached Chapter 8, JAGC Publication 1-1 “Personnel Policies” (updated 17 March 2014).• The criteria for selection of active component officers to serve as military trial judges is:<ul style="list-style-type: none">○ (1) at least three years of trial experience as a trial or defense counsel; two years of trial experience and at least one year as a chief of criminal law, a regional defense counsel, or criminal law instructor; or three years as a SJA in an active criminal law jurisdiction○ (2) serving in grade of colonel, lieutenant colonel, or major (promotable)○ (3) have completed ILE or the equivalent○ (4) have demonstrated mature judgment and high moral character; and○ (5) have been nominated for selection by the Chief Trial Judge, in coordination with Chief, PPTO.• Currently, there are 27 Active Component (AC) Judge Advocates serving as military judges, including one retiree recall. There are also 23 Reserve Component (RC) judges available to try courts-martial. Of the 27 AC officers, 14 are Colonels, 12 are Lieutenant Colonels, and 1 is a promotable Major. Of the 23 RC officers, 10 are Colonels, 12 are Lieutenant Colonels, and 1 is a promotable Major. Officers recommended for military judge assignments generally have extensive experience in military justice well beyond the minimum criteria set forth above. <p>Answer B:</p> <ul style="list-style-type: none">• All military judges must attend and graduate from the Military Judge
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	<p>Course at the Judge Advocate General’s Legal Center and School, a three-week intensive training course for new military judges. The Military Judge Course includes not only instruction on substantive criminal law and procedure, but practical exercises designed to simulate actual trial practice. The capstone exercise for the course is a mock trial over which the student must successfully preside, graded by a senior, experienced sitting military judge. Additionally, all judges attend a week-long Joint Military Judge Annual Training (JMJAT), along with all other military judges in Department of Defense and Department of Homeland Security. Finally, the Army Trial Judiciary has added an annual two-day Sexual Assault (SA) training course, focusing on presiding over the trials of Article 120 offenses.</p> <p>Answer C:</p> <ul style="list-style-type: none"> • Pursuant to Army Regulation 27-10, para. 7-1g, tenure for military judges is a minimum of three years, with certain limited exceptions. Experienced judges can request back-to-back judicial assignments. Several sitting judges have over 10 years of judicial experience in military justice. <p>Answer D:</p> <ul style="list-style-type: none"> • At the Military Judge Course, JMJAT and the SA training, military judges conduct seminars/roundtables regarding sentencing, not only in Article 120 cases, but in all cases. Led by senior and experienced military judges, these seminars/roundtables present judges with specific fact scenarios, focusing on and discussing appropriate factors for consideration in reaching appropriate sentences for those scenarios. <p>Answer E:</p> <ul style="list-style-type: none"> • Presiding over Article 120 cases, including the sentencing thereof, has become a major focus of all the training events listed above. The case file around which the entire three-week Military Judge Course is built is a sexual assault case. The main focus of JMJAT over the last several years has been sexual assault. As the name implies, the Army's in-house Sexual Assault training focuses exclusively on handling sexual assault cases.
USAF	<p>Answer A:</p> <p>Screening Criteria/Military Justice Experience for Military Judges:</p> <p>The Judge Advocate General (TJAG) approves all judge advocate assignments, including all military appellate and trial judges. The JA assignments officer provides to TJAG military judge candidates and recommendations for who should be assigned as a military judge as well as their assignment location. From the outset, the</p>

assignments officer has access to every judge advocate's accession file and complete duty history, to include Officer Performance Reports, awards and decorations, assignment history, and any instances/allegations of misconduct. Once a check for past misconduct or any other negative indicators is complete, military judge candidates are then vetted per the following criteria:

- 10 U.S.C. §286: Prescribes basic criteria for a military judge of a general or special court-martial
- Military Justice Experience: Candidates are analyzed on their past military justice experience, including past service as a trial counsel, defense counsel, chief of military justice, and as a Staff Judge Advocate if applicable. Candidates must have a keen knowledge of criminal military law, the Rules for Courts-Martial (R.C.M.), the Military Rules of Evidence (M.R.E.), as well as the overall Manual for Courts-Martial (M.C.M.) and Uniform Code of Military Justice (U.C.M.J.). Most, though not all, military judges have previously served as Senior Trial or Defense Counsel, Appellate Counsel, or as a Staff Judge Advocate.
- Officership/Leadership/Work Ethic: Candidates are analyzed for their officership, ability to work autonomously, organization and time-management skills, specialized training, etc., to ensure they have the skills and work ethic needed for such a position.
- Supervisor Recommendation: The assignments officer receives recommendations from the candidate's supervisor (e.g. Staff Judge Advocate); SJAs are then contacted directly by the assignments officer to further vet the above qualities to ensure the candidate is a proper match for a military judge assignment.
- Chief Judge Coordination: Once a candidate goes through the above vetting process, the assignments officer coordinates all military judge candidates with the Chief Trial and Chief Appellate Judge to ensure each candidate meets the demands and expectations of leadership. In addition to the above information, the Chief Judges are provided the candidate's biography, which includes their assignment history, awards and decorations, and are briefed on the candidate's past duty performance.

The Judge Advocate General does not select a candidate to become a military judge until after the vetting process above is complete and the candidate's supervisor, the Chief Judge, and the assignments officer all concur that a candidate is a viable military judge. Once the vetting and coordination process is complete, the assignments officer provides TJAG with a recommendation on who should become a military judge and where they should be assigned. At that time, TJAG is provided all of the information compiled above, along with the candidate's biography and full duty history, including Officer Performance Reports, assignment history, etc., and makes the decision to assign a candidate as a military judge.

Answer B:

	<p>All judges are required to attend the 3-week Military Judges Course at the Army JAG School and must pass a final exam to be certified. Before presiding over trials, each judge must also observe another judge in trial and must be observed by a certified judge for their first trial. Each year, all judges also attend an annual week-long training conference hosted by either the Air Force or the Navy.</p> <p>Answer C:</p> <p>As a general rule, military judges serve a three year tour, though some are curtailed to two years and others are extended to four. In some instances, particularly after promoting to Colonel, military judges will have back-to-back tours as a military judge. In other instances, a former military judge will return to the bench after completing one or multiple non-military judge tours.</p> <p>Answer D:</p> <p>During the 3-week Military Judges Course, a significant amount of instruction is dedicated to sentencing, to include seminars and moot sentencing exercises.</p> <p>Answer E:</p> <p>All judges are required to complete annual SAPR training. In addition, sexual assault is a specific subject covered at the 3-week Military Judges Course and at each annual training event.</p>
USN	<p>Answer A:</p> <p>In the Navy and Marine Corps, military judges are first selected by a Judicial Screening Board in accordance with JAGINST 5817.1F. Under this instruction Navy and Marine Corps judge advocates are screened for assignment by the Judge Advocate General to be trial and/or appellate judges.</p> <p>Judge advocates assigned to judicial billets must possess a suitable background in military justice, sound judgment, an even temperament, unquestioned maturity of character, and exemplary writing skills. Further, as senior officers with significant responsibility over junior officers, military judges must be both mentors and role models and also have strong leadership skills. Military trial judges, in particular, should be sufficiently skilled in litigation techniques and know the burdens of litigation from the litigant's perspective. All of these factors are considered during the screening process. Judge advocates must apply for judicial screening, and, upon selection by the Judge Advocate General, must attend a three week inter-service military judge course hosted by the Army.</p> <p>Answer B:</p> <p>During the judicial certification process, all judges attend the joint Military Judge</p>

Course at the Army's legal schoolhouse, The Judge Advocate General's Legal Center and School (TJAGSLC). At this course they receive instruction in the rules of evidence and rules of procedure that guide trials, to include trials involving sexual assault allegations. The three week course is hosted by the Army, and attended by judicial candidates from all of the services. Candidates must receive a passing grade to be certified by the Judge Advocate General. The course includes classroom teaching as well as extensive practical application and seminar discussions.

Additionally, each year, the inter-service trial judiciaries gather for continuing education, during which advanced evidence and procedure are covered. Seminars are held covering scenario-driven applications, including substantive law, procedure and sentencing. At the appellate level, judges hold an annual conference that addresses evidence, procedure, appellate writing, judicial methodology and court management.

For both the trial and appellate judiciaries, additional opportunities for training arise during the year, including courses offered by the National Judicial College in Reno, NV.

Answer C:

Once screened for judicial assignment and detailed as a military judge, a Navy judge advocate will typically serve an initial tour of three years as a military judge. He or she may or may not then be assigned to follow-on tours as a military judge. The needs of the Navy and the officer's career development both factor into the decision as to follow-on tours.

Answer D:

Specific training on sentencing occurs in both substantive instruction (maximum sentences, mandatory sentences, capital case lectures, and evidentiary requirements under the Rules for Courts-Martial) and in seminar discussions. During the seminar discussions, groups of judges from all of the services discuss factors one might consider during sentencing, permissible limits of consideration under the rules, as well as likely sentences imposed based on the facts presented by the scenarios.

Answer E:

Judges undergo the various SAPR training requirements like all service members, provides the same program awareness and responsibilities as every person in uniform. Additionally, Judges arrive to the bench after prior assignments that have produced significant experience and training in sexual assault cases relative to their positions as prosecutors, defense counsel, staff judge advocates, school house instructors or criminal law policy attorneys within the department.

Judicial training regarding adult sexual assault cases begins at the Military Judge Course at TJAGLCS, as judges are instructed regarding the rules of evidence and

	<p>procedure that apply to all cases, including sexual assault cases. Sexual assault cases do receive particular attention. This year, one full afternoon is dedicated to Article 120, and another afternoon is dedicated to the application of the “rape shield law.”</p> <p>Judges again receive follow-on training in evidence and procedure during annual continuing legal education. While the particular lectures and seminars change from year to year, presentations have included lectures and discussions regarding “hard” science, such as DNA and blood alcohol measurements, and “soft” science such as counter-intuitive behavior. This past year, in addition to the annual training discussed above, all judges participated in lectures covering the rules of evidence specific to sexual assault cases (“rape shield” and similar crimes in sexual assault cases, Military Rules of Evidence 412 and 413), common legal issues encountered by judges in sexual assault type offenses, expert assistance and expert witnesses and the legal foundational requirements and limits of such evidence, and the use of experts in sexual assault cases (including counter-intuitive behavior).</p> <p>During years when specific courses covering these topics are not offered, seminars and discussions are hosted during the training centering on these subjects because they are topical interest items from current cases, or recently decided cases from the appellate courts. Annual training routinely covers topics that include the admissibility of evidence relative to sexual assault cases, the applicability of privileges (medical records, counseling, rape shield), and sentencing considerations.</p> <p>As noted above, sentencing training occurs both substantive instruction (maximum sentences, mandatory sentences, capital case lectures, and evidentiary requirements under the Rules for Courts-Martial) and in seminar discussions. During the seminar discussions, groups of judges from all of the services discuss factors one might consider during sentencing, permissible limits of consideration under the rules, as well as likely sentences imposed based on the facts presented by the scenarios.</p>
USMC	<p>Answer A:</p> <p>In the Navy and Marine Corps, military judges are first selected by a Judicial Screening Board in accordance with JAGINST 5817.1F. Under this instruction Navy and Marine Corps judge advocates are screened for assignment by the Judge Advocate General to be trial and/or appellate judges.</p> <p>Judge advocates assigned to judicial billets must possess a suitable background in military justice, sound judgment, an even temperament, unquestioned maturity of character, and exemplary writing skills. Further, as senior officers with significant responsibility over junior officers, military judges must be both mentors and role models and also have strong leadership skills. Military trial judges, in particular, should be sufficiently skilled in litigation techniques and know the burdens of litigation from the litigant's perspective. All of these factors are considered during the screening process. Judge advocates must apply for judicial screening, and, upon selection by the Judge Advocate General, must attend a three week inter-service military judge course</p>

hosted by the Army.

Answer B:

During the judicial certification process, all judges attend judges school, at which they receive instruction in the rules of evidence and rules of procedure that guide trials, to include trials involving sexual assault allegations. The three-week course is hosted by the Army, and attended by judicial candidates from all of the services. Candidates must receive a passing grade to be certified by the Judge Advocate General. The course includes classroom teaching as well as extensive practical application and seminar discussions.

Additionally, each year, the inter-service trial judiciaries gather for continuing education, during which advanced evidence and procedure are covered. Seminars are held covering scenario-driven applications, including substantive law, procedure and sentencing. At the appellate level, judges hold an annual conference that addresses evidence, procedure, appellate writing, judicial methodology and court management.

For both the trial and appellate judiciaries, additional opportunities for training arise during the year, including courses offered by the National Judicial College in Reno, NV.

Answer C:

Once screened for judicial assignment and detailed as a military judge, a Marine Corps judge advocate will typically serve an initial tour of three years as a military judge. He or she may or may not then be assigned to follow-on tours as a military judge. The needs of the Marine Corps and the officer's career development both factor into the decision as to follow-on tours.

Answer D:

Specific training on sentencing occurs in both substantive instruction (maximum sentences, mandatory sentences, capital case lectures, and evidentiary requirements under the Rules for Courts-Martial) and in seminar discussions. During the seminar discussions, groups of judges from all of the services discuss factors one might consider during sentencing, permissible limits of consideration under the rules, as well as likely sentences imposed based on the facts presented by the scenarios.

Answer E:

Judges undergo the various SAPR training requirements like all service members, provides the same program awareness and responsibilities as every person in uniform. Additionally, Judges arrive to the bench after prior assignments that have produced significant experience and training in sexual assault cases relative to their positions as prosecutors, defense counsel, staff judge advocates, school house instructors or

	<p>criminal law policy attorneys within the department.</p> <p>Judicial training regarding adult sexual assault cases begins at the school house, as judges are instructed regarding the rules of evidence and procedure that apply to all cases, including sexual assault cases. Sexual assault cases do receive particular attention. This year, one full afternoon is dedicated to Article 120, and another afternoon is dedicated to the application of the “rape shield law.”</p> <p>Judges again receive follow-on training in evidence and procedure during annual continuing legal education. While the particular lectures and seminars change from year to year, presentations have included lectures and discussions regarding “hard” science, such as DNA and blood alcohol measurements, and “soft” science such as counter-intuitive behavior. This past year, in addition to the annual training discussed above, all judges participated in lectures covering the rules of evidence specific to sexual assault cases (“rape shield” and similar crimes in sexual assault cases, Military Rules of Evidence 412 and 413), common legal issues encountered by judges in sexual assault type offenses, expert assistance and expert witnesses and the legal foundational requirements and limits of such evidence, and the use of experts in sexual assault cases (including counter-intuitive behavior).</p> <p>During years when specific courses covering these topics are not offered, seminars and discussions are hosted during the training centering on these subjects because they are topical interest items from current cases, or recently decided cases from the appellate courts. Annual training routinely covers topics that include the admissibility of evidence relative to sexual assault cases, the applicability of privileges (medical records, counseling, rape shield), and sentencing considerations.</p> <p>As noted above, sentencing training occurs both substantive instruction (maximum sentences, mandatory sentences, capital case lectures, and evidentiary requirements under the Rules for Courts-Martial) and in seminar discussions. During the seminar discussions, groups of judges from all of the services discuss factors one might consider during sentencing, permissible limits of consideration under the rules, as well as likely sentences imposed based on the facts presented by the scenarios.</p>
USCG	<p>Answer A:</p> <p>The Coast Guard currently has one Chief Trial Judge who may preside over general courts-martial. The Coast Guard Chief Trial Judge also details military judges from within the Coast Guard and from the other services to Coast Guard general and special courts-martial.</p> <p>The Chief Trial Judge of the Coast Guard, in consultation with the Office of Legal Policy and Program Development (CG-0948), reviews and recommends applications by Coast Guard judge advocates who are certified as counsel pursuant to Article 27(b), for attendance at a Military Judge Course and certification as a military judge under Article 26(b), UCMJ. This recommendation is forwarded to the Judge Advocate</p>

General of the Coast Guard who may select applicants for attendance at a Military Judge Course who have the requisite basic knowledge, experience, and temperament to be a military judge. The following factors and requirements are considered when making this decision:

(1) Prior Certification as Counsel. Certification as counsel for general courts-martial is required.

(2) Military Justice Experience. A solid foundation of military justice and trial experience is required. Trial experience will preferably be in courts-martial. The baseline standard is service as the lead counsel in at least five trials, including at least one members/jury case. Moreover, at least three trials must be contested on some significant aspect of the merits.

(3) Paygrade. Grade must be at least O-5.

(4) Availability to Serve. The applicant must reasonably expect to be available as a military judge at four trials per year, for three years following Military Judge Course attendance and certification.

(5) Prior Performance. The applicant's Headquarters Personnel Data Record is reviewed.

(6) Other Information. Any relevant information provided from other sources, including but not limited to the comments of judges the applicant has practiced before, professional reputation within the Coast Guard, and performance information submitted by the applicant that is not contained in the PDR.

(7) Diversity in the pool of certified military judges, and travel costs associated with the applicant's billet, will also be considered.

- In exceptional circumstances, a selection requirement may be waived by the Judge Advocate General (TJAG).

Answer B:

Coast Guard judge advocates attend a Military Judge's Course (frequently attended at The Judge Advocate General's Legal Center and School, U.S. Army (TJAGLCS)), prior to certification as a military judge pursuant to Article 26(b), UCMJ. Certified judges must also attend the annual 5-day Inter-Service Military Judge Seminar (frequently held at the National Judicial College). Military trial judges are also expected to enroll in a National Judicial College (NJC) professional certificate program and make steady progress toward Completion.

Answer C:

- A General Court-Martial military trial judge (i.e. the Chief Trial Judge) is assigned for a minimum of three years, except when he or she: (1) retires or otherwise separates from military service; (2) is reassigned, per the officer's request, to another billet, under the normal personnel assignment process based on the needs of the service and without regard to any prior performance of judicial duties; or (3) is temporarily, indefinitely, or permanently suspended from practice as a military trial judge by the Judge Advocate General (TJAG) for good cause.

• A collateral-duty Special Court-Martial (SPCM) military trial judge is assigned for a minimum of three years and may request to serve beyond the normal three-year term. The minimum 3-year term does not apply whenever the SPCM: (1) retires or otherwise separates from military service; (2) is reassigned, per the officer's request, to another billet, under the normal personnel assignment process based on the needs of the service and without regard to any prior performance of judicial duties; or (3) is temporarily, indefinitely, or permanently suspended from practice as a military trial judge by TJAG for good cause.

Answers D and E:

A Military Judge's Course (frequently attended at The Judge Advocate General's Legal Center and School, U.S. Army (TJAGLCS)), which is required prior to certification as a military judge, provides training with respect to procedural and substantive legal aspects of sentencing under the UCMJ, and additional requirements of federal law and the Constitution of the United States.

JAGC Publication 1-1
Personnel Policies

Office of The Judge Advocate General
1 January 2014

Includes updates of 17 March 2014
replaces version of 6 March 2014

PREFACE AND AUTHENTICATION

1. JAGC Publication 1-1 has been significantly revised as indicated in the enclosed summary of changes. Of particular note, this publication incorporates and supersedes several TJAG Policy Memoranda that have evolved into enduring JAGC policies. This substantial update is intended to make the document easier to review and reference for the members of the Judge Advocate Legal Service (JALS). It provides guidance for individuals in the management of their own careers, as well as tools for leaders in mentoring and educating their subordinates.
2. In a marked departure from historical practice, this policy reference is separate from the personnel directory. This reference is designed to be a searchable digital document. To facilitate the regular and rapid revision of this publication, I encourage individuals to keep digital copies accessible on their computers rather than in hardcopy.
3. Where a policy is unclear or the approval authority for an exception to the policy is not identified, the clarification or exception sought should be sent to the Chief, PPTO. More general comments and suggested improvements should be sent to the PPTO Chief of Plans, Office of The Judge Advocate General, ATTN: DAJA-PT, 2200 Army Pentagon, Washington, DC 20310-2200.
4. The policies in this publication are effective as of 1 January 2014; all previous versions of this publication are hereby revoked.

FOR THE JUDGE ADVOCATE GENERAL:

COREY L. BRADLEY
Colonel, JA
Chief, Personnel, Plans
and Training Office

SUMMARY of CHANGE

JAGC Pub 1-1
Personnel Policies

This revision-

- o Replaces all previous versions.
- o Administrative updates (throughout).
- o Clarifies roles of PPTO and the LCS with respect to branch proponency and force modernization (para 1-4).
- o Updates career models to match most current duty titles for AC JAs (para 1-5).
- o Limits Student Intern Program availability to 2Ls; clarifies Student Volunteer Program policies; and terminates the Judge Advocate Return to Active Duty program (chap 2 and figure 3-1).
- o Clarifies process through which TJAG determines the number of Direct Commissioned candidates to access each fiscal year (para 3-1).
- o Clarifies OJT OERs for FLEP Officers (para 3-3f) and adds that TJAG may request FLEP officers still under the control of their basic branch be excluded from Army Competitive Category boards (e.g., Officer Selection Boards) (para 3-3k).
- o Updates Judge Advocate incentive forms updated, Critical Skills Retention Bonus is discontinued, and eligibility for SLRP limited to officers in the rank of CPT and below. (para 4-1 to 4-5).
- o Removed caveat that the Staff Judge Advocates of U.S. Army, Europe, (USAREUR) and Eighth U.S. Army will coordinate with the Chief, PPTO, in assigning all JAs within their respective areas, other than SJA, Regional Defense Counsel, and military judge positions, officers in these locations will now be assigned like all other JAs (para 5-2).
- o Removes the assignment worksheet from this Publication and refers officers to JAGCNET for newest version of the form (paras 5-3 and 5-4).
- o Clarifies assignment of defense counsel to sustainment brigades is being phased out in anticipation of a move of these authorizations to separate TDAs (para 5-9).
- o Establishes Army Military Human Resource & Promotion Boards Record Management policy for PPTO, which reflect TJAG's direction that officers will consult with their local personnel office or S-1 first for updates to their files and guidance on how to prepare for promotion boards (para 5-14d).
- o Adds a Promotion Plan Policy detailing the requirement that promotions for MAJ and LTC be spread out over a twelve month period (para 5-15).
- o Removes WWCLE as the focal point of coordination between JA Supervisors and PPTO for assignments (chap 5).

- o Updates AGR application process and USAR Career Model (chap 6).
- o Updates school model to better track career model (para 7-1).
- o Revises height, weight, and APFT requirements for LCS courses to include requirements from Army Directive 2012-20, provides for removal of those who fail these requirements, and ensures appropriate annotation on their AERs (para 7-1c).
- o Updates the Direct Commissioned Officer Course and JA OBC to reflect the change in order of these courses and termination of the BOLC II course (para 7-2).
- o Updates policy on Reserve initial training bifurcation to reflect change in order of OBC and DCC (para 7-3).
- o Updates Intermediate Level Education section to reflect the change of nomenclature for resident ILE back to CGSC and clarifies procedures for attending all three forms of ILE. Also updates the annotation of ILE on the ORB to reflect HRC standard (para 7-7).
- o Updates Advanced Civil Schooling to clarify policies and procedures for ILE Board Selectees attending an LLM program and the requirement to complete their LLM prior to their initial follow on assignments (para 7-8).
- o Clarifies requirements for SSC and updates JAGC policy to mirror the recent change to the Army Competitive Category (ACC) Senior Service College (SSC) active federal commissioned service (AFCS) eligibility guidelines, which reduced the AFCS ceiling from 25 years to 23 years and reduced the FLEP exemption from 36 months to 24 months (para 7-9).
- o Incorporates a summary of Army Fellowship Program opportunities from AR 621-7 (para 7-11).
- o Incorporates TJAG Policy 11-7, Military Justice Skill Identifiers (appendix 7-15).
- o Revises requirements to serve in the Trial Judiciary and updates the procedures and requirements for training military judges (para 8-1); updates requirements to serve or be extended in the USAR Trial Judiciary along with updates to the procedures and requirements for training military judges (para 8-2); and makes the education requirement for trial and appellate judges the same (para 8-5d).
- o Updates and clarifies procedures to submit a retirement or resignation request, removes these sample forms from the Publication, and refers officers to JAGCNET for the current HRC approved versions of these forms (paras 10-2 and 10-3).
- o Updates the standard for selective continuation (SELCON) from qualified to best qualified and incorporates TJAG decision not to SELCON beyond 20 years of service (para 10-10).
- o Clarifies Counsel in Courts Martial rules (para 11-1).
- o Updates good standing rules by incorporating the former TJAG Policy 07-01 (para. 11-2).
- o Updates and clarifies TJAG's suspension from duties authorities and TJAG's authority to FLAGS for professional responsibility reasons (paras 11-4 and 11-9).
- o Clarifies the rules involving outside practice and employment for civilian attorneys (para 11-5b).
- o References new TJAG Policy Memo 14-3, Professional Responsibility (para 11-7).
- o Revises Warrant Officer career model and adds clarification on the Warrant Officer assignment process (chap 12).

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JAGC PUBLICATION 1-1: PERSONNEL POLICIES

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o Incorporates TJAG policy on Civilian Attorney Licensing Fee Reimbursement to Pub 1-1 (para 13-5).

o Incorporates a chapter on Enlisted Career Management with career models (chap 14).

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CHAPTER 1. INTRODUCTION

1-1. FORMAT AND SCOPE.

a. This publication outlines policies and procedures for the execution of TJAG's unique statutory duties defined in 10 U.S.C. § 3037, Secretarial-directed duties as delineated by the Secretary of the Army in General Order 2012-01, regulatory duties as listed in Army Regulation 27-1, and all other regulations where TJAG is the proponent or authority for personnel matters within the JAGC or The Judge Advocate Legal Service (JALS). It consolidates information and policies concerning personnel matters within The Judge Advocate General's Corps (JAGC) and JALS, with appropriate citations to applicable references and authorities. Consult these references for specific procedures. This publication also includes several sample formats, modified as appropriate to reflect procedures specific to the JAGC.

b. Where information in this publication conflicts with law, regulation, or policies by a more senior policy authority, the law, regulation, or more senior policy takes precedence.

c. Information in this publication is current as of 1 January 2014. Policies are subject to change. Changes will be posted on JAGCNET at www.jagcnet.army.mil.

1-2. APPLICABILITY.

TJAG is the proponent for the JAGC and JALS. This publication codifies TJAG's personnel policies and applies to all individuals under the authority of The Judge Advocate General (TJAG) or within the JALS. In accordance with Army Regulation 27-1, the JALS includes the JAGC; officers detailed to the JAGC; civilian attorneys for whom TJAG is the qualifying authority (See Army Regulation 690-300, sub chap 213, para 4-2); and professional consultants, legal technicians, warrant officers, enlisted personnel, civilian employees, and other personnel on duty with the JALS.

1-3. QUESTIONS AND CHANGES.

Submit questions and recommended changes to this publication by contacting the Personnel, Plans and Training Office (PPTO), Office of The Judge Advocate General (OTJAG) at DSN 865-2447 or commercial 703-545-2447.

1-4. JAGC & JALS PERSONNEL POLICIES.

a. TJAG is the personnel policy proponent for the JAGC and the members of the JALS.

b. The Chief, PPTO is responsible for assisting TJAG in fulfilling his or her statutory and regulatory responsibilities as the JAGC branch proponent. As the branch proponent, the Chief, PPTO, is principally responsible for all personnel policies affecting personnel in the Judge Advocate Legal Service (JALS) except for those areas covered by The Judge Advocate General's Legal Center and School (TJAGLCS). The Commander TJAGLCS is the principle proponent for force modernization.

c. Fair, candid, and open personnel management remains critical to meeting the JAGC's mission to develop, employ, and retain a team of proactive professionals, forged by the warrior ethos, who deliver principled counsel and mission-focused legal services to the Army and the Nation. The expert flexible force produced by sound personnel management practices will realize the JAGC leadership's vision for the Corps to be one team, values-based, and committed to justice, with one focus: proactive legal support, while deployed and at home station, to enable the successful conduct of full spectrum operations for the Nation we serve.

d. Effective personnel management occurs only when the JAGC leadership, supervisors, and individual members of the Corps all share interest in individual and organizational professional development. Every employee and Soldier should remember, however, that responsibility for a successful career ultimately remains the responsibility of the individual. To that end, all members of the JAGC have a right to communicate directly with their appropriate personnel manager.

e. TJAG Policy Memoranda (available on JAGCNet) provide guidance to the JAGC as a whole or to a large segment of the Corps.

f. JALS members may submit policy suggestions or recommendations to the Strategic Planning Team at the Legal Center and School through the "Virtual Suggestion Box" link found on the JAGCNET homepage (www.JAGCNet.army.mil).

1-5. PROFESSIONAL DEVELOPMENT OF JUDGE ADVOCATES.

TJAG is the primary personnel manager of JAs under the statutory mandate of Title 10 U.S.C. § 3037(c)(2). While other Army and government guidance affect the management of civilian employees and subordinate military personnel, TJAG has the principal obligation to prescribe personnel policy for JAs. Accordingly, developing Army officers is a key priority of the JAGC's leadership. DA Pamphlet 600-3, Commissioned Officer Professional Development and Career Management, summarizes the Army's philosophy and policies of officer professional development. JAGC Publication 1-1 provides additional guidance for JAs. TJAG manages Active and Reserve JAs through PPTO according to the career development models that follow (Figures 1-1 through 1-4). This publication explains these models in greater detail (see Chapter 5).

1-6. EQUAL OPPORTUNITY.

Equal opportunity for all Soldiers is the only acceptable standard in the Army. This principle applies to every aspect of career development and utilization in the JAGC and is equally important in the recruitment process. The various thoughts and ideas offered by Soldiers of diverse gender, cultural, racial, and ethnic background are a great source of strength for the JAGC. See TJAG Policy Memo 14-05 specific guidance on this issue.

Figure 1-1 Judge Advocate Career Development Objective

JA Career Model: Career Development Objective

JAGC Vision	JAGC Mission
<p>One Team, values-based, and committed to justice, with one focus: proactive legal support while deployed and at home station, to enable the successful conduct of military operations for the Nation we serve.</p>	<p>Develop, employ, and retain One Team of proactive professionals, forged by the warrior ethos, who deliver principled counsel and mission-focused legal services to the Army and the Nation.</p>
JAGC's Career Development Objective	
<p>The Army and the JAGC develop, employ, and retain Broadly Skilled Judge Advocates. Broadly Skilled Judge Advocates are capable of performing successfully in any core legal discipline, at any location, in roles appropriate for their grade. Broadly Skilled Judge Advocates provide the JAGC with officers capable of accomplishing today's mission and succeeding in an uncertain future.</p> <ul style="list-style-type: none">•Captains: Broadly Skilled Judge Advocates are mission and client focused counsel, prepared to provide proactive legal support in any environment. Company grade Judge Advocates are developed--and must develop themselves--to meet this objective. Consistent effort, improvement, and success in multiple core legal disciplines develop the proficiencies required for promotion to major.•Majors: Employed as practitioners, leaders, and advisors in any core competency at any echelon. Diverse experience remains the objective for developing broadly skilled majors. A secondary objective is added for majors and above: the JAGC may assign majors to positions that develop or employ specialized expertise.•Senior Leaders: Senior Judge Advocates (LTC and higher) lead Judge Advocates, Paralegals, and Army Civilians in the provision of legal services. They are legal advisors to senior Army and Joint Force leaders. They apply specialized expertise. Success as a senior leader requires a thorough understanding of the law and the Army/Joint Force.	
Judge Advocate Role (FM 1-04)	
<p>No matter the level of command to which assigned, Judge Advocates have several roles. They are counselors, advocates, and trusted advisors to commanders and Soldiers. They are Soldiers, leaders, and subject matter experts in all of the core legal disciplines. In every aspect of their professional lives, Judge Advocates serve the Army and the Nation with their expertise, dedication, and selflessness.</p>	

Figure 1-2 Judge Advocate Career Model

Judge Advocate Career Model									
<p>JAGC's Career Development Objective: The Army and the JAGC develop, employ, and retain Broadly Skilled Judge Advocates. Broadly Skilled Judge Advocates are capable of performing successfully in any core legal discipline, at any location, in roles appropriate for their grade. Broadly Skilled Judge Advocates provide the JAGC with officers capable of accomplishing today's mission and succeeding in an uncertain future.</p>									
Assignments									
Year	1	8			14		20		30
Rank	1LT	CPT			MAJ		LTC		COL
Seniority	Company Grade Assignments			Field Grade Assignments		Senior Leader Assignments			
Goal	Broadly develop within core legal disciplines. Varied assignments. Diverse duties.			Utilize core disciplines, develop specialized expertise, lead.		Lead and develop Judge Advocates, provide legal counsel to senior leaders, apply specialized expertise.			
Duties	<ul style="list-style-type: none"> •Administrative and Civil Law •Claims •Contract and Fiscal Law •International and Operational Law •Legal Assistance •Military Justice 			<ul style="list-style-type: none"> •AO at USALSA, OTJAG, Corps (or higher) HQs •BJA/CJA/GJA/RJA •OIC of field office •OSJA Division Chief •Professor/Staff, TJAGLCS •Senior Defense Counsel •Special Victim Pros 		<ul style="list-style-type: none"> •AO/DSJA/Leader at Division, Corps, Joint Command, Installation, DRU, ASCC, ACOM, COCOM, or higher HQ •Leader at OTJAG, USALSA, or TJAGLCS •Military Judge •Regional Def. Counsel •SJA, Installation 		<ul style="list-style-type: none"> •Advisor/DSJA/Leader at Division, Corps, Joint Command, Installation, DRU, ASCC, ACOM, COCOM, or higher HQ •Legal Advisor to senior Army leadership •Leader at OTJAG, USALSA, or TJAGLCS •Military Judge •SJA at Division, Corps, Joint Command, Installation, DRU, ASCC, ACOM, COCOM, or higher HQ 	
Education: Continuous professional and personal development									
Self-develop	State CLE, Professional Reading (military, legal, history, doctrine), Military Leadership, Professional Writing/Publication								
Prof. Mil. Educ.	OBC DCC	Airborne, Air Assault, JATSOC		Grad Crts	ILE-AOC, ILE, LLM		SSC		
TJAGLCS Short Courses									
Year	1	8			14		20		30

Figure 1-3 Judge Advocate Assignment Factors

JA Assignment Factors		
<p>1. Needs of the Army</p> <ul style="list-style-type: none"> • Goal. Support the Army and the Joint Force. • Priority. First. • Factors. <ul style="list-style-type: none"> • Mission • Availability of Personnel • Comply with Army Policy: ARFORGEN, EFMP, Married Army Couples Program • Method. Match qualified and available JA with current mission requirement. Army service is a privilege that, at times, requires sacrifice. 	<p>2. Needs of the JAGC</p> <ul style="list-style-type: none"> • Goal. Develop Broadly Skilled Judge Advocates. • Priority. Second. • Factors. <ul style="list-style-type: none"> • Develop Broadly Skilled Judge Advocates through diversity of assignments, diversity of skills, and diversity of roles. • Equity of deployments/mobilizations. • Education and developments appropriate to the officer. • Specialized expertise, especially for majors and above, may be utilized to meet JAGC needs. • Method. Assign JAs to duties that develop broad skills as officers and lawyers. 	<p>3. Personal Interest</p> <ul style="list-style-type: none"> • Goal. Consider each JA's preferences and goals. • Priority. Third. • Factors. <ul style="list-style-type: none"> • Career managers consider individual preferences. • Reaffirms the JAGC's commitment to Soldiers and Families. • Method. JAGC considers personal preferences while meeting all Army requirements.

Figure 1-4 JA (ARNG/USAR) Career Development & Utilization Model (TPU, DIMA, IRR, AGR)



RC Judge Advocate Career Model



JAGC's Career Development Objective: The Army and the JAGC develops, employs, and retains broadly skilled Judge Advocates. Broadly skilled Judge Advocates are capable of performing successfully in any core legal discipline, at any location, in roles appropriate for their grade. Broadly skilled Judge Advocates provide the JAGC with officers capable of accomplishing today's mission and succeeding in an uncertain future. Generally, Judge Advocates who fail to achieve a diversity of experiences will fail to satisfy JAGC's Career Development Objective and therefore undermine their opportunities for promotion and advancement. However, while Judge Advocates primarily perform functions within the core legal disciplines they may from time to time pursue non-legal assignments approved by JAGC leadership.

Assignments							
Year	1	8	14	20	30		
Rank	1LT	CPT	MAJ	LTC	COL		
Seniority	Company Grade Assignments		Field Grade Assignments	Senior Leader Assignments			
Goal	Broadly develop within core legal disciplines. Varied assignments. Diverse duties.		Utilize core disciplines, develop specialized expertise, lead.	Lead and develop Judge Advocates, provide legal counsel to senior leaders, apply specialized expertise.			
Duties	<p>TPU JA:</p> <ul style="list-style-type: none"> •Junior LOD and SJA section positions (e.g. Admin and Civil Law, Claims, Contract and Fiscal Law, Int'l and Op Law, Legal Assistance, Military Justice) •Brigade JA <p>IMA JA:</p> <ul style="list-style-type: none"> •Company Grade positions at Army Centers and Schools, Active Component Division or Garrison units. <p>ARNG JA:</p> <ul style="list-style-type: none"> •Junior SJA section positions (same as TPU) •Defense Counsel 		<p>TPU JA:</p> <ul style="list-style-type: none"> •SJA Section Chief •CJA for BDE level unit •Senior Defense Counsel •Int'l Law Officer <p>IMA JA:</p> <ul style="list-style-type: none"> •Section Chief at Centers & Schools, Active Component Division or Garrison units •USALSA, OTJAG, TJAGLCS <p>ARNG JA:</p> <ul style="list-style-type: none"> •Brigade JA or CJA for BDE level units •SJA Section Chief •Senior Defense Counsel 	<p>TPU JA:</p> <ul style="list-style-type: none"> •GOCOM SJA/CJA at Division or Corps level •LOD Deputy/Tm Ldr •Military Judge •Regional Def. Counsel •Int'l Law Officer •Joint Assignments <p>IMA JA:</p> <ul style="list-style-type: none"> •SJA or DSJA •Professor TJAGLCS or USMA <p>ARNG JA:</p> <ul style="list-style-type: none"> •DSJA, State Joint Force HQ •GOCOM SJA/DSJA •Military Judge 	<p>TPU JA:</p> <ul style="list-style-type: none"> •O&F Sustainment or Training Command SJA •Senior Military Judge •LOD Commander •Joint Assignments <p>IMA JA:</p> <ul style="list-style-type: none"> •SJA or DSJA •Appellate Judge, USALSA •TJAGLCS; XO, OTJAG <p>ARNG JA:</p> <ul style="list-style-type: none"> •SJA •Senior Military Judge •State Judge Advocate 		
Education: Continuous professional and personal development							
Self-develop	Grad/ Post Grad education & Degree, State CU, Professional Reading (military, legal, history, doctrine), Military Leadership, Professional Writing/Publication						
Prof. Mil. Educ. (Required)	OBC DCC	Airborne, Air Assault, IATSOC	JAOC	ILU-AOC, ILE	SSC		
	TJAGLCS Short Courses and JAGU Distributed Learning Opportunities						
Year	1	8		14	20	30	

CHAPTER 2. RECRUITING

2-1. GENERAL.

All JAs should be familiar with JAGC recruiting procedures and be capable of providing current information on JAGC personnel procedures to prospective applicants. Such information is available from the Judge Advocate Recruiting Office (JARO) (DSN 426-2822; Commercial (703) 693-2822; Toll Free: 1-866-ARMYJAG) or on JAGCNET.

2-2. INTERN PROGRAM.

Traditionally TJAG hires, on a temporary basis during school summer vacations, approximately 70 second year law students to work in Army legal offices. The actual number of summer interns hired each year may depend on a variety of factors, including funding and the JAGC's current needs. Designed to show law students the opportunities for the practice of law in the JAGC, the intern program's success depends largely on the efforts of Staff Judge Advocates (SJAs) and other supervisors to provide a balanced work program and an accurate evaluation at the end of the work period. If an intern later applies for a JAGC commission, their summer evaluation will become part of their application packet. The program is contingent on annual funding.

2-3. STUDENT VOLUNTEER PROGRAM.

Each year, TJAG may accept a number of qualified law students as voluntary externs (to serve without pay) to perform legal duties at various locations. Student volunteers perform duties pursuant to academic credit programs at their law schools and are not employees of the U.S. Government. This program is designed to complement the Intern Program as a means of informing law students of practice opportunities in the JAGC. SJAs will develop a performance plan in concert with the student volunteer and the law school. During the externship, SJAs and supervisors will provide instruction, guidance, analysis, and evaluation. Interested applicants, SJAs, or law schools should contact JARO. All requests for participation in the student volunteer extern program must be submitted to JARO by the office interested in hosting a volunteer extern. JARO will process and forward such requests to OTJAG for final approval or disapproval.

2-4. JAGC RECRUITING.

a. Applications for appointment as a JA are received from law students, ROTC graduates on educational delay, active members of the civilian bar, active duty commissioned officers seeking participation in the Funded Legal Education Program (FLEP), commissioned officers seeking a service or branch transfer, and enlisted Soldiers who are bar members. Each applicant must be interviewed in person by a Field Screening Officer (FSO) appointed by TJAG. In the case of FLEP applicants, the SJA of the applicant's command will conduct the interview as described in AR 27-1. Except for FLEP applications, all applications are completed online. More information about all programs and the online applications can be accessed on JAGCNet under the CAREERS tab.

b. TJAG appoints selected active duty JAs to serve as FSOs. FSOs visit American Bar Association-accredited law schools in their assigned regions to provide information about the JAGC and to interview and evaluate applicants for appointment. An interview report is submitted for each interviewee. Evaluation by an FSO is a critical part of the selection and appointment process, and such duty will be given high priority by SJAs. See AR 27-1.

c. The FLEP (10 U.S.C. § 2004) authorizes the annual selection of up to 25 active duty Army officers to attend law school at government expense. The actual number selected may vary from year to year. See paragraph 3-3, below.

d. USAR recruiting is managed by the JARO USAR representative and ARNG recruiting is handled by individual states in coordination with the National Guard Bureau. Information on recruiting for both services can be found on JAGCNET. The Chief of Reserve Recruiting can be contacted at (703) 693-0863.

CHAPTER 3. ACCESSIONS

3-1. DIRECT COMMISSION AND ORDER TO ACTIVE DUTY.

a. Individuals receive a Regular Army appointment in the JAGC by submitting an application for consideration by a selection board. See AR 27-1, *Judge Advocate Legal Services*; AR 135-100, *Appointment of Commissioned and Warrant Officers of the Army*; AR 601-100, *Appointment of Commissioned and Warrant Officers in the Regular Army*; and AR 614-100, *Officer Assignment Policies, Details, and Transfers*. TJAG, upon the recommendation of the Chief, PPTO, determines the number of candidates to be appointed each fiscal year. The goal is to appoint a sufficient number of quality JAs, within authorized manpower limitations, to accomplish the Army legal service mission while providing an opportunity for qualified officers to advance through the JAGC career model.

b. Generally, JAGC Accession Selection Boards meet at least once annually to consider eligible applicants to fill projected vacancies. The primary board is held in the fall with an application deadline of 1 November. Additional boards will be announced on an as-needed basis.

c. Accession Selection Boards consider all applicants for the JAGC, to include officers with prior service in the JAGC, another branch or component of the Army, or another service of the military.

d. All active duty Army officers applying for appointment into the JAGC through the Accession Selection Board must submit an application for consideration in accordance with AR 27-1. More information is available on JAGCNET. There is no need for Army officers currently on the Active Duty List (ADL) to separate from active duty if selected by the JAGC.

e. Applicants will enter active duty in the JAGC in a Regular Army status. Applicants who have Regular Army status in another branch of the Army at the time of their selection for JAGC service will be re-appointed in the JAGC upon acceptance after their current branch executes a release via DD Form 368. Applicants who have Regular Army-equivalent status in another service will be re-appointed in or assigned to the Army JAGC in a Regular Army status.

f. Officers who enter or re-enter active duty in the grade of captain or above are not eligible, absent a waiver, for promotion consideration by boards that convene before the first anniversary of the effective date of the officer's placement on the active duty list. See AR 600-8-29, paragraph 1-10e(5). Applicants should discuss their potential active date-of-rank (ADOR) adjustment and the timing of their subsequent promotion board consideration with the appropriate JAGC Assignment Officer in PPTO.

g. Applicants in another service must request an inter-service transfer in accordance with that service's regulations and submit an application for appointment in accordance with AR 27-1.

3-2. INITIAL ACTIVE DUTY GRADE.

a. Individuals who do not qualify for appointment as captains before being ordered to active duty will be appointed as first lieutenants and placed on the active duty list. JAs ordered to active duty as first lieutenants are promoted to the grade of captain only upon completion of Initial Military Training, certification by TJAG as fully qualified for promotion, approval of the promotion list by the Secretary of Defense, and fulfillment of minimum time-in-grade requirements. See AR 135-100 and AR 600-8-29. For officers ordered to active duty in a grade other than first lieutenant, a date-of-rank determination will be made as soon as possible after entry on active duty. Individuals are responsible for providing the documentation required by AR 600-8-29, Table 2-2, to PPTO for submission to Human Resources Command (HRC). For Regular Army Judge Advocates, unless an officer has prior commissioned military service, most individuals are appointed as first lieutenants.

b. For officers accepting an appointment to the Army Reserve, a date of rank determination will be made by HRC, in consultation with PPTO through JARO, and in accordance with AR 135-100, para. 3-12(4)b. Unless an officer has prior commissioned military service, most individuals are appointed as first lieutenants. First lieutenants are considered for promotion upon completion of all phases of the Judge Advocate Officer Basic Course (JAOBC) (including the Direct Commission Course, DCC) and after arrival at their initial duty station. Promotions to captain are processed three times a year. Individuals are responsible for providing the documentation required by AR 600-8-29, Table 2-2, to PPTO for submission to HRC.

3-3. FUNDED LEGAL EDUCATION PROGRAM. (SEE 10 U.S.C. § 2004 AND AR 27-1)

a. The FLEP authorizes the annual selection of up to 25 active duty commissioned officers to attend law school at government expense. The program is limited to officers who are serving in the grade of CPT or below and have no fewer than two years nor more than six years of active duty, including warrant and enlisted service, on the date that legal training begins. Legal training begins on the first day of formal instruction at law school. These requirements are statutory and cannot be waived. Aviation officers, once selected for the FLEP, must forego Aviation Career Incentive Pay (ACIP). Applicants are required to submit a request for voluntary permanent disqualification for aviation service with the FLEP application for later processing, if selected. See AR 614-100, AR 600-105, and AR 27-1.

b. Applications must be submitted before 1 November each year for consideration by the FLEP Selection Board. This board is convened by TJAG and is composed of three JAs and two non-JAGC officers. It normally meets in early December and selections are generally announced by late December.

c. Officers who are selected for the program retain their basic branch designation and are detailed to the JAGC until later appointed in or assigned to the JAGC, discharged, released from active duty, or returned to the control of their basic or another branch.

d. Generally, officers will attend a state-supported law school in a state where they are eligible for in-state tuition rates or a private institution of comparable cost. Officers selected for the program must apply to at least one law school where the selectee qualifies for resident ("in-state") tuition and may also be directed to apply to additional schools. The selectee's choice of law schools which he or she will attend is subject to the approval of TJAG.

e. Officers participating in the FLEP are assigned to field SJA and Trial Defense Service offices for on-the-job training (OJT) when classes are not in session. They may be assigned legal duties as described in paragraph 11-1d, below. Because they are not yet qualified attorneys, they will not give legal advice under any circumstances to individual clients or members of the command. This rule ensures that only qualified lawyers provide such advice; it is intended to protect both clients and FLEP officers. Accordingly, during periods of OJT and until they are admitted to practice, FLEP officers will continue to wear the insignia of their basic branches. See AR 27-1.

f. While performing OJT, officers participating in the FLEP will receive an OER to cover the rated and non-rated time while in the program, in accordance with AR 623-3. Offices with questions on this matter should contact the PPTO FLEP Coordinator.

g. FLEP officers normally must take the first bar examination offered after graduation in the jurisdiction of the law school attended or in the jurisdiction of the officer's domicile. If approved by TJAG, a FLEP officer may take the bar examination in another jurisdiction. TJAG may release FLEP participants who twice fail a bar examination from their JAGC detail and return them to their basic branches for assignment.

h. FLEP officers will not normally be assigned OCONUS until they have passed the bar examination. Chief, PPTO, may, on a case-by-case basis, assign a FLEP officer OCONUS.

i. In the event a FLEP officer fails a bar examination, the officer will pay all expenses incurred traveling to and from his or her duty station and the bar test site for a second exam. In addition, the officer will be in a leave status when traveling and taking the bar.

j. Officers who complete the FLEP and who are admitted to the bar will remain detailed to the JAGC for a minimum of one year in order to evaluate their qualifications for appointment or assignment in the JAGC. The one-year period commences on the date an officer completes the Judge Advocate Officer Basic Course. The first regularly scheduled Accessions Board to convene after the FLEP officer serves a one-year detail will consider these officers for appointment in the JAGC. Consideration is automatic and applications are unnecessary; however, evaluation letters from supervising JAs, current DA photos, and new statements or certificates of good standing from the attorney's licensing are required.

k. FLEP officers who have been authorized to practice law in the Judge Advocate Legal Services (JALS) become members of the JAGC competitive category for promotion consideration and will be considered for promotion by JAGC promotion selection boards. Authorization to practice law in the JALS is defined in AR 27-1. Before being authorized to practice law in JALS, FLEP officers remain members of their basic branches for retention and promotion purposes and are considered for retention or promotion by the retention or promotion selection board for those competitive categories, although TJAG may request an exemption from DA G-1. Before authorization to practice law in JALS, officers detailed to the JAGC who are in the zone of consideration for promotion in their basic branches and fail to be selected will be considered for return to their basic branches. JAGC promotion zone timelines may not be the same as the officer's basic branch promotion timeline.

l. Upon graduation from law school and admission to practice, FLEP officers are expected to perform JAGC attorney duties. They will neither solicit nor encourage selection for federal or state judicial clerkships.

3-4. SERVICE OBLIGATION.

a. Individuals who enter active duty for an initial tour incur a four-year active duty service obligation (ADSO), except those who received ROTC scholarships, who must serve for a period commensurate with their ROTC scholarship terms. Branch or inter-service transferees incur a four-year ADSO that begins upon transfer.

b. Individuals who successfully complete the FLEP incur a two-year obligation for each year of law school (or part thereof) attended under the program. Service of this obligation begins upon reporting to the JAGC Basic Course or when the officer begins performing legal duties as prescribed by TJAG, whichever occurs first. This obligation must be served in consecutive JAGC assignments, and runs consecutively, not concurrently, with any other ADSOs, to include future ADSOs incurred. See AR 27-1 and AR 350-100, Officer Active Duty Service Obligations.

c. Curtailment of ADSOs will not normally be granted to allow for resignation prior to scheduled expiration of term of service (ETS). In the event an officer resigns or is released before completing his or her ADSO, recoupment of a pro-rata share of a ROTC scholarship or FLEP law school tuition will be required.

d. After completion of the Graduate Course, officers will remain on active duty for at least two years after graduation. After the completion of two years of service following Graduate Course graduation, regulatory ADSOs may be considered for waiver based on JAGC personnel strength.

CHAPTER 4. JUDGE ADVOCATE OFFICER INCENTIVE PROGRAM

4-1. GENERAL INCENTIVE PROGRAM INFORMATION.

a. The Judge Advocate Officer Incentive Program (JAOIP) current includes the Judge Advocate Student Loan Repayment Program (SLRP) and Judge Advocate Continuation Pay (JACP). The JAOIP was created to facilitate the accessing and retaining of lawyers in the Regular Army (Active Component (AC)) JAGC. The program is limited to AC JAs on the Active Duty List (ADL) in the rank of lieutenant through captain who meet specific eligibility criteria. All programs are subject to the annual availability of funds.

4-2. JUDGE ADVOCATE STUDENT LOAN REPAYMENT PROGRAM.

a. Purpose: SLRP is designed to encourage lawyers to access onto active duty as a Judge Advocate (JA). It accomplishes this by assisting in the repayment of student loans incurred prior to accessing into the AC as a JA.

b. Application Submission: Officers who are attending the Judge Advocate Officer Basic Course (JAOBC) must submit an application prior to departure from the basic course. Officers who have already completed the JAOBC and recently accessed onto active duty must submit a completed application within ninety days of accessing. See appendix 4-1.

c. Eligibility: Individuals are eligible for SLRP under the following conditions:

(1) Access into the AC JAGC agreeing to an initial four-year active duty service obligation (ADSO).

(2) Be in the rank of lieutenant through captain.

(3) At the time of the individual's commissioning in the AC JAGC, they:

(a) Have complied with all accession requirements into the JAGC as outlined in AR 27-1, Chapter 13; and completed a DA Form 160-R, agreeing to an initial four-year ADSO in the JAGC; and

(b) Possess qualifying loans that are in good standing and have not received a law school education funded through the Armed Forces.

(4) Maintain the highest levels of ethical, professional, and personal conduct; moral behavior; and legal proficiency. Acts that constitute a failure to adhere to these standards, as determined by TJAG, may result in disqualification from or termination of the SLRP.

(5) If an officer in the rank of lieutenant through captain from another component is accessing into the AC JAGC for the first time, this officer is eligible if the officer applies for SLRP within 90 days of accession.

d. Loan Repayment Criteria and Procedures: The maximum reimbursable loan amount is \$65,000. Upon acceptance of the written agreement to serve in the AC JAGC for four years, no additional loans may be added.

(1) Eligible loans: The Army is authorized to pay on the following loans:

(a) Any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. § 1071 et seq.);

(b) Any loan made under part D of such title (the William D. Ford Federal Direct Loan Program, 20 U.S.C. § 1087a et seq.);

(c) Any loan under part E of such title (20 U.S.C. § 1087a et seq); or

(d) Any loan incurred for educational purposes made by a lender that is:

(i) an agency or instrumentality of a state;

(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any state;

(iii) a pension fund approved by the Under Secretary of Defense for Personnel and Readiness for the purposes of this program.

(iv) a non-profit entity designated by a state, regulated by such state, and approved by the Under Secretary of Defense for Personnel and Readiness for the purposes of this program.

(2) Loan repayment procedures:

(a) The portion or amount of a loan that may be repaid is 33 and 1/3 percent or \$1500, whichever is greater, for each year of service during the initial four-year ADSO. Repayment of any such loan will be made on the basis of each complete year of active service performed by the borrower. The amount repaid each year will be calculated from the total remaining original unpaid principal verified by the loan holder; however, the remaining principal cannot exceed the total amount borrowed.

(b) Interest, even interest recapitalized into the principal, will not be repaid. No reimbursement will be paid for payments made on the principal to lenders.

(c) The eligible SLRP applicant will be counseled to contact his/her loan holder to request a deferment or forbearance prior to signing a contract addendum. If the loan is ineligible for a deferment or forbearance then the loan does not qualify for repayment under the SLRP. The U.S. Army does not assume an individual's loan; the individual remains responsible for the status of the loan.

(i) Repayments are subject to federal and state income taxes as taxable income in the year repayment is made. The Defense Finance and Accounting Service will generally withhold applicable federal and state taxes. DFAS will send the Soldier a W-2 form separate from the W-2 received for military pay.

(ii) When an individual separates from active duty prior to completion of their initial service obligation term, a copy of DD Form 214, Member 4, Certificate of Release of Discharge from Active Duty, must be submitted to the address indicated in item 3d. Submission of DD Form 214 will effect determination for possible future payments toward qualifying loans.

(iii) SLRP participants who have been on active duty for 10 months and not heard from PPTO should contact them in writing at:

OTJAG-PT
ATTN: Incentives Manager
2200 Army Pentagon (RM 2B517)
Washington, DC 20310-2200
(703) 545-2638

e. Initial ADSO: An individual who participates in the SLRP must complete the initial four-year ADSO in the Regular Army JAGC. An officer who, voluntarily or because of misconduct, fails to satisfactorily serve the period required by AR 350-100, Table 3-1, may be required to reimburse the United States. An obligation to reimburse the United States imposed under this program is for all purposes a debt owed to the United States; further, a discharge in bankruptcy under Title 11 that is entered less than five years after the termination of the loan program agreement does not discharge this debt.

f. Disqualification and Termination.

(1) Standards. At the time of application and continuing through the final payment, officers must maintain the highest levels of ethical, professional, and personal conduct, moral behavior, and legal proficiency. Acts that constitute a failure to adhere to these standards, as determined by TJAG, or his or her designee, may result in disqualification or termination of the program.

(2) Procedures.

(a) Judge Advocates must be notified of the reason(s) for disqualification or termination. The officer must sign a written acknowledgment and receipt, or the officer's supervisor must sign a memorandum indicating that the officer received notification.

(b) Officers may submit a rebuttal memorandum to TJAG, or his or her designee, within 14 calendar days from the date the officer receives notification of the reasons for disqualification or termination. If no rebuttal is received within 14 calendar days, the officer forfeits any opportunity to respond. If the officer provides a rebuttal, the SJA or equivalent supervisor may comment. However, if the SJA or equivalent supervisor includes additional matters not previously provided to the officer, the officer must be provided with the new information and allowed 14 calendar days to respond. The Chief of PPTO may grant reasonable extensions to the response time on behalf of TJAG.

(c) The SJA or equivalent supervisor will forward all documentation to PPTO.

g. Relationship to other pay and allowances: The loan repayment under this regulation is in addition to any other pay and allowances to which the officer is entitled.

h. Specific requirements: Responsibilities identified as necessary for implementation.

(1) OTJAG-PPTO: Provide eligible applicants applications for the SLRP, see Appendix 4-1. Contact and provide JAOIP Form 1 to all eligible SLRP participants on or about their tenth month of active duty.

(a) Upon receipt of completed JAOIP Form 1 from loan holder, authorizes and submits eligible amount of payment and payment information to DFAS for payment disbursement.

(b) Provides e-mail notification to Soldier of authorized payment.

(c) Assists Soldier in any disputes regarding authorized payments.

(2) Defense Finance and Accounting Service (DFAS):

(a) Disburses approved payments (less state or federal tax withholding).

(b) Makes payment to loan holder.

(c) Reports to PPTO the completed transaction (date of payment, check number, voucher number, payment amount, payment address, and voucher number).

(d) Identifies tax codes associated with payment.

(e) Provides Soldier with W-2 at tax year end for payments authorized under the SLRP, separate from the W-2 received for military pay.

(3) Soldier:

(a) Maintains the highest levels of ethical, professional, and personal conduct; moral behavior; and legal proficiency. Acts that constitute a failure to adhere to these standards, as determined by TJAG, may result in disqualification from or termination of the SLRP.

(b) Ensures SLRP application is completed and submitted prior to departure from the Judge Advocate Officer Basic Course.

(c) Dis-enrolls from the MGIB, if applicable.

(d) Maintains loans in good standing.

(e) Should apply for forbearance/deferment on all loans. Makes sure the loan holder has contact information to provide to PPTO. Loan status is the borrower's responsibility.

(f) Submit the JAOIP Form 1 to your lender within 30 days of receipt from PPTO.

(g) Includes SLRP payments in taxable income at the tax year end.

4-3. JUDGE ADVOCATE CONTINUATION PAY PROGRAM.

a Purpose: The Judge Advocate Continuation Pay (JACP) program was created to encourage Judge Advocates in the rank of Captain to remain on active duty. The program accomplishes this goal by assisting in the repayment of student loans incurred prior to accessing onto Active Duty as a Judge Advocate.

b Judge Advocate Continuation Pay Program. Officers are eligible to apply for JACP during the fiscal year their initial active duty service obligation as Judge Advocates is completed. Applications must be submitted to PPTO no later than 15 September of the fiscal year of eligibility (or the first duty day thereafter, for years in which 15 September falls on a weekend).

c Eligibility and procedures:

(1) Officers eligible for the total (\$60,000) JACP payment are:

(a) Regular Army (RA) Judge Advocates;

(b) Currently in the rank of captain;

(c) Who will complete their initial active duty service obligation (ADSO) as a Judge Advocate as indicated in paragraph b above.

(d) Officers who maintain the highest levels of ethical, professional, and personal conduct; moral behavior; and legal proficiency. Acts that constitute a failure to adhere to these standards, as determined by TJAG, may result in disqualification from or termination of the JACP.

(2) All officers applying for JACP who meet the eligibility criteria outlined in paragraph 4-3b, above, must complete the Lump Sum (\$60,000) JACP application (Appendix 4-2). Applications must be received by PPTO NLT 15 September in the fiscal year of eligibility as outlined in 4-3b. Payment of JACP will only occur upon completion of the officer's initial ADSO. Applications for JACP will include an agreement to incur an additional four-year ADSO in exchange for payment of \$60,000. The four-year JACP ADSO will commence on the expiration of the officer's initial ADSO period or the date the application for continuation pay is accepted and approved, whichever is later. Final action on the officer's request for JACP will be made by the Chief, PPTO.

(3) The total (\$60,000) JACP is paid in a lump sum payment.

(4) JACP is not available to Active Guard Reserve or Funded Legal Education Program officers.

(5) No officer will receive more than \$60,000 in total payments under the JACP program during the officer's lifetime.

d. SJA or equivalent supervisor responsibilities:

(1) Recommendation for Approval. All requests for JACP will be processed through the SJA or equivalent supervisor. The SJA or equivalent supervisor will make a recommendation for approval or disapproval using the military memorandum format (see Appendix 4-3). Approval recommendations must, at a minimum, include the applicant's height and weight, state whether the applicant meets Army height and weight standards, and include any appropriate comments concerning the applicant's performance and potential. Comments should be brief.

(2) Recommendation for Disapproval. Disapproval recommendations must include the information listed above (i.e., height/weight), and specific reasons for the recommended disapproval. Reasons for recommending disapproval may include, but are not limited to:

(a) Ongoing or pending investigation into a military or civil offense(s);

(b) Pending involuntary separation action in accordance with AR 600-8-24; or,

(c) Misconduct or substandard duty performance rendering the officer a poor candidate for retention on active duty.

(3) Notification procedures for a JACP request with a recommendation of disapproval.

(a) Judge Advocates must be counseled on the reason(s) their JACP applications are recommended for disapproval. The SJA or equivalent supervisor must provide the Judge Advocate with a copy of the recommended disapproval and have the applicant sign a written acknowledgment and receipt (see Appendix 4-4).

(b) Applicants may submit a rebuttal to the disapproval memorandum within 14 calendar days (see Appendix 4-5) from the date the officer receives and acknowledges this memorandum. If no rebuttal is received within 14 calendar days, the JACP applicant forfeits any opportunity to respond. If the JACP applicant provides a rebuttal to the disapproval memorandum, the SJA or equivalent supervisor may comment further on the merits of the applicant's submission. However, if the SJA or equivalent supervisor includes additional matters not previously provided to the JACP applicant, the applicant must be provided with the new information and allowed 14 calendar days to respond. SJAs or equivalent supervisors may grant reasonable extensions to the response time.

(c) The SJA or equivalent supervisor will forward all documentation to PPTO. The Chief, PPTO, will take final action on the request for JACP.

(4) The following officers are not eligible for continuation pay:

- (a) Officers flagged under the provisions of AR 600-8-2.
- (b) Officers with an approved separation or retirement date.
- (c) Officers non-selected for promotion to major or lieutenant colonel.
- (d) Active Guard Reserve officers.
- (e) Funded Legal Education Program officers.

(5) Recoupment:

(a) Officers who do not remain on active duty for the entire period for which a JACP ADSO was incurred will, except as otherwise provided, reimburse the Government that part of the payment equal to the percentage of service not performed of the total provided for in the application/agreement.

(b) The Secretary of the Army (or his designee) may waive, in whole or in part, the reimbursement if the Secretary determines that reimbursement is contrary to an Army personnel policy or management objective; against equity or good conscience; or contrary to the best interests of the United States.

(c) An obligation to reimburse the United States under an agreement described in Appendix 6 (Judge Advocate Continuation Pay Application) is, for all purposes, a debt owed to the United States. A discharge in bankruptcy under Title 11, United States Code, which is entered less than five years after the termination of an agreement under this program does not discharge the Judge Advocate signing the application from a debt arising under such agreement.

(d) An officer may not repay voluntarily an amount equal to the percentage of the un-served time on the agreement solely to reduce the period of obligated service.

(6) Miscellaneous:

(a) JACP ADSOs run concurrently with PCS, graduate course, and Command and General Staff College ADSOs. However, continuation pay ADSOs run consecutively with other ADSOs.

(b) All payments under the JACP program will be a single lump sum installment.

(c) Receipt of continuation pay will be subject to normal DFAS processing time. JACP is taxable income and state and federal taxes will be withheld by DFAS. The individual officer is liable for payment of all federal, state, and local taxes on any amounts paid under this program.

(d) In the event an officer serving under a continuation pay agreement dies before receiving the full amount of the pay due, the remaining unpaid balance is payable as a lump sum in the settlement of the deceased officer's final military pay account, provided the officer's death was not the result of the officer's misconduct.

(e) The Chief, PPTO, is delegated authority to administer the continuation pay program and to execute continuation pay contracts and, where appropriate, grant exceptions.

(f) Electronic copies of JACP applications are available on JAGCNET under the *Personnel* TAB.

4-4. JUDGE ADVOCATE CRITICAL SKILLS RETENTION BONUS PROGRAM.

The Judge Advocate Critical Skills Retention Bonus Program was discontinued at the end of FY13. The policies and procedures (e.g., ADSOs) for this program are still in effect for officers who received this bonus. Questions should be directed to PPTO.

CHAPTER 5. ACTIVE COMPONENT ASSIGNMENTS AND CAREER PROGRESSION

5-1. ASSIGNMENTS AND PROFESSIONAL DEVELOPMENT.

a. JA professional development comes through progressively more challenging assignments to organizations in the field and at higher headquarters and opportunities for schooling and broadening. The general career development and education models for JAs are at figures 1-1 through 1-3. This chapter explains the JAGC's active component career progression, professional development, and assignment philosophy.

b. The JAGC mission and vision form the foundation of active component (AC) JAGC career management. From that mission and vision, the Career Development Objective (CDO) outlines the "what, how, and why" of career development and management. Found in Figure 1-1, the CDO states, "The Army and the JAGC develop, employ, and retain Broadly Skilled Judge Advocates. Broadly Skilled Judge Advocates (BSJAs) are capable of performing successfully in any core legal discipline, at any location, in roles appropriate for their grades. BSJAs provide the JAGC with officers capable of accomplishing today's mission and succeeding in an uncertain future."

c. Found in Figure 1-2, the Judge Advocate Career Model applies the CDO throughout a career, providing objectives and goals at different points along a career path. Company grade duties include the core legal disciplines rather than specific jobs, supporting the goal of broad development. From the CDO and the Career Model come the Assignment Factors, which are considered and applied throughout the assignments process. Found in Figure 1-3, the Assignment Factors are, in order of priority: (1) the needs of the Army, (2) the needs of the JAGC, and (3) personal interests. While personal interests are considered in the process, individual desires are subordinate to the needs of the Army to fill mission-critical assignments and the needs of the JAGC to develop BSJAs.

d. Developing BSJAs. Proven performance and potential as reflected in OERs from a diversity of assignments are the key factors in deciding the best qualified officer for an assignment. PPTO's goals are to meet all Army requirements while facilitating the development of Broadly Skilled Judge Advocates. PPTO works to ensure diversity of assignments and opportunities, providing each JA opportunities for experience, leadership, and education in a variety of the core legal disciplines in a variety of assignments.

e. Pre-Graduate Course (GC) assignments are key developmental milestones for JAs. These early assignments are normally the time when JAs develop basic technical skills and learn about the Army, and, in some cases, may have the chance to focus on a particular area of the law. SJAs and other heads of legal offices will rotate newer officers through as many different duties as sound management and the local mission allow. This rotation provides a firm foundation on which later training and assignments will build and helps officers make more informed career choices as they become more senior in grade. Officers whose initial assignments are to organizations whose missions are more limited may be reassigned during their initial obligated tour to have the opportunity for assignment to offices with greater diversity of duties.

f. The GC prepares JAs to become mid-level leaders and managers, and develop specialized expertise in complex practice areas. After the Graduate Course, officers typically are assigned as Brigade Judge Advocates (BJAs), Command Judge Advocates (CJAs), Regimental Judge Advocates (RJAs), or Group Judge Advocates (GJAs); Senior Defense Counsel (SDCs); Special Victim Prosecutors (SVPs); Action Officers at the United States Army Legal Services Agency (USALSA), OTJAG, Corps (or higher) HQs; Officers in Charge (OICs) of field offices; Division Chiefs in Offices of Staff Judge Advocate (OSJA); or Professors/Staff at The Judge Advocate General's Legal Center and School (TJAGLCS). Officers reach eligibility for ILE and compete for Command and General Staff College (CGSC) and advanced civilian schooling during these assignments.

g. After promotion to lieutenant colonel, officers enter the senior leader ranks of the JAGC. Lieutenant colonels will typically be considered for assignments as Action Officers/Division Chiefs/DSJAs at Division, Corps, Joint Command, Installation, DRU, ASCC, ACOM, or COCOM HQs; Leaders at OTJAG, USALSA, or TJAGLCS; Military Judges; Regional Defense Counsel (RDCs); or SJAs of certain installations. Most officers nearing promotion to colonel become eligible for selection to attend resident Senior Service College or the Army War College Distance Education Program.

h. Colonels will typically be considered for assignments as: Legal advisors/SJAs at every level of command; Legal advisors to senior Army and Joint Force leadership; Leaders in OTJAG, USALSA, or TJAGLCS; or Military Judges.

i. No single assignment in the JAGC is a prerequisite for either future assignments or future promotion. Sustained superior performance over time and in a variety of assignments that develop and display each officer's skills as an attorney, manager, and leader are the guarantors of success. The Army and Joint Force need BSJAs; but the JAGC also recognizes the need for some BSJAs to further develop specialized expertise in critical practice areas. These needs are mutually reinforcing as BSJAs —by understanding the interrelationship of the core legal disciplines—are better practitioners and better able to serve their clients, even in areas requiring the development of specialized expertise. Developing specialized expertise in a particular core competency does not guarantee exclusive utilization within that core competency.

j. The JAGC recognizes its obligation to distribute high quality officers fairly throughout the Army and Joint Force: between TDA and TOE units, between CONUS and OCONUS commands, between the National Capital Region, and the field, and between instructors who educate the JAGC and the Army and the legal advisors supporting commanders in day-to-day operations. The JAGC's assignment, schooling, and promotion practices reflect these competing requirements. Distributing these officers throughout the Army, the Joint Force, and the JAGC is critical to developing BSJAs.

5-2. RESPONSIBILITIES.

a. Pursuant to 10 USC § 3037, TJAG assigns all SJAs (including rear-detachment SJAs of deploying units) and has final authority over all JAGC assignments. *See also* AR 614-100, para. 1-4.

b. The Chief, PPTO, is responsible for recommending field grade assignments to TJAG, unless otherwise delegated or directed.

c. Assignments of military judges are made as described in Chapter 7, below.

d. The Chief, PPTO, is delegated authority for all other assignments.

e. SJAs, their deputies, and other heads of legal offices participate fully in the assignment process. They are the JAGC's primary trainers. They must encourage and facilitate young JAs' continued development as BSJAs. They explain the assignment process and provide career advice to their subordinates, tailor assigned JAs' duties according to their stages of professional development, identify their office's needs to PPTO, and make recommendations to PPTO about follow-on assignments for their subordinates.

f. Each officer is ultimately responsible for his or her own career; the individual JA is the most critical link in the personnel management process. All officers may communicate directly with the appropriate Assignment Officer in PPTO. Company grade JAs should first discuss their assignment preferences with their supervisory JA. PPTO collects company grade assignment preferences from these supervisors. JAs and their supervisors should review the career model slides (Figures 1-1 through 1-3) when developing assignment preferences.

5-3. AC ASSIGNMENT CYCLE PROCESS (FIELD GRADES).

a. The summer assignment cycle begins in August when PPTO solicits preferences from officers in the assignment cycle window (assignment preference sheets will be submitted directly to eligible officers and posted annually on the PPTO JAGCNET page for reference by supervisors). Majors, lieutenant colonels, and colonels submit their preference sheets to their Assignment Officer. When completing their preference sheets, JAs should remember to do three things. First, review the Judge Advocate Career Model found in Figures 1-1 through 1-3. Second, JAs should discuss their career development with supervisors or mentors. Third, JAs should ask themselves, "How can I best further develop as a Broadly Skilled Judge Advocate?" To support officers in preparing their preference sheets, PPTO will semi-annually publish a list of potentially available positions.

b. After preference sheets have been collected, Assignment Officers discuss potential assignments with supervising SJAs (or SJA equivalents) via phone or email, as needed. Assignment Officers collect additional data to inform the assignments process. Based on this information, the Assignment Officers prepare potential slates of proposed assignments. Assignment Officers consider the JA Assignment Factors found in Figure 1-3: needs of the Army, needs of the JAGC, and personal interests. Also serving as career managers, Assignment Officers strive to ensure JAs remain on the path of the Judge Advocate Career Model, furthering development into Broadly Skilled Judge Advocates.

c. The Assignment Officer presents a slate of proposed assignments to the Judge Advocate Assignment General Officer Steering Committee (JAA-GOSC). Consisting of the Deputy Judge Advocate General (DJAG) and other senior JAs appointed by TJAG, the JAA-GOSC is an advisory body that reviews the proposed slate (which usually consists of a primary and two or three alternates for each assignment). The JAA-GOSC recommends a slate to TJAG. TJAG then makes the final decision on all field grade JA assignments.

d. Once TJAG approves an assignment, PPTO informs the officer and issues an assignment instruction (AI) soon thereafter. Once an AI is released, the officer should be contacted by HRC via e-mail. The officer can then take the AI to the servicing personnel center for orders processing. As a general rule, if a field grade officer has not received an AI by the first week of March, the officer should contact PPTO.

5-4. ASSIGNMENT CYCLE PROCESS (COMPANY GRADES).

a. For company grade officers moving in the summer, the assignment cycle begins when PPTO solicits preferences from officers in the assignment cycle window. The current assignment preference sheet is available on the PPTO JAGCNET page. Company grade officers submit their assignment preferences through their SJA or DSJA. SJAs/DSJAs should counsel and mentor their JAs on appropriate assignment preferences. In these counseling sessions, the SJA/DSJA and the officers should review the Judge Advocate Career Model found in Figures 1-1 through 1-3. The SJA/DSJA should discuss the officer's assignment history, reviewing the diversity of professional experiences. Considering these factors, the SJA/DSJA and junior JA should develop assignment preferences that will best support the officer's development into a Broadly Skilled Judge Advocate.

b. SJAs and DSJAs should compile their company grade JAs' assignment preferences on the assignment cycle spreadsheet sent out by PPTO. Once all assignment preferences are collected, SJAs/DSJAs should return the completed spreadsheet to PPTO. Assignment Officers will review the spreadsheets. Assignment Officers will coordinate with SJAs (or SJA equivalents) to collect additional information to inform the assignments process as needed.

c. After coordinating with SJAs, the Company Grade Assignment Officers will apply the JA Career Model and develop the assignment slate for company grade JAs. During this process, the Assignment Officers will consider the assignment factors. Found in Figure 1-3, the Assignment

Factors are, in order of priority: (1) meeting the needs of the Army, (2) meeting the needs of the JAGC, and (3) the individual JA's personal interests.

d. The Company Grade Assignment Officers present proposed assignments to the Chief, PPTO, for approval. Once an assignment is approved, the Assignment Officer will notify the officer of the new assignment, generally through the SJA or DSJA. PPTO will also issue the AI. Once the AI is released, the officer should be contacted by HRC via e-mail. The officer can then take the AI to the servicing personnel center for orders processing. If a company grade officer notified of a summer assignment has not received an AI by the middle of April, the officer should have his or her SJA or DSJA contact PPTO.

e. Although most company grade officers move during the summer cycle, a large number of company grade assignments occur off-cycle. For these assignments, the same general process and considerations apply, but the timeline is driven by the requirement. Officers notified of an off-cycle assignment should generally receive their AIs no later than 90 days before the report date.

5-5. TOUR LENGTH.

Assignments in the continental United States (CONUS) are normally two to three years. However, the relatively small size of the JAGC and the need to staff all legal offices properly and to develop BSJAs often requires shorter tours. Tour lengths for overseas tours are outlined in AR 614-30.

5-6. INITIAL ASSIGNMENT PRACTICES.

a. Recently accessed JAs typically attend the Judge Advocate Officer Basic Course en route to their first duty stations, although a few may be assigned in a delayed schooling status to installations before attending the Basic Course. All officers are eligible for overseas assignment as an initial assignment. Newly commissioned officers and officers detailed to the JAGC serving in their initial JAGC assignments normally are not assigned to the following organizations:

- (1) OTJAG (including U.S. Army Claims Service);
- (2) The Judge Advocate General's Legal Center and School (LCS);
- (3) The United States Military Academy's Department of Law;
- (4) Headquarters for the following commands: USAREUR, Eighth US Army, Forces Command (FORSCOM), Training and Doctrine Command (TRADOC), Army Materiel Command (AMC), and Criminal Investigation Command (USACIDC);
- (5) Trial Defense Service (TDS) offices requiring assignment of experienced military attorneys (see paragraph 5-9 below); and,
- (6) Small offices (offices with limited supervision and or limited junior officer job opportunities).

b. Initial officer assignments normally will not be made to the state in which the officer is admitted to practice, the state in which the officer attended law school, or a FLEP officer's on-the-job training (OJT) station. This policy ensures that new JAs are given a full opportunity to become acclimated to the broader military environment.

c. Officers assigned to CONUS stations are subject to reassignment for developmental and mission-related needs during their initial three-year or four-year service obligation. An officer will be reassigned once prior to the end of an initial service obligation if initially assigned to serve in a short

tour area (one- or two-year tour). Officers assigned to overseas areas will normally complete the overseas tour prescribed by regulation before being reassigned.

5-7. OVERSEAS SERVICE.

a. As with all assignments, the paramount consideration for service OCONUS remains the needs of the Army. To the maximum extent practicable, an officer's overseas service will be alternated between long and short overseas tours. Officers assigned to overseas locations may serve an accompanied tour or an "all others" tour, as prescribed in AR 614-30.

b. Overseas tours, including Alaska and Hawaii, are normally three years. Tours in Korea vary from 12 to 24 months. Tour lengths depend on location, marital or parental status, and whether or not the officer elects to serve overseas without dependents. Overseas tour lengths are prescribed by AR 614-30.

5-8. FOREIGN SERVICE TOUR (FST) EXTENSION.

Foreign Service Tour Extensions will be granted only when in the best interests of the Army. Requests will be submitted through and endorsed by the supervising JA, SJA, or commander concerned, to PPTO.

5-9. TRIAL DEFENSE SERVICE (TDS).

a. TDS assignments are considered a part of normal career development in the JAGC. To ensure a balance of experience and to minimize permanent change of station costs, transfers of JAs between TDS and the installation SJA office should be made, whenever practicable. When assigning a transferred defense counsel directly into a trial counsel position, SJAs will take care to avoid any real or apparent conflict of interest.

b. Regional defense counsel, senior defense counsel, and trial defense counsel will normally be assigned to TDS for 24 months.

c. As a general rule, JAs graduating from the Basic Course will not be assigned to TDS as their initial assignment. Exceptions will be made based on individual qualifications and the needs of the Army. To ensure necessary training and supervision, any assignment of Basic Course graduates to TDS will be carefully monitored. Basic Course graduates will normally be assigned to larger TDS offices that can provide the necessary training and supervision.

d. As part of the modular redesign of the Army's operational forces, a TDS Cell was embedded in each Sustainment Brigade, and a Regional Defense Counsel Cell in each Theater Sustainment Command. While this operational force structure is currently under revision, per AR 27-10, Chapter 6, and FM 27-100, these TDS assets are attached to the U.S. Army Legal Services Agency for all purposes except administrative and logistical support. The Chief, U.S. Army Trial Defense Service, exercises independent supervision, control, and direction over all Trial Defense Service personnel and their mission. While performing Trial Defense Service duties, all Trial Defense Service personnel will wear the unit patch of the U.S. Army Trial Defense Service.

5-10. BRIGADE COMBAT TEAMS.

a. General. JA officers assigned to Brigade Combat Teams (BCTs) must be prepared to operate under the command and control of the higher headquarters with which they have a habitual relationship. Currently, the BCTs include a Brigade Judge Advocate (BJA), an Operational Law Judge Advocate (OPLAW JA) with trial counsel (TC) duties, and a senior paralegal NCO. While the TC provides operational law advice and assists the BJA with legal issues across all disciplines, this

officer's primary responsibility is to serve as TC and to administer all military justice matters for the BCT.

(1) Both the BJA and TC are assigned to the BCT. Some BCTs will also have a third JA authorized and assigned.

(2) The SJA will provide technical guidance to the BJA, OPLAW JA/TC, and third JA (where applicable) as necessary; however, the BCT commander will determine the immediate rating chain supervision of the Brigade Judge Advocate (BJA). The OPLAW JA/TC will be supervised by the BJA during operational missions and will be supervised by the OSJA chief of military justice during garrison operations. Guidance on the third JA will be published separately.

(3) The BJA will be rated and senior rated under the dual supervision provisions of AR 623-3.

b. TJAG, through the Chief, PPTO, assigns the BJA, the OPLAW JA/TC, and the third JA (where authorized). It is the SJA's responsibility to monitor the professional development of JAs assigned to BCTs. When an SJA proposes to change the duties of the OPLAW JA/TC or the third JA, he must coordinate with the BCT chain of command and Chief, PPTO.

5-11. COMPASSIONATE REASSIGNMENTS.

Compassionate reassignments are governed by ARs 614-100 and 614-30. Reassignment consideration will be given in cases of extreme hardship that can be alleviated only by an assignment to a specified area. The needs of the Army will be the final determining factor.

5-12. DUAL MILITARY COUPLES. (See AR 614-100)

a. A number of married couples jointly serve on active duty. Some couples are JA spouse teams and others are JAs married to a member of another branch of the Army or a Sister Service. When possible, these couples are assigned to the same general locality. This is not always possible, particularly when one member is attending Professional Military Education (PME). When spouses are assigned to the same location, they will not have contemporaneous assignments as trial counsel and trial defense counsel. Although TJAG cannot control other branch assignments, every effort is made to coordinate with other branches to facilitate a joint domicile assignment. Service couples are eligible for assignment to unaccompanied assignments and deployments.

b. Joint domicile assignments cannot be made if the Assignment Officer is not aware of the marriage; therefore, it is the responsibility of each JA to ensure his/her official file reflects the officer's marriage to another service member and that the information is brought to the Assignment Officer's attention as part of the assignment preference process. AR 614-100 governs the timeline for enrollment in the Married Army Couples Program (i.e., not later than 30 days from the date of marriage). JAs should also directly notify PPTO if they marry a service member and provide a copy of the enrollment in the Married Army Couples Program. Notification should include name, grade, date of rank, social security number, and branch of service of the spouse.

c. Officers who change their names on their official military records will submit a copy of the approved name change documents to PPTO.

5-13. SPONSORS.

The appointment of qualified, conscientious sponsors is an essential means of assisting officers upon initial and subsequent assignments. SJAs and other supervisors are responsible for ensuring that each new arrival is promptly welcomed and assisted by a sponsor. Assistance for outgoing Soldiers should also be considered in accordance with AR 600-8-8.

5-14. ARMY MILITARY HUMAN RESOURCE & SELECTION BOARDS RECORDS MANAGEMENT.

a. Official Military Personnel Files (OMPF) have been renamed the Army Military Human Resource Records (AMHRR). AMHRRs are governed by AR 600-8-104. HRC is the custodian of each JA's AMHRR. The AMHRR is used for HQDA promotion and school selection boards and when adjudicating Active Date of Rank (ADOR) determinations for senior accessions placed on the Active Duty List (ADL). Officers should send documents (see AR 600-8-104, appendix B for a listing of authorized documents) for inclusion in their AMHRR through their local servicing Military Personnel Division (MPD). It is the officer's responsibility to ensure that their AMHRR is accurate and current. Accordingly, JAs are encouraged to review their AMHRR on a regular basis to ensure that documents such as awards, OERs, course completion certificates, official transcripts, and their DA Photo are properly filed. Officers can access their files online through the HRC record portal (www.hrc.army.mil). Officers can use the links at the bottom of the website to review the AMHRR, Officer Record Brief (ORB), and DA photo. Officers should also contact their local human resources personnel office to review and update their ORBs.

b. Officer Record Brief (ORB). The ORB is used by PPTO for personnel purposes (e.g., assignments) and by HQDA for selection boards. Most of the data on the ORB is entered by the local servicing military personnel office. In some cases, officers will be required to provide original documents to support changes. Officers are required to audit the ORB and provide corrections to the local personnel office at least annually. Officers may view their ORBs online at the HRC Self Service portal.

c. As outlined in AR 600-8-29, officers are notified of upcoming selection boards via HQDA/HRC military personnel (MILPER) messages. Officers eligible for selection will be individually notified of their eligibility through Army Knowledge Online (AKO) and the My Board File (MBF) application on the Self Service portal of the HRC website; MBF opens approximately 60 days prior to the convene date of their respective boards. Officers are responsible for presenting accurate information to the promotion selection board. Officers must review their MBFs and contact their servicing S-1 or the PPTO Boards officer to correct and update their records. Failure to apply due diligence is not a basis for reconsideration for promotion.

d. Officers who are not being considered for selection must use their local MPD/S-1 to correct and update their records. The PPTO Boards Officer assists officers being considered for selection with the correction and updating of their records. However, non-board related issues that cannot be resolved by an officer's MPD/S-1 may be submitted to PPTO.

e. Career Management Information File (CMIF). PPTO maintains the CMIF for use in day-to-day management functions as outlined in AR 600-8-104. The CMIF is not used for HQDA promotion and school selection boards; however, selected official documents from the CMIF are used for personnel management by PPTO and TJAG.

5-15. DA PROMOTION SELECTION BOARDS PROMOTION PLANS

a. Officers selected for promotion will be promoted based on a G-1 approved promotion plan, which is typically released to the field within ten days of Senate approval of the promotion list.

b. Promotions to MAJ and LTC will typically start in January or February and conclude twelve months later during following calendar year.

c. Promotions to COL will typically start in December and conclude in July.

CHAPTER 6. RESERVE COMPONENT ASSIGNMENTS AND CAREER MANAGEMENT

6-1. ARMY RESERVE ASSIGNMENTS AND TENURE.

a. The following policy applies within the United States Army Reserve. To the extent this policy is inconsistent with AR 27-1, these are exceptions to AR 27-1.

b. All Army Reserve JA positions in the grade of colonel or lieutenant colonel; any staff, command, or brigade judge advocate (S/B/CJA) position; and all Drilling Individual Mobilization Augmentee (DIMA) positions are tenured positions. Assignment to these positions will not exceed three years.

(1) Only one officer will be assigned to a tenured position, unless an exception to policy is approved by TJAG or his or her designee.

(2) To ensure all qualified Army Reserve JAs have an opportunity to be considered for assignment to tenured positions, vacancies must be advertised on JAGCNET no later than six months before the tenure end date, and for a period of at least 60 days. Vacancy announcements must be provided to PPTO for posting to JAGCNET.

(3) The senior JA in each organization is responsible to: (1) track all tenured personnel, (2) notify PPTO of new JA force structure modifications, (3) ensure PPTO advertises positions in a timely fashion; and (4) comply with PPTO requests to post vacancies.

(4) All requests for overstrength assignments and tenure extensions will be forwarded through command channels to PPTO for TJAG decision. Applicants will forward their requests to TJAG (DAJA-PT/Army Reserve Management), at usarmy.pentagon.hqda-otjag.mbx.reserve-component@mail.mil

c. Tenure Assignment Process.

(1) JA Readiness Mobilization Integration Counsel (JARMIC) Roundtable

(a) Applications for the following assignments will be considered on a quarterly basis by a roundtable of Reserve Component JAGC general officers, who will recommend personnel for each assignment.

- (i) Any staff, command, or brigade judge advocate (S/B/CJA) position,
- (ii) All colonel positions, and
- (iii) All military judge positions.

(b) Officers will forward their application packets for assignment as a .pdf file via e-mail to usarmy.pentagon.hqda-otjag.mbx.reserve-component@mail.mil addressed to The Judge Advocate General (DAJA-PT/Army Reserve Management), 2200 Army Pentagon, Room 2B517, Washington, DC 20310-2200. Application packets must comply with the instructions posted in the vacancy announcement and on-line instructions. Forms and a letter of instruction may be obtained on-line at JAGCNET.

(c) The recommended assignments will be staffed to TJAG for his or her final approval by PPTO. In the event that there is only one applicant for a TJAG tenured assignment as of the advertised closing date, PPTO may staff the applicant to TJAG for approval without prior consideration of the GOSC. Officers will be selected based on their complete record of military service using the following criteria:

- (i) Demonstrated performance as recorded in the OER file;
- (ii) Levels of responsibility in military and civilian life;
- (iii) Military and civilian education;
- (iv) Record of active duty and combat duty as an officer;
- (v) Awards and decorations;
- (vi) Staff and command experience; and
- (vii) Embodies Army Values and Warrior Ethos.

(2) Tenured Assignments not considered by the Roundtable. All lieutenant colonel positions not listed in para. 6-1c(1) above, will be filled using the following process:

(a) Any O-5 assignments within the Legal Command (LC) or its subordinate Legal Operations Detachments (LODs) will only be made after coordination with the Chief, Army Reserve Management, PPTO, and approval by TJAG or his or her designee. The CDR, LC, will prepare a slate of officers for assignment to these positions in a format specified by PPTO, and provide the slate to PPTO for staffing to TJAG for his or her final approval.

(b) Any other O-5 assignment will only be made after coordination with the senior JA who will prepare a slate of officers for assignment to these positions in a format specified by PPTO, and provide the slate to PPTO for staffing to TJAG for his or her final approval.

(3) Officers assigned to a tenured position may not vacate their assignments before their tenure end date without the prior, written consent of TJAG or his or her designee (except for mobilization, see paragraph four below). Officers may not apply for another TJAG-tenured assignment until six months before their tenure end date unless an exception to policy is approved by TJAG or his or her designee before the officer submits his or her application.

(4) If officers wish to mobilize in a position other than their TJAG-tenured positions, the following restrictions apply:

(a) DIMA officers must voluntarily transfer to the IRR prior to mobilization. The tenured position will then be advertised and filled in accordance with Chapter 6-1 of this publication;

(b) Embedded officers must receive written consent from their O-6 or higher commander and TJAG or his or her designee. Upon approval, such officers may be required to resign from their tenured positions and transfer to the IRR. The embedded position will then be advertised and filled in accordance with Chapter 6-1 of this publication;

(c) Officers assigned within the LC must receive written consent from their LOD Commander, the Commander, LC, and TJAG or his or her designee. Upon approval, such officers may be required to resign from their tenured positions and transfer to the IRR. The tenured position will then be advertised and filled in accordance with Chapter 6-1 of this publication.

6-2. OVERSTRENGTH ARMY RESERVE JA ASSIGNMENTS.

a. Army Reserve JAs may only be assigned at up to 200% of authorized levels, as permitted under AR 140-1, paragraph 2-5. In addition to the approval authorities in AR 140-1, all overstrength assignment of Army Reserve JA officers in the grades of O-5 and O-6 must be approved, in advance, by TJAG.

b. SJAs and LOD CDRs should counsel JAs on the benefits of assuming vacant positions (especially embedded positions), and afforded the opportunity to voluntarily fill vacant positions at the earliest opportunity. Should these measures be insufficient to fill existing vacancies within the RRC, RRC SJAs and LOD CDRs will identify excess or overstrength officers to, within existing

regulatory authority (see AR 140-1), involuntarily transfer to existing vacancies, subject to Tenure Policies outlined above.

c. Under no circumstances will SJAs or LOD CDRs remove Army Reserve JAs in the grades of O-5 and O-6 from valid Unit Manning Roster (UMR) positions and transfer them to overstrength categories (i.e., 999X positions) solely for the purpose of creating additional vacancies in which to slot overstrength JAs. Exceptions to this policy must be approved by TJAG or his or her designee.

d. Management of JA assets in accordance with this policy will be a matter of interest during Uniform Code of Military Justice Article 6 inspections. Further, PPTO monitors the total number of officers on hand versus the total number of authorizations by grade in a unit to ensure compliance with this policy.

6-3. OVERGRADE ASSIGNMENTS AND PROMOTIONS.

a. In fulfilling the statutory responsibility to assign JAs, TJAG will normally assign or approve the assignment of a JA to a position with the same grade as the officer's current grade.

b. Occasionally, circumstances warrant assigning an Army Reserve JA to a position one grade lower than the grade of the officer. Such an assignment will be made only upon the prior written approval of TJAG or his or her designee. The duration of an overgrade assignment will be at the discretion of TJAG but will normally not exceed one year.

c. The criteria used to evaluate a request for an overgrade assignment includes the following:

- (1) needs of the JAGC and the command;
- (2) whether the officer is an incumbent SJA or CJA in a tenured position and the amount of time remaining in his or her tenure;
- (3) availability of other JAs in the grade of the vacant position;
- (4) availability of other JA positions in the requesting officer's grade; and
- (5) the officer's past performance.

d. Officers requesting approval of an overgrade assignment must submit the request by memorandum (see Appendix 6-1) through their chain of command to The Judge Advocate General (DAJA-PT/Army Reserve Management) at usarmy.pentagon.hqda-otjag.mbx.reserve-component@mail.mil.

6-4. OVERGRADE ASSIGNMENTS AND PROMOTIONS DURING PERIODS OF MOBILIZATION.

a. Normally, an Army Reserve officer selected for promotion must be assigned to a position authorized for the higher grade in order to be promoted to that higher grade. Unless they decline the promotion, officers are also promoted when they reach their maximum time in service in a particular grade as defined in 10 U.S.C. § 14304(a) and upon transfer to the Individual Ready Reserve (IRR). Officers who are mobilized and who reach their maximum time in service are also eligible for promotion.

b. Officers who are mobilized for extended periods of time and who have not reached their maximum time in service are at a disadvantage, as it may be impossible to locate a new assignment while mobilized.

c. Army Reserve officers serving on active duty who are selected for promotion, but assigned to positions not authorized for the higher grade, may be promoted overgrade if the following criteria are met:

(1) On the reserve-active status list (RASL) in the grade of first lieutenant through lieutenant colonel;

(2) Assigned to Troop Program Unit (TPU) or Drilling Individual Mobilization Augmentee (DIMA) positions that require an authorized grade lower than the grade to which the officer has been selected by an approved mandatory selection board promotion list established under 10 U.S.C. § 14308(a);

(3) Serving on a period of active duty for more than 90 days pursuant to 10 U.S.C. §§ 12301 (a) or (d), 12302, or 12304; and

(4) Remaining in a promotable status while serving on such active duty.

d. Eligible officers seeking an overgrade assignment under this policy must submit a request (Appendix 6-1) endorsed by their supervisory JA to the Office of The Judge Advocate General (DAJA-PT/Army Reserve Management) at usarmy.pentagon.hqda-otjag.mbx.reserve-component@mail.mil.

e. Officers who meet the criteria listed in the paragraphs above may be eligible for promotion based on that overgrade assignment. Officers will be assigned to the IRR 180 days after release from active duty (REFRAD) unless they are assigned to a position requiring the grade to which the officer was promoted under this policy, or a higher grade.

6-5. ARMY RESERVE AND ARMY NATIONAL GUARD NON-JAGC ASSIGNMENTS.

a. As special branch officers, USAR and NG JAs are expected to serve as JAs performing legal duties for their entire career. In exceptional cases, based solely on the needs of the Army and not on the individual desires of the officer, a JA may have one out-of-branch assignment per career which may last up to three years. Approval of the out-of-branch assignment and duration of the assignment are both subject to TJAG's approval. This paragraph applies to both Army Reserve JAs, as well as Army National Guard of the United States (ARNGUS) JAs in a Title 10, United States Code status.

b. Reserve Component JAs will not be assigned to non-JAGC positions without the prior written approval of TJAG or his or her designee. RC officers requesting approval of a non-JAGC assignment must submit their request by memorandum through their first supervisory JA, to Office of The Judge Advocate General (DAJA-PT) at usarmy.pentagon.hqda-otjag.mbx.reserve-component@mail.mil. Each request must also include a statement from the gaining commander (see Appendix 6-2).

c. Judge Advocates wishing to compete for non-JAGC boarded assignments, such as USAR colonel command assignment boards, must obtain TJAG approval to apply for the board.

d. The criteria used to evaluate each request will include, but is not limited to, the following:

(1) the needs of the Army and the JAGC;

(2) the needs of the requesting command;

(3) the professional development of the requesting officer;

- (4) the availability of non-JAs to fill the position;
- (5) the requesting officer's past performance and demonstrated leadership skills;
- (6) whether the officer served in another branch before being appointed as a JA; and
- (7) whether the officer has received any training relevant to the assignment.

6-6. POSITION VACANCY BOARDS.

The written permission of TJAG is required prior to any Army Reserve JA officer or position being put before an Army Reserve position vacancy board.

6-7. ARMY RESERVE ACTIVE GUARD RESERVE (AGR) JUDGE ADVOCATES.

a. All Army Reserve AGRs are on active duty under the provisions of 10 U.S.C. § 12301(d). Current authorizations for Army Reserve AGR JAs are at the Army Reserve training commands, the USARC headquarters, and at other USARC direct reporting commands. Army Reserve AGR JAs can expect reassignment every 2 to 4 years based on the needs of the Army.

b. AGR applicants typically apply to the AGR Program following service with the active component or after serving in traditional reserve component assignments or after some combination of active and reserve component service. Optimally, AGR JAs will be accessed before or after selection for promotion to major, and must have already completed the reserve component Judge Advocate Officer Advanced Course (JAOAC) or the Graduate Course. Those selected for an AGR assignment must have a successful track record as a JA, a well-rounded background, diverse assignment experience, and exposure to the full range of legal subject matters.

c. AGR JAs are accessed onto active duty on an initial close-ended three-year active duty service tour. AGR JA performance records are reviewed in the third year of the initial tour to determine the officer's eligibility for continued service in the program for an indefinite period. AGR JAs are automatically boarded for ILE. AGR JAs may also be offered an opportunity to attend the Graduate Course.

6-8. RETIREMENT POINT CREDIT FOR ARMY RESERVE TRAINING IN A NON-PAY STATUS.

a. Army Reserve officers may earn retirement points in a non-pay status in a number of ways. Examples include participating in battle assemblies, completing correspondence courses, and serving as board members. See Table 2-1, AR 140-185. In addition to these examples, Army Reserve JAs may earn retirement points under Rule 16, Table 2-1, AR 140-185, for "perform[ing] certain legal duties." The following are legal duties eligible for retirement-point credit under Rule 16:

- (1) Serving as a duly appointed investigating officer;
- (2) Providing legal assistance as authorized in AR 27-3;
- (3) Providing Defense Services as authorized by Chief, Trial Defense Services;
- (4) Drafting scholarly legal articles for publication, provided such assignments are approved in advance by the SJA/CJA/LOD commander to which the officer is assigned or attached;
- (5) Providing legal review of investigations, reports of survey, and other actions that have been assigned by the SJA/CJA of the organization to which the officer is assigned or attached;

(6) Serving as a JA recruiting officer with the authorization of a duly appointed Field Screening Officer;

(7) Attending military continuing legal education conferences; and

(8) Attending civilian continuing legal education conferences and other professional conferences of military value in accordance with para. 3-29e, AR 140-1. As an exception to AR 140-1, JAs need not obtain prior approval from Guard and Reserve Affairs. Prior approval should be obtained, however, from the next most senior supervising JA. Individuals assigned to the IRR may obtain approval from the Chief, Army Reserve Management, PPTO.

b. Retirement points may not be awarded for professional reading unless such reading is conducted in conjunction with authoring a scholarly legal article.

6-9. DRILLING INDIVIDUAL MOBILIZATION AUGMENTEE MANAGEMENT.

a. General. All Drilling Individual Mobilized Augmentee (DIMA) billets are three-year tenured positions. The senior JA in each organization is responsible for following all of the provisions listed above in paragraph 6-1(b). In addition, they must ensure their DIMAs receive administrative support through coordination as applicable with the Legal Command, their installation or activity DIMA Coordinator/RC liason.

b. DIMAs occupy critical positions in Mobilization Tables of Distribution and Allowances (MOBTDA). The DIMA program develops members of the Selected Reserve capable of reporting to their JA DIMA assignments upon mobilization or presidential call-up, fully prepared to perform their mobilization duties. SJAs/DIMA supervisors and Judge Advocate activities should both work to maximize DIMA training to achieve this goal. Annually, SJAs must ensure that each civilian employee in their office who holds a reserve commission or DIMA assigned to their office are not key government employees as defined in AR 135-133, paragraph 2-10. If a civilian employee or a DIMA becomes a key employee, the requirements of AR 135-133, paragraph 2-12, will be followed.

c. DIMA Positions on the MOBTDA. The SJA should coordinate with force structure planners to ensure the MOBTDA meets the mobilization mission. The command may submit changes for TAADS documents (including DIMA positions) to HQDA only during the periods of January to March and July to September. These periods are referred to as the management of change (MOC) windows. The MOBTDA must be reviewed annually. Not all mobilization "plus up" positions need to be DIMA, but only those so critical as to require pre-trained officers with experience in the position. Positions that are no longer required because of changes in the mobilization mission, or that are no longer compatible with the organization's personnel structure because of grade, specialty, or other characteristics, should be deleted or modified on the MOBTDA.

d. Training.

(1) Each DIMA is required to perform twelve days of annual training (AT), exclusive of travel time, each fiscal year. The primary objective is to become an expert in the duties and functions the DIMA will perform upon mobilization. See AR 140-145. Every authorized DIMA position allows for an officer to perform up to 24 calendar days (48 IDT periods) of additional paid inactive duty training (IDT) a year with the agency, subject to availability of funds. No travel pay is provided for IDT. SJAs are responsible for the training and utilization of their DIMAs, and should afford DIMAs the opportunity to perform IDT. Inactive duty training is documented with the DA Form 1380, Record of Individual Performance of Reserve Duty Training.

(2) SJAs should coordinate with their DIMAs well in advance of annual training. All requests for AT must be received by HRC at least 60 days prior to the requested reporting date; and, in any event, not later than the annual DIMA fund accounting deadline established by HRC, currently 31

March. SJAs must coordinate with the activity or installation's DIMA coordinator/RC liaison who is responsible for ensuring that requests for AT are properly processed and that each DIMA is administratively processed during their AT.

6-10. JUDGE ADVOCATE MOBILIZATION MANAGEMENT.

a. For purposes of mobilization or activation, OTJAG PPTO determines and directs the method of mobilizing, sourcing, and filling all RC JA vacancies and requirements within AC, USAR or ARNG units, including replacement operations and multi-component units. Mobilization determinations will be based upon current operational concerns, available mobilization authorities, the best interests of the Army, and available RC and AC JAGC assets. OTJAG PPTO's determination and directives relating to this decision are binding on FORSCOM, USARC, and NGB.

b. RC JAs interested in volunteering for mobilization or deployment will contact the OTJAG RC PPTO, Mobilization, Augmentation and Deployment branch. JAs will not solicit units in the field directly for mobilization/deployment opportunities. Conversely, units seeking augmentation or backfill JAs will submit requests to the OTJAG RC PPTO, Mobilization, Augmentation and Deployment branch at usarmy.pentagon.hqda-otjag.mbx.reserve-component@mail.mil and will not solicit JAs directly.

c. Involuntary Transfer Between Units ("Cross-Leveling") of RC JAGC Personnel for Purposes of Mobilization. For purposes of mobilization, RC JAGC personnel may neither be cross-leveled between units nor transferred between components (e.g., TPU, DIMA, or IRR) to fill positions without the prior approval of OTJAG PPTO.

d. For further guidance, please consult Annex L of the Army Mobilization Operations Planning and Execution System (AMOPES) and AR 27-1.

CHAPTER 7. PROFESSIONAL SCHOOLING

7-1. JUDGE ADVOCATE SCHOOLING PLAN.

a. The JAGC integrates legal education with professional military education (PME) in other Army schools to prepare the JA for duties at each level of professional development. Summarized below are the progressively more advanced resident and nonresident courses offered to JAs, followed by detailed discussion about them and other schooling opportunities.

<u>School</u>	<u>Years of Service*</u>	<u>Paragraph</u>
Direct Commissioned Officer Course (DCC)	0-1	7-2
Officer Basic Course (JAIBC)	0-1	7-2
Continuing Legal Education (CLE)	0-RET	7-12, 13, & 14
Judge Advocate Tactical Staff Officer Course (JATSOC)	0-2	7-4
Graduate Course (MEL 6 and Qualification Course for JPME I & MEL 4)	7-12	7-5
Intermediate Level Education (MEL 4 & JPME I)	9-15	7-7
Advanced Civilian Schooling	9-17	7-8
Senior Service College (MEL 1 & JPME II)	16-23	7-9

*Times listed are approximate eligibility windows. See specific paragraphs for details.

b. Officers may be relieved of assignment to professional military schooling based on any of the following: misconduct, relief for cause, incidents involving moral turpitude, or substandard performance.

c. Officers who are overweight may not attend professional military schools. Further, Soldiers scheduled for attendance at professional military schools that require preparation of a DA Form 1059, Service School Academic Evaluation, are required to be screened prior to departing their home station or losing command for height, weight, and ability to pass the APFT. The Soldier's height and weight is required to be recorded on their TDY orders or PCS packets. Applicable provisions of Army Directive 2012-20, include paragraphs 2 and 3, which apply to students in the following courses: NCO Advanced Leaders Course, NCO Senior Leaders Course, JA OBC, JA Advanced Course/Graduate Course, Military Judges Course, Warrant Officer Advanced Course and Court Reporter Course. Notably, Army Directive 2012-20 paragraphs 2 and 3 require removal of students who fail retests of the APFT or Height/Weight and requires the issuance of AERs, reflecting "Failed to Achieve Course Standards." (See AR 600-9, AR 350-1, and AD 2012-20).

7-2. THE DIRECT COMMISSION OFFICER COURSE (DCC) AND THE JUDGE ADVOCATE OFFICER BASIC COURSE (JAIBC).

a. Prior to attending The Judge Advocate Officer Basic Course (JAIBC), all officers (including FLEP officers) will in-process and attend the six-week DCC course at Fort Benning, GA. DCC is designed to provide JAs with Soldier and leadership training designed to instill the Warrior Ethos and

build esprit de corps. DCC also provides an environment where JAs will work and train alongside each other in a tactically focused field setting.

b. Upon graduation from DCC, officers attend JAOBC at the Judge Advocate Legal Center and School (LCS). The ten-and-one-half week LCS Phase of JAOBC stresses military law in a law school environment. All newly accessed JAs and FLEP officers will complete DCC/JAOBC. Failure to complete the course satisfactorily will result in return to basic branch, discharge, or other appropriate action.

c. Army Reserve reservations for DCC/JAOBC, orders, and attendance is managed through OTJAG, PPTO, ATTN: DAJA-PT (JARO, Chief of Reserve Recruiting), 9275 Gunston Road, Fort Belvoir, VA 22060. Army National Guard quotas are managed by the officer's individual state.

d. TJAG is the approval authority for exceptions to DCC attendance. This authority is delegated to the Chief PPTO.

7-3. RESERVE COMPONENT BIFURCATION OF DCC AND OBC.

Reserve Component JAs may request to delay JAOBC if attendance immediately following DCC only if such a delay is in the best interest of the Army and JAGC based on an individual's unique circumstances. A request for bifurcation will be sent in memorandum format through the military supervisory chain of the requesting officer to the Chief, PPTO, for disposition. If the requesting officer does not have a military supervisory chain, the officer will submit the request directly to the Chief, PPTO. The Chief, PPTO, will assess the officer's situation and make a determination based on the needs of the JAG Corps and the needs of the individual officer. If a bifurcation is granted, JAOBC must be completed within one year of completion of DCC.

7-4. JUDGE ADVOCATE TACTICAL STAFF OFFICER COURSE (JATSOC).

a. Active Army and Reserve Component JAs with 48 or fewer months of commissioned service must complete the Judge Advocate Tactical Staff Officer Course (JATSOC) within two years of enrollment in the course and prior to enrollment in the Judge Advocate Officer Advanced Course or attendance at the Graduate Course. The JATSOC is designed to familiarize Judge Advocates with the tactical staff officer skills necessary to function effectively as part of a tactical-level staff. JATSOC consists of approximately 20 hours of online, self-paced instruction and includes eight lessons: Army Doctrine, the Military Decision Making Process, Symbology, Army Organizations, Intelligence Preparation of the Battlefield, Joint Operations, Military Briefings, and Brigade Combat Team Staff.

b. JAs access JATSOC via The Judge Advocate General's University (JAGU).

c. JAs who are required to take JATSOC will be notified via AKO e-mail that they have been enrolled in the course. JAs who receive a JATSOC enrollment e-mail but believe they are exempt from JATSOC, should submit a helpdesk ticket to the JAGU helpdesk. The helpdesk link can be found in the Links of Interest module in the upper right corner of the main JAGU webpage. Those required to complete the course must complete the course in which they are enrolled. Completion of the JATSOC Elective discussed below will not satisfy the mandatory educational requirement.

d. The JATSOC Elective is a self-development course available to all members of the Corps at any time for professional development. Completion of the elective does not meet the educational requirement of those required to complete JATSOC. The JATSOC Elective is a self-enroll course for officers, enlisted Soldiers and civilian members of the Corps, to include Judge Advocates with more than 48 months of service. Those who lack operational experience or otherwise believe they may benefit from the course are strongly encouraged to complete the JATSOC Elective. Supervising JAs should ensure that subordinates are aware of this opportunity.

7-5. JUDGE ADVOCATE OFFICER GRADUATE COURSE.

a. This resident course provides career JAs and selected Department of the Army civilian attorneys with education and training in all areas of military law, leadership and management, and communications. Because it prepares officers for middle and senior grade legal positions, Graduate Course attendance generally comes after selection for promotion to major and at least two company-grade assignments that will have adequately prepared the JA to fully participate in the curriculum. It is an essential element in career development and the keystone in the JAGC's professional development plan; accordingly, all active component JAs will attend the forty-one-week Graduate Course.

b. Those students meeting the academic requirements established by TJAGLCS and the ABA for award of a graduate law degree receive a Master of Laws (LL.M.) in military law. The American Bar Association has approved the School's Master of Laws Program as meeting its graduate-level education standards. The course is conducted over a four-quarter, 41-week academic year. Class size varies, but normally no more than 80 Army attorneys attend along with a number of officers from the other military services, U.S. agencies, and allied nations. Upon signing in to the course, JAs incur a two-year service obligation, which begins upon completion of the course.

c. Officers assigned to attend the course must generally--

(1) be serving JAs in Regular Army status;

(2) be majors or have completed not fewer than five years of commissioned service since promotion to captain as of 1 September of the academic year the course begins;

(3) have served at least three years as a JA in a field assignment after completing the Basic Course as of 1 September of the academic year the course begins; and

(4) have completed their current overseas tour or 24 months of a CONUS assignment as of 1 September of the academic year the course begins.

d. The Chief, PPTO, assigns officers to attend this course. Consideration for attendance is automatic for majors; promotable captains or those in the current zone of consideration; and captains who will have completed five years of service as a captain and who will have completed an overseas tour or 24 months of a CONUS assignment as of 1 September of the next academic year may also be considered. Active Component officers desiring exceptions to the criteria in c, above, may address their requests through the supervising JA or commander concerned to PPTO, who will consider such requests on a case-by-case basis consistent with the needs of the Corps and, where appropriate, make a recommendation to TJAG.

e. The Chief, PPTO, may permit earlier attendance when the needs of the Army or the officer's professional development require such attendance. For more senior officers, attendance at the Graduate Course will generally be scheduled within a year of an officer's promotion to major. TJAG is the approval authority for requests to defer the Graduate Course; deferrals are limited to compelling reasons.

f. Officers who have been considered; but not recommended for promotion to major will not attend the Graduate Course, whether or not previously designated for attendance.

g. Officers who have completed the RC Judge Advocate Officer Advanced Course, obtained an advanced law degree, or completed an advanced course at another service school will still attend the resident Graduate Course.

7-6. RESERVE COMPONENT JUDGE ADVOCATE OFFICER ADVANCED COURSE.

This course provides a working knowledge of the duties and responsibilities of field grade JAs. This course is an essential element in the RC company grade JA's career progression and promotion eligibility. This course is divided into two phases. Phase I consists of 165 hours of nonresident courses, which must be completed before enrolling in Phase II, a two-week resident course at the LCS in January. Completion of the Judge Advocate Officer Basic Course and the Judge Advocate Tactical Staff Officer course are prerequisites for enrollment in the Reserve Component Judge Advocate Officer Advanced Course.

7-7. INTERMEDIATE LEVEL EDUCATION.

Intermediate Level Education (ILE) continues to provide a standard experience across all career fields and functional areas, but the term Command and General Staff Course has been reinstated to describe one of the four ILE options detailed below. Officers are normally eligible for consideration to attend ILE one year after completing the graduate course and the majority of officers who attend are selected in their first two years of eligibility for consideration. ILE is intended to prepare field grade officers for service in division, corps, echelons above corps, and joint staffs. In addition to MEL-4 qualification, ILE, in conjunction with the Graduate Course, satisfies the Joint Professional Military Education (JPME) level one qualification. More information may be found at the ILE Homepage,

<https://www.hrc.army.mil/site/protect/branches/officer/LeaderDev/MilSchool/ILE/index.htm>. (Note: Before you can visit this page, you must log in using your AKO password.)

a. ILE options. There are four ways in which an officer can become MEL-4 qualified: Command and General Staff College (CGSC) (formally called ILE Advanced Operations Course (AOC) and ILE Common Core) at Fort Leavenworth; ILE Common Core at Course Locations (ILE CL); Army Distributed Learning (ADL); and USAR non-resident ILE.

(1) CGSC ("The Resident Course"). CGSC is a DA board-selected 10.5 month course that consists of two sub-courses, the ILE Common Core and AOC (ILE AOC). The first 3.5 months of the Leavenworth ILE is the same common core curriculum taught at the ILE CLs. The second part of CGSC, AOC, is covered in the remaining 7 months of the course. Annually, the JAGC receives a limited number of seats to CGSC. The course will run two starts per year, one in August and one in January. The JA population is split, with approximately 75% of proposed attendees beginning in August and 25% beginning in January.

(a) All AC JAs will compete in the ILE board their first year of eligibility; that board typically convenes in August the year following completion of the JA Graduate Course (i.e., approximately 15 months after Graduate Course completion). JAs cannot decline consideration by their first ILE selection board. The Chief PPTO, in coordination with HRC, may grant an exception to these eligibility requirements. Requests for exception should be submitted to PPTO no later than six months prior to ILE selection board, which normally occurs in August.

(b) CGSC is a broadening opportunity for talented JAs. Both the subject (the military's role in national security) and the environment (a college of joint, interagency, and international students) at CGSC provide a unique educational opportunity. CGSC is the Army's preparatory course for successful service as staff officers in division through echelons-above-corps. Though CGSC is not a prerequisite for any position, it is excellent preparation for service in key positions at divisions, corps, and higher headquarters. JAs who attend CGSC are routinely the best-qualified for service in key positions at divisions, corps, and higher headquarters.

(2) ILE CL Resident ("The Short Course"). This 3.5-month course is the same course as the ILE Common Core portion of CGSC taught at Fort Leavenworth, currently taught at four

satellite locations: Fort Gordon, Fort Lee, Fort Belvoir, and Redstone Arsenal. The JAGC receives an annual allocation of slots. This allocation is sub-divided by location and course date. Only officers assigned to Headquarters Department of the Army (OTJAG and USALSA) will be centrally funded; attendance for all others is funded by the officer's unit. Officers who attend this course are ineligible to attend CGSC. PPTO will not schedule an officer for attendance at ILE CL during the year following completion of the Graduate Course. The Chief, PPTO may grant exceptions.

(3) Non-Resident Studies. The Directorate of Non-Resident Studies at Fort Leavenworth is responsible for the administration of both non-resident ILE taught by the USAR and the correspondence course. ADL is a web-based version of ILE that is for students who are unable to attend one of the ILE CLs. Officers must obtain approval from Chief, PPTO, to enroll in this course and are not eligible to attend ILE CL or CGSC. This version will mirror the USAR non-resident ILE (see below) and may allow USAR officers to switch between options at phase breaks. This option provides students flexibility in completing ILE requirements. After receiving approval, officers may enroll on line at: <https://cgsc2.leavenworth.army.mil/DDE/enrollinstructions.asp>. (Note: Before you can visit this page, you must log in using your AKO password.) This program generally takes 12 to 18 months to complete..

(4) Non-resident ILE. Non-resident ILE is a course taught by the USAR. Non-resident ILE consists of three phases taught over approximately 13 months: Phase I (two weeks TDY in the summer), Phase II (October through May in an evening or weekend format), and Phase III (two weeks TDY the following summer). Non-resident ILE is not currently an MTSA-approved school, so funding will come from the unit's Operations and Maintenance Army (OMA) funds. This option is primarily designed for Reserve Component officers, who have priority for attendance; however, Active Component officers have been admitted when spaces are available. Active Component officers must obtain approval from Chief, PPTO, to enroll in this course and they must decline attendance at the ILE CLs. Officers who plan on attending should contact their ATRRS manager as soon as possible. HRC-St. Louis will fund ILE for non-mobilized reserve officers. More information, to include enrollment procedures, course dates and locations, can be found at the Non-resident ILE website, https://cgsc2.leavenworth.army.mil/nrs/dir_welcome.asp. RC officers may enroll in the ADL, should they be unable to attend any phase in an ADT or IDT status. Officers who attend this course are ineligible to attend CGSC.

b. Officers seeking to enroll in an ILE course must be graduates of JAOAC or the Graduate Course.

c. ORB Military Course Codes. Officers who attended the ILE Common Core course at either Ft. Leavenworth or at a CL will have the annotation "ILE Common Core" in the Military Course location on the ORB. Officers that attend the 10.5 month course at Ft. Leavenworth will have an additional code on the ORB in the same section – "ILE Qualification Course." Officers who are board-selected as primaries to attend CGSC will have "CSC-selectee" annotated on their ORB. This annotation will remain on the ORB if the officer is in a deferral status, but is removed once the officer either attends ILE or declines attendance to CGSC.

d. Qualification Course for MEL 4 and JPME I. Upon completion of the Graduate Course or JAOAC and the ILE Common Core course, JAs receive MEL 4 and JPME I education certification.

e. Officers attending ILE-level schooling or equivalent incur a two-year service obligation, which begins upon completion of the course.

7-8. ADVANCED CIVILIAN SCHOOLING.
(See AR 621-1, Training of Military Personnel at Civilian Institutions)

a. The eligibility and selection criteria for the LL.M. program changed beginning with the FY12 CGSC selection board; LL.M. candidates are now selected using the rank-ordered CGSC

board results. Using these results, a limited number of outstanding career officers may be selected by TJAG to attend civilian institutions for one year at government expense (with the exception of books, computers, supplies, and application fees) to obtain advanced legal education in specialized areas in which requirements exist (e.g., cyber intelligence law, health care law, international law, criminal law, contract law, national security law, information technology law, environmental law, labor and employment law, and tax law). Officers selected must complete all work required to receive the LL.M. degree, including any thesis, prior to the report date for their initial follow-on assignment and not later than one year after commencing studies. Failure to complete all requirements on time may be reflected in Section III of the Academic Efficiency Report as a failure to complete the course. (See AR 623-3.)

b. This training is limited to career officers who are eligible for consideration by the CGSC Board and would have fewer than 17 years active federal commissioned service as of 1 October of the academic year in which the course begins.

c. Officers completing this program incur a three-year active duty service obligation and will serve a utilization tour. Utilization tours are normally three years. Most utilization assignments are made to the following organizations:

- (1) OTJAG.
- (2) LCS.
- (3) USALSA.
- (4) FORSCOM, TRADOC, AMC, Army Command, Army Service Component Command or Direct Reporting Unit headquarters in CONUS and overseas.
- (5) US Military Academy.

d. Selection for advanced civilian schooling precludes attendance at the Ft. Leavenworth CGSC Resident Course. However, enrollment in the LL.M. program is not a substitute for completion of military educational requirements such as ILE and these officers must meet this requirement through one of the alternative options described in paragraph 7-7.

e. Officers who do not complete the three-year service obligation before leaving active duty may be subject to recoupment for the costs of their schooling.

7-9. SENIOR SERVICE COLLEGE (SSC).

Senior Service College (SSC) prepares officers for duty as commanders and staff officers at the highest levels of the services. Normally, each year, four JAs attend the Army War College, two JAs attend the Industrial College of the Armed Forces, two JAs attend the National War College, and one JA each is selected for a Senior Service College Fellowship with the Department of Justice and the Office of the Director of National Intelligence. Officers are typically selected to attend SSC as senior lieutenant colonels or junior colonels. Additionally, one JA normally attends the Naval War College biannually. Attendees are selected by a board of officers convened under procedures prescribed by HQDA. Eligible JAs are considered automatically. Eligibility criteria are announced annually through an Army MILPER message. However, the JAGC will mirror the recent change to the Army Competitive Category (ACC) Senior Service College (SSC) active federal commissioned service (AFCS) eligibility guidelines, which reduced the AFCS ceiling for from 25 years to 23 years and reduced the FLEP exemption to this rule from 36 months to 24 months. Eligibility for consideration for SSC requires officers have credit for completing intermediate level education (MEL4), be in the date of rank zone articulated in the MILPER (generally, no less than two years time in grade as a LTC; the MILPER will also include an upper limit for COLs), and not have attended, declined

attendance, or enrolled, dis-enrolled, or graduated from the US Army War College Distance Education Program. LTCs previously non-selected for the rank of COL are not eligible.

7-10. US ARMY WAR COLLEGE (USAWC) DISTANCE EDUCATION COURSE.

The objective of the course is to make USAWC level education more widely available to qualified officers. The JAGC normally receives an annual quota of five spaces. PPTO will contact eligible officers by virtue of board selection and offer them the opportunity to enroll. In addition to those eligible by SSC Board selection, promotable lieutenant colonels may be permitted to enroll if sufficient quotas exist. PPTO will contact them and offer them the opportunity to enroll. Once enrolled in USAWC, the officer foregoes consideration by a future SSC Board, even if the officer later disenrolls from the course.

7-11 ARMY FELLOWSHIP PROGRAM (SEE AR 621-7)

a. Fellowships are a Chief of Staff of the Army (CSA) program of record in which the majority of uniformed and DAC personnel are assigned outside the Department of Defense (DoD) to premier civilian and private institutions as well as federal Government Departments and Agencies for a period not to exceed 12 months. The program's goal is to gain experience and education not available within traditional Professional Military Education (PME) programs. The person serving in the Army Fellowship Program will be known as a "Fellow" and the Army will disburse normal pay and allowances during this assignment. In return, the Fellow agrees to an Active Service Duty Obligation (ADSO) or Continuation of Service Agreement (CoSA) and targeted utilization as a means to support return of investment for the Fellow, Service and DoD. Fellowship programs include:

(1) Army Senior Fellowship Program (ASFP), Post MEL-1: The ASFP affords MEL-1 qualified officers the opportunity to study at the strategic level issues of national importance in association with individuals and agencies, in and out of government, who actively influence the formulation and execution of US foreign and domestic policy. As ASFP participants, officers are expected to be exceptional communicators who can effectively articulate Army positions to influential civilian counterparts and leadership.

(2) United States Army War College Fellowship Program (USAWCFP), MEL-1: The USAWCF Program fulfills Army requirements for broadening senior officers and DACs by providing an equivalent experience with an emphasis on subject matter for which comparable expertise cannot be reasonably obtained through resident education at a MEL-1 granting institution.

(3) Command & General Staff College Interagency Fellowship (CGSCIF), MEL-4: CGSCIF enables select Army officers to gain an in-depth understanding of the capabilities, missions, procedures, and requirements of Federal agencies and other organizations both inside and outside the Department of Defense (DOD) through experiential learning. A primary goal of this program is to educate select Army officers in how interagency departments/agencies interface with and contribute to Whole-of-Government and Unified Action operations. This experience is designed to introduce understanding of the complex joint, interagency, intergovernmental, and multinational (JIIM) environments in which the Army operates to support National Security objectives.

(4) Branch & Functional Area (FA) Fellowships (Non-MEL): These Non-MEL Fellowship opportunities provide Army officers the opportunity to study issues of national and international importance while assigned to regional study centers, Federal Agencies/Departments, civilian think-tanks and not for profit research institutions. Programs of study are linked to functional areas and branch-specific requirements.

b. The applicant's colonel/O6 or civilian equivalent supervisor must endorse the application and make recommendations after careful consideration of the applicant's abilities, initiative, and potential. However, prior to submission of an application:

(1) Active, Reserve, and National Guard officers must receive permission to compete from their perspective career manager at PPTO or the National Guard Bureau, who may, depending on the rank and time in service of the officer submit the request to the Chief of PPTO.

(2) Civilian personnel, GS-13 through GS-15, must coordinate with the Chief, Civilian Personnel Management.

c. Assignment to a fellowship program is ultimately always subject to the approval by TJAG under her statutory authority to assign and manage JALS.

7-12. CONTINUING LEGAL EDUCATION (CLE).

Recognizing the need for lifetime learning and self-development, TJAG requires all attorneys participate in CLE, even if not required by a state licensing authority (See para 11-17 and TJAG Policy Memo 14-02, Professional Responsibility). Each attorney (JAs and civilians) is individually responsible for fulfilling the requirements of his or her state bar. Supervisors should monitor their attorneys' compliance with CLE requirements. Any questions concerning state CLE requirements must be addressed directly to the state bar.

7-13. CONTINUING LEGAL EDUCATION (CLE) COURSES AT THE LCS.

a. Attendance at resident and on-site CLE courses at The Judge Advocate General's Legal Center and School (LCS) requires a confirmed reservation. Reservations for CLE courses are managed through the Army Training Resource and Requirements System (ATRRS).

b. Active duty service members must obtain reservations through their directorates of training or through equivalent agencies. RC personnel must obtain reservations through their unit training offices. IRR/IMA personnel must obtain reservations through the Office of The Judge Advocate General, Personnel, Plans & Training Office, ATTN: DAJA-PT (RC Management), 2200 Army Pentagon, Room 2B517, Washington, DC 20310, e-mail: usarmy.pentagon.hqda-otjag.mbx.reserve-component@mail.mil. Army National Guard personnel request reservations through their unit training offices.

c. Officers requesting a reservation should know the following:

LCS's School Code – 181.

Course name and number - (Example: Contract Attorneys Course, 5F-F10).

Class number - (Example: 148th Contract Attorneys Course).

Specific course information is published in *The Army Lawyer*, on the LCS web site on JAGCNet, and in ATRRS itself. ATRRS automatically sends an e-mail notification to the student after the training office has inputted the reservation into the system. Notification includes the status of the reservation: Reservation, Wait, or Canceled. Students may also verify reservation status through their individual AKO accounts. Students should not call the School to verify reservations. It is the student's responsibility to confirm his or her reservation prior to travel. Students with a confirmed reservation who find that they cannot attend the class as scheduled must cancel their reservation through the local training office or the School so other students on the wait list may attend in their place. Students who do not cancel reservations will receive a "No-Show" on their ATRRS student record that may result in their organization losing quotas in future year course allocations.

7-14. OTHER MILITARY TRAINING.

a. Airborne, Ranger, and Air Assault training is available to qualified JAs designated for assignment to organizations requiring those skills. Airborne training may be available to JAIBC students immediately following graduation. After coordination with the LCS, basic course students

desiring to attend Airborne school will gain approval from their gaining SJA office. After SJA approval, the LCS will inform PPTO. Other JAs interested in attending Airborne or Air Assault school may be permitted to do so in conjunction with a PCS. JAs should contact PPTO for information and quotas if they desire to attend other Army schools ((e.g., Ranger or Pathfinder school).

b. The JAGC encourages officers to volunteer for these military schools. For newly accessed officers, it provides an introduction to challenging military training. It also provides a cadre of JAs trained for possible future assignment to Airborne, Air Assault, and Special Operations units.

c. Language school training may be available to selected career JAs who will be assigned to a position requiring specialized language training. Officers interested in applying should submit a Defense Language Aptitude Battery (DLAB) score to PPTO. When required by position, language training is available at the Defense Language Institute, Presidio of Monterey, California.

7-15. PROFESSIONAL DEVELOPMENT PROFICIENCY CODES (PDPCs).

a. Professional Development Proficiency Codes (PDPCs) identify individuals with specialized expertise in military justice, government contract law, international law, and claims/litigation in accordance with DA PAM 611-21, *Military Occupational Classification and Structure*. Applications for award of a PDPC must be submitted through JA technical supervisory channels to PPTO. These PDPCs are one indication of proficiency in a core legal discipline. PDPCs are a factor in the assignment process beginning at the field grade level. Though needs of the Army and needs of the JAGC remain paramount in the assignment process, the Career Development Objective includes employing field grade JAs based on expertise.

b. The military justice PDPCs are based on a combination of formal education, additional training, and experience. This program, previously outlined in TJAG Policy Memorandum 08-2, *Military Justice Additional Skill Identifiers*, dated 21 July 2008, established four PDPCs for military justice: *Basic Military Justice Practitioner*, *Senior Military Justice Practitioner*, *Expert Military Justice Practitioner*, and *Master Military Justice Practitioner*. Each PDPC builds on both schooling and either courtroom or justice management experience, and encourages counsel to deepen their understanding of military justice practice. These PDPCs do not create a specialization, but rather highlight the JAGC's desire to maintain a sustained proficiency in military justice. The current guidance is contained in [Appendix 7-1](#)

c. The contract law PDPC 3D described in DA Pam 611-21, Table 4-3, requires completion of the JAGC graduate course, and service in two major acquisition or government contract assignments. Successful completion of a master's degree program in Government Contract Law may be substituted for one of the major acquisition assignments. See Table 4-3 for additional requirements. Please note that a revision to the requirements for the 3D is currently in progress.

7-16. ACTIVE DUTY SERVICE OBLIGATIONS ASSOCIATED WITH TRAINING.

The following Active Duty Service Obligations (ADSO) are associated with participation in military training:

a. Officers who attend the Judge Advocate General's Graduate Course will incur a 2-year ADSO; the FLEP ADSO cannot be served concurrently with the Graduate Course ADSO.

b. Officers who attend a Senior Service College, Intermediate Level Education (including ILE CL but not Non-Resident (Distance) ILE), equivalent foreign military schools, or equivalent training (e.g., with DoJ or ODNI) incur a 2-year ADSO.

c. Newly appointed warrant officers who attend Warrant Officer Basic Course (WOBC) will incur a 6-year ADSO upon graduation. This ADSO does not apply to warrant officers who already hold a warrant officer MOS. Warrant Officers who attend Army-directed professional development courses, including the Warrant Officer Advanced Course, Warrant Officer Staff Course, and Warrant Officer Senior Staff Course (WOAC, WOSC, WOSSC), do not incur a service obligation.

CHAPTER 8. SELECTION, CERTIFICATION, AND ASSIGNMENT OF JUDGES

8-1. SELECTION AND CERTIFICATION OF ACTIVE DUTY MILITARY TRIAL JUDGES.

a. TJAG selects active duty Judge Advocate officers to serve as military trial judges who will meet the following criteria:

(1) have at least three years of trial experience as a court-martial trial or defense counsel; two years of court-martial trial experience and at least one year as chief of criminal law, regional defense counsel, or criminal law instructor; or three years as a SJA in an active criminal law jurisdiction;

(2) are serving in the grade of colonel, lieutenant colonel, or major (promotable);

(3) have completed ILE or the equivalent, or are willing to enroll and complete such a course;

(4) have demonstrated mature judgment and high moral character; and

(5) have been nominated for selection by the Chief Trial Judge, in coordination with the Chief, PPTO.

b. To be certified as a military trial judge, selectees must be able to graduate from the LCS-run Military Judge Course with a grade of 77 or higher.

8-2. SELECTION AND CERTIFICATION OF USAR TRIAL JUDGES.

a. TJAG selects USAR Judge Advocate officers to serve as military trial judges who will normally meet the following criteria:

(1) have at least three years criminal law experience as: (a) a full-time civilian trial or appellate judge, or U.S. Magistrate Judge; (b) a criminal trial practitioner, with recent extensive experience in federal, state, or military courts; or (c) a full-time criminal law instructor in a military or civilian school);

(2) have demonstrated familiarity with the military justice system (for example, have documented service on active duty as a court-martial trial or defense counsel; have documented observation of multiple active duty courts-martial, or; have documented completion of on-line training in military justice sponsored by the Criminal Law Department of The Judge Advocate General's Legal Center and School);

(3) are serving in the grade of colonel, lieutenant colonel, or major (promotable);

(4) have demonstrated mature judgment and high moral character; and,

(5) have been nominated for selection by the screening committee referenced below.

b. To be certified as a military trial judge, selectees must be able to graduate from the LCS-run Military Judge Course with a grade of 77 or higher.

c. Upon selection by TJAG and prior to attending the Military Judge Course at the LCS, USAR military judge candidates will be assigned to the 150th Legal Operations Detachment (LOD).

d. Vacancies in the 150th LOD will be advertised on JAGCNet on or about 1 October for positions opening in June of the following year. Applications for appointment as a USAR military

judge will be sent to the Chief Trial Judge, 150th LOD. Applications must be accompanied by the officer's 2-1, a chronology and description of military service, a civilian résumé and the last three OERs. The application should also include letters of recommendation and such additional information sufficient to demonstrate compliance with the selection criteria above. A screening committee chaired by the Chief Trial Judge, United States Army Trial Judiciary, will review the application files and recommend candidates to TJAG to fill open USAR military trial judge positions.

8-3. SELECTION AND CERTIFICATION OF NATIONAL GUARD (NG) MILITARY JUDGES AND SELECTION FOR ATTENDANCE AT THE MILITARY JUDGE COURSE.

a. NG applications to attend the Military Judge Course must be endorsed by the senior Judge Advocate or state SJA, as applicable, and sent through the Office of the Chief Counsel, National Guard Bureau, to the Chief Trial Judge, United States Army Trial Judiciary for final decision. Attendance at the Military Judge Course is limited to those NG JAs who meet the below criteria for certification; accordingly, application packets must contain information sufficient to demonstrate compliance with the certification criteria. Quotas are limited so applications should contain additional information (beyond the required information) to distinguish otherwise qualified candidates. In order to allow sufficient time for processing, complete applications should be received by the Chief Trial Judge NLT 15 January for the course beginning in April of that year.

b. For a NG JA to be certified as a military judge by TJAG, the following criteria must be met:

(1) have at least three years criminal law experience as (a) a full-time civilian trial or appellate judge, or U.S. Magistrate Judge, (b) a criminal trial practitioner, with recent extensive experience in federal, state, or military courts, or (c) a full-time criminal law instructor in a military or civilian school;

(2) have demonstrated familiarity with the military justice system (for example, have documented service on active duty as a court-martial trial or defense counsel; have documented observation of multiple active duty courts-martial, or; have documented completion of on-line training in military justice sponsored by the Criminal Law Department of The Judge Advocate General's Legal Center and School);

(3) are serving in the Army National Guard in the grade of colonel, lieutenant colonel, or major (promotable);

(4) have demonstrated mature judgment and high moral character;

(5) currently is assigned (or, upon graduation from the Military Judge Course, immediately will be assigned) to an existing position as a state military judge;

(6) graduate the LCS-run Military Judge Course with a grade of 77 or higher.

8-4. TRIAL JUDICIARY ASSIGNMENTS.

a. Assignments of military judges to the Trial Judiciary are made by TJAG upon the recommendation of the Chief Trial Judge, United States Army Trial Judiciary, in coordination with the Chief, PPTO.

b. As a general rule, officers below the grade of colonel will not receive consecutive trial judge assignments. Upon the completion of a tour as a trial judge, the officer typically will be reassigned to a position related to the field of criminal law such as SJA, Regional Defense Counsel, Deputy SJA, Criminal Law Division at OTJAG, the LCS, or one of the Appellate Divisions in USALSA. Military judges are eligible and compete for military and civilian schooling on the same

basis as any other JAs. School assignments are considered intervening assignments for purposes of determining eligibility for a subsequent assignment as a trial judge.

8-5. SELECTION AND ASSIGNMENT OF APPELLATE MILITARY JUDGES.

a. General. Assignments of appellate military judges to the U.S. Army Court of Criminal Appeals are made by TJAG upon recommendation of the Chief Judge in coordination with the Chief, PPTO.

b. Grade Requirements. Appellate judges will normally be in the grade of colonel. Exceptional lieutenant colonels with at least two years' time-in-grade may be considered for a waiver of the grade requirement.

c. Experience Requirements. Appellate judges should have at least two years of experience as a GCM trial judge, previous service as an appellate judge, two years of experience as an SJA of a general court-martial jurisdiction, or two years of experience as a regional defense counsel. Appellate judges should also have at least two years of criminal law experience as a trial counsel, chief of military justice, criminal law instructor, or trial defense counsel.

d. Military Education Requirements. Appellate judges must be a graduate of ILE or its equivalent. Appellate judges must graduate from and attain at least a grade of C (77) in the Military Judge Course at the LCS. TJAG may grant waivers to these requirements.

8-6. TENURE FOR MILITARY JUDGES.

a. Trial Judges. Judge Advocates are certified as military judges by TJAG and assigned to the Trial Judiciary for a minimum of three years, except under any of the following circumstances:

(1) The military judge is assigned to the Republic of Korea or other such area where officers are normally assigned for a one- or two-year tour; in such cases the military judge will typically be appointed to a one- or two-year term;

(2) The military judge voluntarily requests to be reassigned to other duties, and TJAG approves such reassignment;

(3) The military judge retires or otherwise separates from military service;

(4) The military judge is reassigned other duties by TJAG based on the needs of the service in a time of war, contingency operation, or national emergency; or

(5) The officer's certificate as a military judge is withdrawn by TJAG for good cause.

b. USAR Judge Advocates certified by TJAG as military judges are assigned to the 150th LOD for a minimum of three years and detailed by the Chief Trial Judge, United States Army Trial Judiciary, or a designee to courts-martial within one of several designated judicial circuits. Upon the completion of a three-year tour as a military trial judge, a USAR military judge can request three-year extensions (through the Chief Trial Judge, 150th LOD, and the Chief Trial Judge, United States Army Trial Judiciary) from TJAG. In the event a USAR military judge is mobilized for an assignment inconsistent with the role of a military judge, that officer will be reassigned from the 150th LOD and may reapply for a position in the unit upon demobilization. A USAR military judge who mobilizes to serve in a capacity consistent with the role of a military judge may remain assigned to the 150th LOD and may return to the unit upon demobilization without having to reapply. While mobilized, a USAR military judge's tenure continues to run.

c. Appellate Military Judges. Assignments of appellate military judges to the U.S. Army Court of Criminal Appeals are made by TJAG upon recommendation of the Chief Judge, U.S. Army

Court of Criminal Appeals, in coordination with the Chief, PPTO. Judge Advocates are assigned as appellate military judges for a minimum of three years, except under the following circumstances:

(1) The appellate military judge voluntarily requests to be reassigned to other duties, and TJAG approves such reassignment;

(2) The appellate military judge retires or otherwise separates from military service;

(3) The appellate military judge is reassigned other duties by TJAG based on the needs of the service in a time of war, contingency operation, or national emergency; or

(4) The officer is removed from service as an appellate military judge by TJAG for good cause.

CHAPTER 9. ACQUISITION LAW SPECIALTY PROGRAM

9-1. INTRODUCTION.

a. **General.** In recognition of the breadth and complexity of acquisition law, and of the need for both uniformed and civilian attorneys to maintain expertise in acquisition law, The Judge Advocate General established the Acquisition Law Specialty (ALS) Program in 1985. The ALS Program is a centrally managed system for identifying, training, and assigning lawyers so that the JAGC can develop and maintain qualified personnel, both military and civilian, with the requisite breadth and depth of acquisition law expertise. Based on Army needs and force requirements, the ALS Program may not be implemented completely to include participation in the Internship Program.

b. **Responsibility.** PPTO is responsible for administering the ALS Program. PPTO coordinates ALS issues and assignments with The Commander, USALSA, who has oversight responsibility for the Program.

c. **Key Features.** The key features of the ALS Program are: establishing a force structure of ALS positions; providing for the selection, development, and training of acquisition law specialists; assuring opportunities for promotion and schooling for acquisition law specialists; and implementing the Army Material Command (AMC) Contract Law Intern Program (see paragraphs 9-4 and 9-5 below).

d. **ALS and Acquisition Assignment Policies.** Attorneys enrolled in the ALS Program will receive first consideration for assignment to acquisition law positions and acquisition law training, subject to the needs of the Army. There are positions, usually at installation Staff Judge Advocate offices, where JAs interested in the ALS Program can acquire the experience that will qualify them for ALS entry. Attorneys enrolled in the ALS Program will normally be given duty assignments to ALS positions or related fields. Enrollment in the Acquisition Law Specialty Program does not preclude assignment to other positions.

e. **ALS Promotion Opportunity.** Judge Advocates in the ALS Program have equal opportunity with other Judge Advocates for promotion and other training programs. JAs in the ALS are identified to promotion boards (O-4 to O-6), which are instructed that the Army's goal is that ALS attorneys, as well as all JAGC officers who specialize, have a similar opportunity for promotion to each grade as other JAGC officers.

9-2. ELIGIBILITY.

a. **Judge Advocates.** Judge Advocates who want to enroll in the ALS Program may apply by forwarding an application to PPTO through their SJA or other supervisor. JAs must have a Regular Army commission in the grade of major or above, be recommended for the ALS by the SJA or other senior supervising attorney to whom the applicant reports, and must be competitive for promotion (demonstrated by professional performance of legal duties in at least three officer evaluation reports as a JA). In addition, the applicant must satisfy one of these additional criteria: successful performance for at least one year in a position whose primary duty is legal support to an acquisition function, successful performance for at least two years in a position in which legal support to an acquisition function was a significant duty (to include direct supervision of acquisition lawyers), award of an LL.M. in contract law, or completion of one year in the AMC Contract Law Intern Program. Acquisition Law Specialists with the requisite qualifications will, upon application, be awarded skill identifier 3D. The qualifications for skill identifier 3D are more rigorous than the criteria for ALS enrollment (see paragraph 7-15 above).

b. **Civilian attorneys.** Civilian attorneys under the qualifying authority of TJAG are eligible to participate in the ALS Program when they successfully complete at least one year in a position in which the primary duty is legal support to an acquisition function, or two years in a position in which

legal support to an acquisition function is a significant duty. Applications should be forwarded through the SJA or other supervisor to PPTO.

c. Applications. Applications for the ALS Program may be submitted at any time.

d. Enrollment and Disenrollment. The Chief, PPTO, is the delegated approval authority for enrollment in the ALS program. Attorneys may be disenrolled from the ALS Program upon their request or after having served for four years in a non-ALS position. They may also be disenrolled for cause (e.g., relief for cause OER). Enrollment may continue notwithstanding service in non-ALS positions if consistent with the needs of the Army or other valid professional considerations.

9-3. ALS POSITIONS.

ALS positions are those in which the primary duty is legal support to an acquisition function. PPTO will notify SJAs and other supervisors of positions that have been identified as ALS positions. In addition, PPTO will inform supervisors whether the position has been documented for skill identifier 3D (Contract Law). Supervisors who have positions that they believe should be identified as ALS positions should notify PPTO. Identification of a position as an ALS position (or documenting a position with skill identifier 3D) does not guarantee that the position will be filled with an Acquisition Law Specialist. However, such identification is a valuable management tool, which will help to ensure that Acquisition Law Specialists are assigned so as to enhance their career development and to fill the needs of the JAGC and the Army.

9-4. CONTRACT LAW INTERN POSITIONS WITH AMC.

The objective of the AMC Contract Law Intern program is to assist TJAG in developing a pool of officers in the JAGC career force with extensive practical training in government acquisition and contract law at the acquisition activity level. Interested officers should coordinate with their SJAs to contact their personnel management officer at PPTO.

9-5. ALS MEMORANDUM OF UNDERSTANDING POSITIONS WITH AMC.

The Army General Counsel, TJAG, and AMC Command Counsel have entered into a Memorandum of Understanding augmented by a Memorandum of Agreement identifying Chief Counsel, Deputy Chief Counsel, division and branch chief, and action officer positions for JA incumbency, to ensure the appropriate mix of military and civilian lawyers at all levels; to provide further opportunities for JA development and experience; and to ensure adequate career progression and opportunities for the ALS JA lawyer.

CHAPTER 10. SEPARATION, RESIGNATION, DISCHARGE, AND RETIREMENT

10-1. GENERAL.

Officers may be released from obligated and non-obligated periods of service upon personal request or involuntarily when personal circumstances or needs of the Army dictate. All officers serving on the active duty list (ADL) possess Regular Army commissions and must resign their commissions in order to be released. This chapter covers the more frequent circumstances in which release from service may be directed or approved.

10-2. RESIGNATIONS.

a. Unqualified resignations will be submitted as soon as possible, and normally must be submitted not earlier than 12 months or less than 6 months prior to the requested date of separation. If an officer has been considered by a promotion board and selected for promotion, then the six-month requirement will be enforced. If the officer is requesting a waiver of any ADSO, then this request must be submitted at least 12 months prior to the effective date. Additionally, maintaining the current rank upon resignation is dependent upon regulatory time requirements as outlined in AR 600-8-24 and AR 600-8-29. Normally, unqualified resignations will not be accepted unless the officer will have satisfied all service obligations by the effective date of the resignation. In this regard, officers serving overseas normally will be required to complete the current prescribed tour for the area of assignment. Unqualified resignations must be processed in accordance with AR 600-8-24, Chapter 3, including the mandatory counseling required by paragraph 1-13 and the endorsement by step 2 of Table 3-1. See JAGCNET PPTO Sample Separation Forms for the currently recommended format. Resigning officers must provide an endorsement letter in the format provided on JAGCNET PPTO Sample Separation Forms (no thru line endorsements).

b. Officers who resign should keep copies of the following documents. Possession of these documents will facilitate transition to the Reserve Component and, in addition, will be useful for future reference.

- (1) Appointment Orders
- (2) Latest Promotion Orders
- (3) Officer Record Brief (ORB)
- (4) Assignment Orders to Reserve Control Group (if available)
- (5) DA Form 873 – Certificate of Clearance
- (6) DD 2807-1 – Report of Medical Examination (on Jan 01 replaced SF 88)
- (7) DD 2808 – Report of Medial History (on Jan 03 replaced SF 93)
- (8) DD Form 214 – Certificate of Release/Discharge from Active Duty

c. Officers are required to fill out and submit an exit survey with their resignation as well as a reserve component briefing memorandum. Reserve component briefing memorandums must be signed by a PPTO Reserve Component Career Manager. See Appendix 10-4 and 10-11.

d. All officers are required to fill out and submit a Victim of Sexual Assault Statement with their resignation. See the JAGCNET PPTO page for sample form.

e. Officers requesting to change the date of previously approved or pending resignation or withdraw their resignation should use the form posted on the JAGCNET PPTO page..

10-3. RETIREMENTS.

a. Applications for voluntary retirement may be submitted up to 12 months before the requested retirement date or no later than 9 months prior to requested retirement date or beginning of transition leave, whichever is the earliest. Guidelines on extended timelines, if applicable, will be published separately by PPTO. Prior to submitting a retirement request, officers must complete DA Form 7301-R – Officer Service Computation for Retirement. The officer must have 19 or more years AFS and be able to complete all service obligations by the retirement date. Applications will be processed in accordance with AR 600-8-24, Chapter 6. See JAGCNET PPTO page for the most up to date versions of all required forms.

b. The following documents must be submitted with all retirement requests:

- (1) Retirement application—including GI Bill transfer confirmation memorandum (if applicable);
- (2) Supervisor endorsement memorandum;
- (3) DA Form 7301-R; and
- (4) Request form for permission to practice law on transition leave (if applicable).

c. 10 U.S.C. § 1370(a)(2) requires three years time-in-grade for COLs and LTCs seeking to retire in the highest grade satisfactorily served on active duty. The Secretary of the Army may waive that requirement in individual cases involving extreme hardship or unusual circumstances. Officers desiring to submit an application for retirement with a concurrent request for waiver of the time-in-grade requirement should contact PPTO for guidance on current policy on time-in-grade waivers.

d. SERBs. 10 U.S.C. § 638 provides statutory authority for selective early retirement. While there is no current HQDA policy on selective early retirement in effect for the JAGC, a new policy may be announced annually.

10-4. OFFICER ELIMINATIONS.

a. An officer is permitted to serve in the Army because of the special trust and confidence the President and the nation have placed in the officer's patriotism, valor, fidelity, and competence. An officer is expected to display responsibility commensurate with this special trust and confidence and to act with the highest integrity at all times. However, an officer who will not or cannot maintain those standards will be separated IAW chapter 4 of AR 600-8-24, *Officer Transfers and Discharges*.

b. JA personnel files will be routinely reviewed by supervising officers, SJAs, and PPTO. Officers who have poor potential for continued service, substandard duty performance, or derogatory information may be processed for elimination. See paragraph 4-2, AR 600-8-24. Prior to initiating an officer elimination action, SJAs and other heads of legal offices should consult with PPTO. Pursuant to paragraph 4-20 of AR 600-8-24, probationary RA officers are not entitled to have their cases heard by a board unless an Other than Honorable Discharge is recommended.

10-5. FORCE SHAPING AUTHORITY.

Force shaping authorities in 10 U.S.C. § 647 allow TJAG to request authority to hold boards for the specific purpose of managing the size of the JAGC. If it is necessary to hold a force shaping board

(e.g., a SERB to manage an oversized COL population), PPTO will notify the field of the board process and the population to be considered.

10-6. RECOUPMENT OF EDUCATIONAL EXPENSES.

Officers who have an active duty service obligation based on educational expenses paid by the government (e.g., USMA, ROTC scholarship, FLEP, or LL.M.) are generally required to repay the government for a pro-rata portion of these expenses if they leave active duty before the end of their obligated service.

10-7. TRANSITION LEAVE.

a. Requests for transition leave pending retirement or resignation are approved or disapproved by the officer's commander, SJA, or office approval authority. No action by PPTO is required. In determining whether to approve a request for transition leave, approving authorities should consider that replacements are scheduled based upon the actual separation date and not the date transition leave begins. Approval of such a request may result in an office vacancy for at least the period of transition leave.

b. The practice of law outside the JAGC during a period of transition leave requires prior approval. TJAG has delegated authority to approve such requests to the Chief, PPTO. Requests should be sent through and endorsed by the SJA, or other supervisor, to PPTO. Recommended format is available on the JAGCNET PPTO page.

10-8. FORWARDING ADDRESS UPON SEPARATION FROM ACTIVE DUTY.

Officers who are leaving active duty should provide PPTO with a forwarding address. PPTO will mail the Career Management Information File (CMIF) to officers who have retired.

10-9. RETIREMENT OR RESIGNATION IN LIEU OF PCS ASSIGNMENT.

Officers who will be eligible for retirement or separation within 6 months of the date on which they receive a PCS assignment alert may resign or request voluntary retirement in lieu of PCS. The request must be submitted within 30 days after the officer is alerted for assignment. An alert is defined as oral or written notification of an assignment or reporting date. The officer must request a release date not later than six months from the date of the PCS assignment alert.

10-10. SELECTIVE CONTINUATION.

a. Selective continuation is a method of retaining capable, experienced officers of a specific grade to meet the needs of the Army. Officers pending separation for twice failing to be selected for promotion to lieutenant colonel may be continued on active duty in their present grade if recommended by a selective continuation selection board and approved by the Secretary of the Army. Not all promotion selection boards are authorized to recommend selective continuation.

b. TJAG may seek selective continuation until retirement eligibility under 10 U.S.C. § 3911 for best-qualified majors who have been twice non-selected to lieutenant colonel. Selective continuation in the JAGC will end upon retirement eligibility and will not continue beyond 20 years of federal service. Selectively continued officers will continue to be eligible for selection for promotion until separated.

c. Regular Army officers may decline selective continuation before the period of continuation begins. Such officers may not be eligible for separation pay.

d. Officers wishing to be discharged or released from active duty before a selective continuation period expires may voluntarily request such action. If discharged or released, however,

they may not be entitled to separation pay. See AR 600-8-29, Officer Promotions, and AR 600-8-24, Officer Transfers and Discharges.

10-11. SERVICE IN THE RESERVE COMPONENT.

a. Regular Army officers accept an eight-year statutory military service obligation upon initial appointment; the first four years are an active duty service obligation. Regular Army officers must resign their commissions, and request reappointment to obtain a Reserve commission. SJAs of officers leaving active duty after completing their initial active duty service obligation must ensure the officers understand that they have a remaining statutory Reserve obligation.

b. PPTO will provide to Chief, Reserve Component Management, PPTO, on a recurring basis, the names of CPTs and MAJs who have approved resignations. RC Management will use this information to provide separating officers with basic information on the Reserve Components and how to participate prior to ETS.

c. The SJA or equivalent senior command legal counsel will personally meet with each officer scheduled to resign to discuss service in the Reserve Components and request that each officer provide a forwarding address and phone number. A briefing point paper is provided on the JAGCNET PPTO page. A report of the results of each interview, in the template provided on the JAGCNET PPTO page, will be provided to the Office of The Judge Advocate General, ATTN: DAJA-PT, 2200 Army Pentagon, Room 2B517, Washington, D.C. 20310-2200. The report will be provided to PPTO along with the officer's resignation.

d. Army policy requires that resigning officers must also receive a reserve component briefing. Use the Memorandum for Record format provided on the JAGCNET PPTO page to document the reserve component briefing. This briefing must be given by a Reserve Army career counselor; most installations require the briefing be received from the local counselor before allowing an individual to separate.

CHAPTER 11. SPECIAL RULES OF MILITARY PRACTICE

11-1. COUNSEL IN COURTS-MARTIAL.

a. Article 27(b), Uniform Code of Military Justice (UCMJ), requires that an individual detailed as a trial or defense counsel of a general court-martial (GCM) must be a JA and a graduate of an accredited law school or a member of the bar of a Federal court or of the highest court of a state, and certified to perform such duties by TJAG. SJAs and RDCs are responsible for ensuring that only certified commissioned officers are detailed as counsel in all courts-martial.

b. Officers appointed in or assigned or detailed to the JAGC will be certified as counsel before GCMs upon successful completion of JAOBC or on admission to the bar, whichever occurs later.

c. Non-JA officer-lawyers normally will not be certified. If an exception to this rule is required, the SJA concerned will submit a request to PPTO, accompanied by the officer's law school transcript, a certified copy of the officer's license to practice, certificate of good standing, a resume of experience, and a justification for an exception to this policy.

d. Reserve Component JAs serving on active or inactive duty for training who are certified may be detailed as trial counsel or assistant defense counsel in all levels of courts-martial.

e. FLEP officers performing OJT may be detailed as summary courts-martial officer or Article 32 investigating officer.

f. Only JAs assigned to USATDS counsel will be detailed as defense counsel or assistant defense counsel.

11-2. GOOD STANDING WITH ATTORNEY'S LICENSING AUTHORITY.

a. All Army attorneys, including JAs who are members of the Active Army, U.S. Army Reserve, and Army National Guard and civilian attorneys under TJAG's qualifying authority, must be members in "good standing" with at least one attorney licensing authority. To ensure compliance, all attorneys who are part of the Judge Advocate Legal Service (JALS) must self-certify every other fiscal year (odd years) that they are in good standing with their licensing authority. PPTO will notify all members of JALS when the window for self-certification opens. Noncompliance with this policy is a basis for suspension from performing legal duties or separation in cases of loss of license or disbarment from professional practice. A current, valid license to practice law in a state, territory of the United States, District of Columbia, or Commonwealth of Puerto Rico is a condition of continued employment for civilian attorneys of the DA. See AR 690-200.

b. In addition to self-certification, all Regular Army and USAR JAs must provide proof of good standing when the officer is in the primary zone of eligibility for promotion or prior to first time eligibility before a DA centralized school selection board. Proof of good standing must be provided to PPTO prior to the officer's consideration by the board. One submission per year is sufficient (e.g., if an officer submitted a certificate of good standing for the CGSC board, then he or she does not need to submit it again in the same calendar year for the Lieutenant Colonel promotion board). Similarly, civilian attorneys will provide sufficient proof of good standing prior to being hired, reassigned or promoted.

c. Each Army attorney has a personal responsibility to ensure compliance with applicable licensing rules pertaining to the practice of law and to maintain his or her license and good standing. Every attorney has a responsibility to report to Chief, Professional Responsibility (ATTN: DAJA-PR), upon being notified that he or she is being investigated by his or her licensing authority under circumstances that could result in the attorney being disciplined as an attorney or judge and upon being so disciplined, in accordance with AR 27-1 and AR 27-26.

d. Appointment as a Special Assistant United States Attorney (SAUSA) requires attorneys to comply with Department of Justice (DOJ) policies on bar membership. The DOJ requires all DOJ attorneys, including SAUSAs, to certify annually that they are duly licensed and authorized to practice as an attorney under the laws of at least one state, territory, or the District of Columbia at all times. The DOJ has interpreted the term "duly licensed and authorized" to mean that a SAUSA's current status is such that "as is" he or she could practice in their home state. The DOJ requirement is not met by merely being "a member in good standing," but requires a SAUSA to maintain "active" bar membership. Those who do not maintain an active status will not be allowed by DOJ to continue to appear on behalf of the United States in U.S. District or U.S. Magistrate Courts. Prospective SAUSAs should meet this requirement prior to the request for appointment to avoid any delay in certifying the SAUSA. Furthermore, the Citizens Protection Act (28 U.S.C. § 530B) applies to Special Assistant United States Attorneys and provides: "An attorney for the Government will be subject to State laws and rules, and local Federal court rules, governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State...." As used in the Act, "attorney for the government" includes Judge Advocates appointed as a SAUSA, or "employed" by the DOJ, who are authorized to conduct criminal or civil law enforcement proceedings on behalf of the United States.

11-3. STATE FEES.

Some states, including New Jersey, Tennessee, Texas, and the District of Columbia, have begun to charge a professional license fee or privilege tax for attorneys. This is a tax by the state and not a bar fee. In many cases, however, the states have been granting exemptions to attorneys employed by the federal government and not practicing in their state. If you receive any report that a state in which you are a member of the bar is considering or has instituted a privilege tax, notify PPTO.

11-4. SUSPENSION FROM DUTIES.

a. **Military.** The Judge Advocate General may, in his or her discretion, issue or withdraw any certification of qualification to act as military judge, or any certification of competency to serve as a JA and/or to act as counsel before courts-martial and ACCA, or any certification to serve as a warrant officer in the JAGC, or any certification to serve as a paralegal in the JAGC. The Judge Advocate General may, in his or her discretion, suspend any Judge Advocate, legal administrator, or military paralegal from performing legal duties. This authority applies to the Active Army, U.S. Army Reserve, and Army National Guard when in a Title 10 status. The Judge Advocate General may, in his or her discretion, discipline other lawyers who practice in proceedings governed by the UCMJ and MCM.

b. **Civilians.** Approval of qualifications is a condition of continued employment and TJAG may withdraw such approval when appropriate (e.g., for a violation of the Army Rules of Professional Conduct for Lawyers when such violation is established in accordance with the procedures published in AR 27-26 and AR 27-1). When TJAG withdraws approval of an attorney's qualifications, the person may not thereafter be employed by DA as an attorney.

11-5. OUTSIDE PRACTICE AND COURT APPEARANCES.

a. Judge Advocates.

(1) Active Army JAs may not engage in the outside practice of law or appear as counsel in civilian courts, tribunals, hearings, or boards. This requirement does not apply to Reserve Component JAs (USAR and NG) unless they are ordered to active duty for more than 30 consecutive days (see AR 27-1). Exceptions to this policy may be authorized by TJAG upon the request of the Judge Advocate. Under no circumstances will a JA undertake such outside practice without first obtaining the written approval of TJAG.

(2) Requests for exceptions to policy will be submitted to PPTO in writing through and endorsed by the SJA, supervising JA, or commander concerned, describing fully the nature and extent of the practice contemplated and whether an appearance in court may be required. Requests for appearance as counsel in proceedings in which the United States has an interest will be made through U.S. Army Legal Services Agency, Litigation Division, as set forth in AR 27-40, paragraph 1-6b. Requests for exception to policy will include the name of the client, jurisdiction and name of the judicial body, compensation, and requisite bar affiliations, as applicable.

(3) Judge Advocates are not prohibited from practicing law or performing legal services for themselves or members of their immediate families, providing such activity is in accordance with the provisions of paragraph 11-6, below.

(4) For procedures to request approval for private practice during transition leave, see paragraph 10-7, above.

(5) In addition to restrictions in subparagraph (2) above, no JA will engage in the outside practice of law without prior written approval. The "practice of law" means representing, advising, or providing other legal services for a client or employer with or without compensation. If bar membership is required for the position, it falls under the definition of the practice of law. Such employment does not include employment where bar membership is not a prerequisite, including teaching non-legal subjects (with or without compensation), lecturing on non-legal subjects (with or without compensation), or writing for publication (with or without compensation). It also does not include the occasional rendering of legal advice or assistance without compensation to personal friends and relatives when not inconsistent with the restrictions above. For outside employment not involving the "practice of law," Army regulatory and local policy guidance will govern.

b. Civilian Attorneys.

(1) This policy supplements the general limitations on outside employment contained in AR 690-200, chapter 213; the Joint Ethics Regulation (JER), 5 C.F.R. Part 2635; and DoD 5500.7-R. The guidance outlined in paragraphs (2) through (5) below is derived from AR 690-200, chapter 213, subchapter 4.

(2) Civilian attorneys under TJAG's qualifying authority will not participate in outside employment (as determined by Director, Civilian Personnel Labor and Employment Law), with or without compensation, which

- (i) Interferes in any manner or is incompatible with the proper and effective performance of his or her official duties;
- (ii) Creates a conflict of interest or appearance of one; or
- (iii) May reasonably be expected to reflect adversely on the government or the Army.

(3) In addition to restrictions in subparagraph (2) above, no Army civilian attorney will engage in the outside practice of law without prior written approval. The "practice of law" means representing, advising, or providing other legal services for a client or employer with or without compensation. It does not include employment where bar membership is not a prerequisite, including teaching non-legal subjects (with or without compensation), lecturing on non-legal subjects (with or without compensation), or writing for publication (with or without compensation). It also does not include the occasional rendering of legal advice or assistance without compensation to personal friends and relatives when not inconsistent with the restrictions below.

(4) TJAG's authority to approve requests for outside practice of law is delegated to the Director, Civilian Personnel Labor and Employment Law. Employee requests will include the name

of the client, jurisdiction and name of the judicial body, compensation, and requisite bar affiliations, as applicable. The head of legal office will provide a separate, written endorsement containing an analysis of how the request complies with the limitations imposed by this section. Requests for approval will be submitted in writing through legal office command channels, and will include any applicable justification, to:

Director, Civilian Personnel, Labor and Employment Law
OTJAG, ATTN: DAJA-LE
2200 Army Pentagon, Room 3D548
Washington, DC 20310-2200

(5) Even with written approval, no attorney will engage in outside practice of law in violation of: 18 U.S.C. § 203, nor § 205 (U.S. is a party or has an interest), nor § 209 (outside compensation for official services); nor AR 27-1; nor with respect to matters:

- (i) Referred from the civilian attorney's legal office; or
- (ii) With which he or she is, or may become, involved in an official capacity; or
- (iii) Involving government personnel serviced by the legal office.

11-6. STANDARDS OF CONDUCT.

a. In each case of outside practice of law and outside employment, Army attorneys (both JA and Non-JA) will ensure that they do not act as an agent or attorney against the United States' interests or engage in any matter that interferes with, or is incompatible with, their duties. Army attorneys will not demand, accept, nor agree to receive any compensation for any representational services, as agent or attorney or otherwise, rendered or to be rendered either personally or by another in relation to any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the U.S. is a party or has a direct and substantial interest, before any department, agency, court, court-martial, officer, or any civil, military, or naval commission.

b. Army attorneys will not engage in any matter that, under the circumstances, may reasonably be expected to create the appearance of a conflict of interest or bring discredit on the government or the Department of the Army. Judge Advocates assigned as SJAs will not represent individual clients in matters that will conflict them from performing their duties as an SJA; this rule applies to all SJAs, including members of the U.S. Army Reserve and the Army National Guard (whether serving in Title 10 or Title 32 status). Any request for an exception to this policy will be submitted and processed IAW the procedures specified in paragraph 11-5 above. Violations of this policy by SJAs will be reported to the Executive Officer for TJAG.

11-7 PROFESSIONAL RESPONSIBILITY

Supervisors will ensure that all Army lawyers under their supervision receive annual training on the Army Rules of Professional Conduct for Lawyers (AR 27-26) and other applicable ethics standards, such as the Code of Judicial Conduct for Army Trial and Appellate Judges (May 2003). At a minimum, each attorney should receive three hours of professional responsibility training each year. The training should focus on ethics issues relevant to the attorneys' practice and be designed to educate Army lawyers regardless of their experience. Supervisory lawyers are encouraged to make maximum use of available TDY funds to allow lawyers to attend civilian ethics courses. See TJAG Policy Memorandum 14-3, Professional Responsibility, which provides more detailed guidance on professional responsibility.

11-8 COMPLAINTS INVOLVING PROFESSIONAL RESPONSIBILITY OR MISMANAGEMENT

a. Credible professional responsibility complaints will be reported through SJA technical channels to the Professional Responsibility Branch (PRB). TDS Counsel will notify their RDC prior to alleging mismanagement, ineffective assistance of counsel, misconduct or ethics violations against another attorney. Alleged judicial misconduct or unfitness will be reported to the Chief Trial Judge in the case of trial judges or to Chief Judge, U.S. Army Court of Criminal Appeals, in the case of appellate judges.

b. Supervisory lawyers will report credible complaints of mismanagement through SJA technical channels to TJAG's Executive Officer.

11-9. TJAG FLAGS INVOLVING THE PROFESSIONAL LICENSING AND CERTIFICATION OF JUDGE ADVOCATES, LEGAL ADMINISTRATORS, AND MILITARY PARALEGALS (FLAG CODE X).

a. In accordance with AR 600-8-22, Suspension of Favorable Personnel Actions, paragraph 2-2o, TJAG is responsible for the professional supervision and professional discipline of judge advocates, military trial and appellate judges, legal administrators (military occupational specialty 270A), and military paralegals (military occupational specialty 270). Only TJAG (or his or her designee) may impose or remove a Flag, at his or her discretion, for judge advocates, military trial and appellate military judges, legal administrators, and military paralegals for reasons related to their professional licensing or certification of competency to act as counsel, their professional licensing or certification of qualification to act as a military trial or appellate military judge, their certification as a legal administrator or military paralegal, or for reasons related to the delivery of legal services, in accordance with 10 USC 3037, Rule for Courts-Martial 109 (Manual for Courts-Martial), AR 27-1, and AR 27-26.

b. The Chief, PPTO, is TJAG's designee to impose or remove a Flag, in his or her discretion, for Judge Advocates, legal administrators, and military paralegals, for reasons related to their professional licensing or certification of competency or fitness to act as counsel, their certification as a legal administrator or military paralegal, or for reasons related to the delivery of legal services;

c. The Chief Trial Judge, U.S. Army Trial Judiciary, is TJAG's designee to impose or remove a Flag, in his or her discretion, for military trial judges for reasons related to their certification of qualification to act as a military trial judge.

CHAPTER 12. WARRANT OFFICERS

12-1. GENERAL.

This chapter pertains to the personnel management of Legal Administrators, Military Occupational Specialty (MOS) 270A. Also see, Chapter 39, DA Pam 600-3, JAGC Publication. TJAG manages Legal Administrators according to the career development models that follow (Figures 12-1 and 12-2). This publication explains the model in greater detail.

12-2. CAREER MANAGEMENT AUTHORITY.

a. The Judge Advocate General is the Career Management Authority for Legal Administrators, MOS 270A. The Chief, PPTO, exercises personnel management and professional development responsibilities for JA Warrant Officers on behalf of The Judge Advocate General.

b. Assistance and technical advice on Warrant Officer matters are provided by the Chief Warrant Officer of The Judge Advocate General's Corps who also serves as career/branch manager.

- (1) Address: OTJAG
ATTN:DAJA-CW
2200 ARMY PENTAGON
WASHINGTON D.C. 20310-2200
- (2) Telephone: DSN 312-223-4466
Commercial (703) 693-4466
- (3) Fax Number: DSN 223-1059
Commercial (703) 697-1059

12-3. WARRANT OFFICER APPOINTMENT.

a. General guidance regarding processing instructions and procedures, as well as other eligibility criteria, can be found in AR 135-100 (Appointment of Commissioned and Warrant Officers of the Army), DA Pam 601-6 (Warrant Officer Procurement Program), and the USAREC website at www.usarec.army.mil/hq/warrant. Legal Administrators are appointed from the ranks of Army paralegal noncommissioned officers (MOS 27D). The period for submitting applications for appointment is announced annually.

b. In addition to the general requirements listed in AR 135-100 and DA Pam 601-6, the MOS-specific criteria and prerequisites for 270A Legal Administrator applications are listed below:

1. Military Education. Successful completion of the Legal Administrator Pre-appointment Course. To request enrollment in the Legal Administrator Pre-appointment Course, applicants should submit a help desk ticket within JAGU as referenced in the announcement for course. Processing instructions and procedures, as well as other eligibility criteria, are listed in AR 135-100.

2. Civilian Education. At a minimum, applicants must possess an Associate's Degree with at least six credit hours of college level English. 90 college credit hours (with degree) is preferred.

3. Military Experience. Must be E-5 or above and have served in PMOS 27D for at least five years.

4. General Technical (GT) Score. GT aptitude area score of a minimum of 110 or higher. (non-waivable)

5. Interview Letters. Must have a separate interview letter from the SJA, Legal Administrator, and Chief Paralegal NCO. Letters will be sent directly to the Branch Manager. Contents of interview reports will not be disclosed to the applicant.

c. Applications will be submitted following guidance from the JA Warrant Officer Accession Board memorandum released annually.

d. Appointments are based on authorized end strength and losses occurring within the fiscal year. After selection, the Branch Manager schedules attendance at Warrant Officer Candidate School (WOCS). It takes approximately eight months to complete the administrative processing, travel, training, and certification of a candidate. Training consists of:

(1) Warrant Officer Candidate School (WOCS),, a branch-immaterial course held at the Warrant Officer Career College, Fort Rucker, Alabama.

(a) Sergeants who have graduated from the WLC, and Staff Sergeants and above, must complete Phase 1 Distance Learning not later than two weeks prior to reporting for Phase 2 (WOCS Resident Course - four weeks and four days). More information can be found at <http://usawocc.army.mil/WOES/wocs.htm>.

(b) Non-graduates of the WLC must complete the Phase 1 resident course (2 weeks) and should be enrolled into the corresponding Phase 2 class (four weeks and four days). Example: Student enrolled in Phase 1 (resident) class 11-012 should also be enrolled in Phase 2 class 11-012. More information can be found at <http://usawocc.army.mil/WOES/wocs.htm>

(c) Warrant Officer Candidates will wear the "WOCS" insignia until the beginning of the Senior Phase at WOCS, when they will change to their individual branch (JA) insignia. Graduates are conditionally appointed in the grade of WO1, MOS 003A (unqualified), subject to technical and tactical certifications.

(2) Upon selection to the JA warrant officer program, every effort will be made to attach or assign the NCO to the nearest GCMCA staffed with a Legal Administrator. Upon graduation from WOCS, newly appointed warrant officers will be assigned to their first permanent duty station, prior to attendance at the Warrant Officer Basic Course (WOBC). This provides new WO1s the opportunity to train with a senior warrant officer upon graduation from WOBC.

(3) Warrant Officer Basic Course (WOBC) consists of a mentorship training/experience phase and a six week MOS resident certification course held at The Judge Advocate General's Legal Center and School (TJAGLCS), Charlottesville, VA. This course is conducted once a year. Upon completion, Warrant Officers are technically and tactically certified by TJAG and awarded the MOS 270A, Legal Administrator.

12-4. INITIAL OBLIGATED TOUR.

Active duty Warrant Officers are appointed in the Army Reserve with a concurrent call to active duty. Individuals incur an initial six-year obligation of voluntary service (OBV). The six-year OBV period for new appointments commences upon graduation from WOBC and award of a Military Occupational Specialty (MOS),, not upon graduation from the WOCS and appointment as a WO1.

12-5. REGULAR ARMY (RA) APPOINTMENT.
(See AR 601-100)

a. Warrant Officers are appointed into the Regular Army and commissioned when promoted to CW2.

b. Any WO1 not recommended for promotion to CW2 will not be granted Regular Army status. Those not recommended will be processed for separation under AR 600-8-24, and must separate no later than 90 days after the promotion review authority approves the non-recommendation for promotion.

c. Warrant Officers promoted to CW2 who decline Regular Army status will be separated no later than 90 days from the date of declination or when all service obligations have been fulfilled. Once RA integration has been declined, it will not be offered again and a declination cannot be withdrawn.

12-6. MILITARY EDUCATION AND TRAINING.
(See DA Pam 600-3)

a. TJAGLCS Resident Training.

(1) Judge Advocate Warrant Officer Basic Course (WOBC). JAWOBC is a six-week course conducted once a year. Upon completion, warrant officers are certified and awarded the MOS 270A, Legal Administrator. Funding for WOBC is provided by Military Training Specific Allotment (MTSA). Students are automatically enrolled in Legal Administrator JATSOC distributed learning course upon successful graduation.

(2) Judge Advocate Warrant Officer Advanced Course (WOAC). JAWOAC is a four-week course. The Action Officer Development Course (131-P00) and Legal Administrator's JATSOC Course must be completed prior to attending the WOAC resident phase. Enrollment in 131-P00 must occur after promotion to CW2 in order to qualify for WOAC Prerequisite Studies credit. Funding for WOAC is provided by MTSA.

(3) The Legal Administrator Course is an annual one-week course for all Active Duty and Reserve (USAR and National Guard) Component Legal Administrators. Funding is provided by the Legal Administrator's assigned unit.

b. Non-resident Instruction. Legal Administrators are encouraged to enroll in distributed learning courses offered through JAGU or the Army's e-Learning (Smart Force) web-based training courses to develop their professional expertise.

c. TRADOC Resident Courses.

(1) Warrant Officer Staff Course (WOSC) is a two-phase course consisting of Phase I (dL) and a five-week Phase II (resident) course conducted at the Warrant Officer Career College, Fort Rucker, AL. Personnel eligible for promotion to CW4 will schedule attendance in coordination with the branch manager. Funding for WOSC is provided by MTSA.

(2) Warrant Officer Senior Staff Course (WOSSC) is a two-phase course consisting of Phase I (dL) and a four-week Phase II (resident) course conducted at the Warrant Officer Career College, Fort Rucker, AL. Personnel eligible for promotion to CW5 will schedule attendance in coordination with the branch manager. Funding for WOSSC is provided by MTSA.

d. Other Continuing Education.

(1) Judge Advocate Warrant Officers are encouraged to attend relevant short courses offered at TJAGLCS. The current FY academic calendar is located at <https://www.jagcnet.army.mil/tjaglcs>(select Resident Courses on the left menu). Funding is provided by the Legal Administrator's assigned unit.

(2) Continuing professional education is also provided by attendance at short courses offered by civilian institutions. Use of local funds is encouraged, as limited funding is available from HQDA. Technical development may also be accomplished by attending functional and supervisory training sessions offered by the Office of Personnel Management and local commands. Enrollment in correspondence courses offered by The Army Institute for Professional Development is encouraged. Course listings can be found at <http://www.atsc.army.mil/accp/>. See DA Pamphlet 351-20.

e. Degree Completion Program (DCP). The Degree Completion Program enables selected warrant officers to complete degree requirements at accredited civilian colleges and universities as a resident student. Applications for consideration should be forwarded to the Branch Manager in accordance with AR 621-1.

12-7. ASSIGNMENTS.

(See AR 614-100, DA Pam 611-21, AR 600-8-11 & DA Pam 600-3)

a. Pursuant to the Warrant Officer Management Act (WOMA), all Legal Administrator positions on manpower documents have been position coded by grade. Where possible, personnel will be assigned to positions equivalent to their grade and experience.

b. In making assignments, the needs of the Army take precedence over other considerations. An individual's skills, professional development, and personal preferences are considered in the assignment process. The location, level, and types of units authorized MOS 270A positions are extremely limited; therefore, vertical or lateral progression may not be reflected in every assignment. Assignments are generally made only to organizations that have valid requirements and position authorizations.

c. Assignment Policies.

(1) Reassignments are kept to the minimum needed to maintain an overseas rotational base, satisfy requirements for special qualifications, and provide for career progression.

(2) Warrant Officers will ordinarily complete the minimum months assigned on station as prescribed in AR 614-30 before being reassigned; however, mission requirements may require earlier departure from an assignment.

12-8. PROMOTIONS.

(See AR 600-8-29 and AR 135-155 (USAR))

a. Promotion Boards. TJAG does not convene separate selection boards for promotion to the grades of CW3, CW4, and CW5. Legal Administrators are considered by regularly scheduled HQDA Warrant Officer promotion boards. On occasion, TJAG will provide a voting member to Warrant Officer promotion boards. Warrant Officers are recommended for promotion on a "best qualified" basis.

b. Permanent RA Grade. In accordance with the Warrant Officer Management Act (WOMA), all promotions to the grade of CW3, CW4, and CW5 are permanent.

12-9. RETIREMENTS.

In accordance with AR 600-8-24, paragraph 6-19(b), applications for voluntary retirement will be submitted to the Branch Manager no earlier than 12 months and no later than 9 months prior to the desired date of retirement or beginning date of transition leave, whichever is earlier. Officers considering retirement should go to their local Personnel Office or S1 and request calculation of their retirement date prior to submitting an application for retirement through the Chief Warrant Officer of the Corps to PPTO. Applications will be processed in accordance with applicable regulations. See the JAGCNET PPTO page for recommended format.

Figure 12-1 JAGC Warrant Officer Career Development & Utilization Model

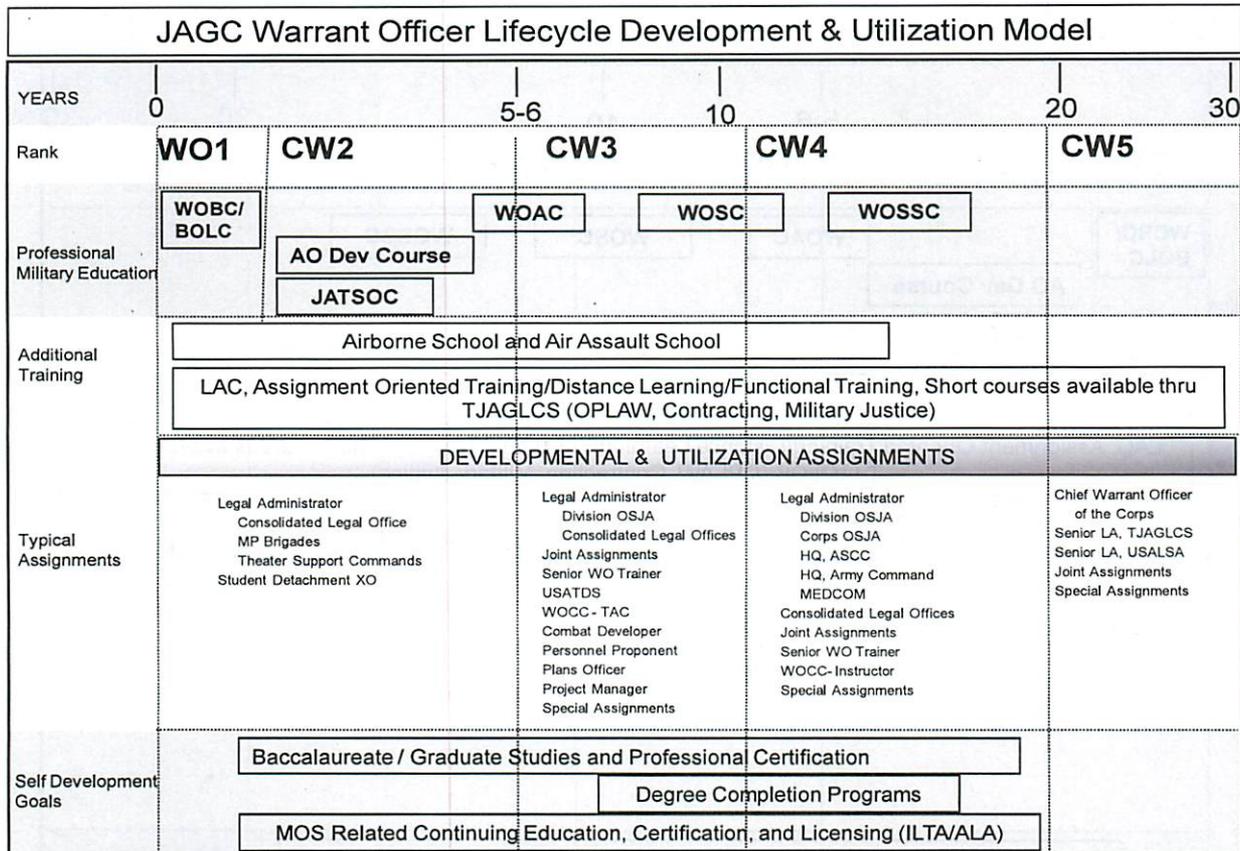
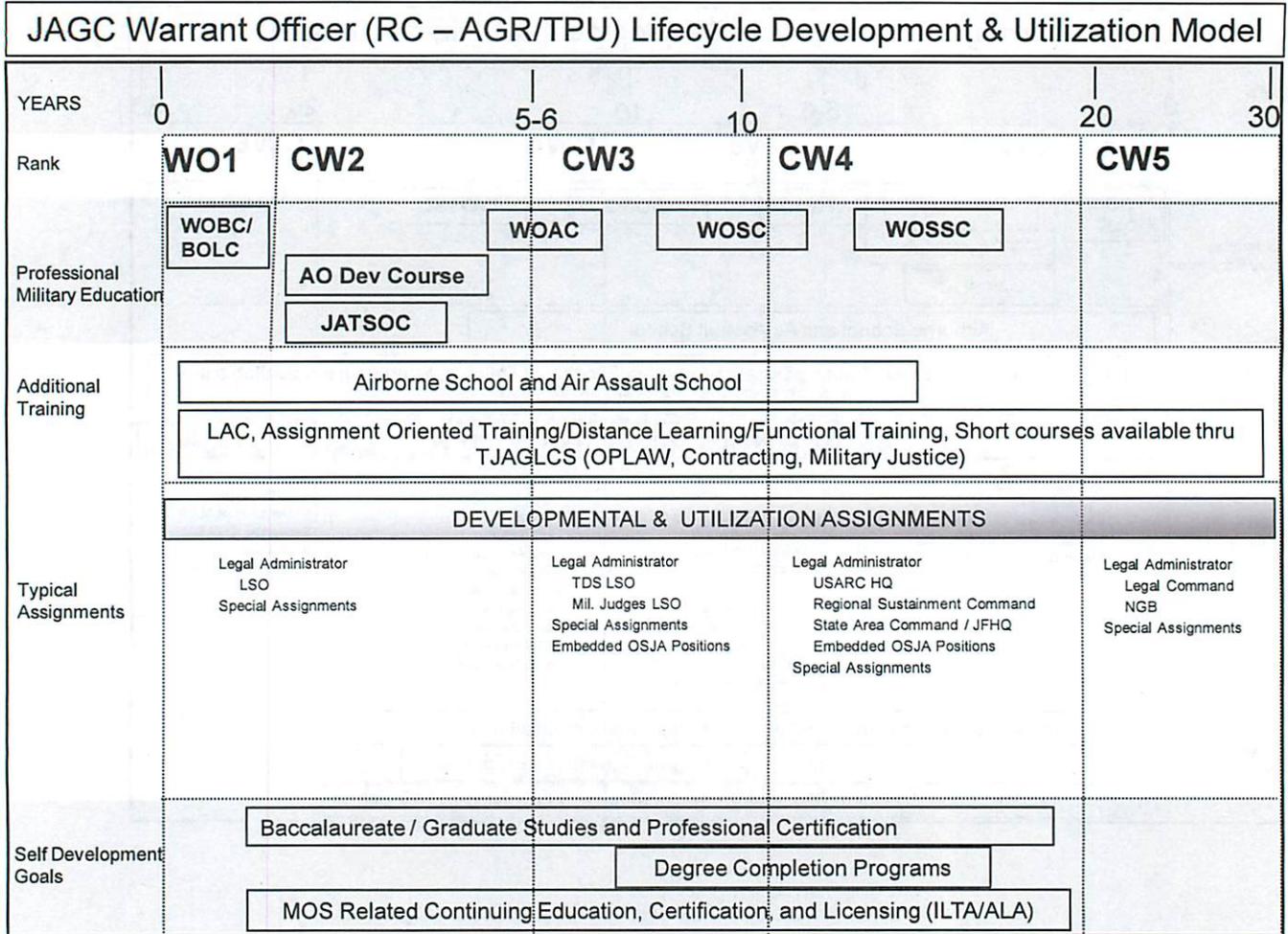


Figure 12-2 JAGC Warrant Officer (RC) Career Development & Utilization



038203

CHAPTER 13. CIVILIAN ATTORNEY MANAGEMENT PROGRAM

13-1. SCOPE.

This chapter applies to all civilian attorneys and civilian attorney positions within the professional qualifying authority of TJAG. This includes all Army civilian attorneys who are not specifically included within another professional qualifying authority (Army General Counsel; Chief Counsel, US Army Corps of Engineers; and Command Counsel, US Army Materiel Command). Individuals with questions concerning the scope of TJAG's qualifying authority should address them to the Chief, Civilian Personnel Management, Labor and Employment Law Division, OTJAG. This chapter does not apply to law students hired under TJAG's Intern Program.

13-2. REFERENCES.

- a. AR 690-200, Chapter 213, Subchapter 4, *Employment of Civilian Attorneys*.
- b. DOD Instruction 1442.02, *Personnel Actions Involving Civilian Attorneys*.

13-3. CIVILIAN ATTORNEY PERSONNEL MANAGEMENT GUIDANCE.

This chapter reproduces reference a, above (Figure 13-1), and provides a graphical overview of the civilian attorney staffing process (Figure 13-2). Questions concerning JALS civilian personnel management should be directed to the Chief, Civilian Personnel Management (DAJA-LE).

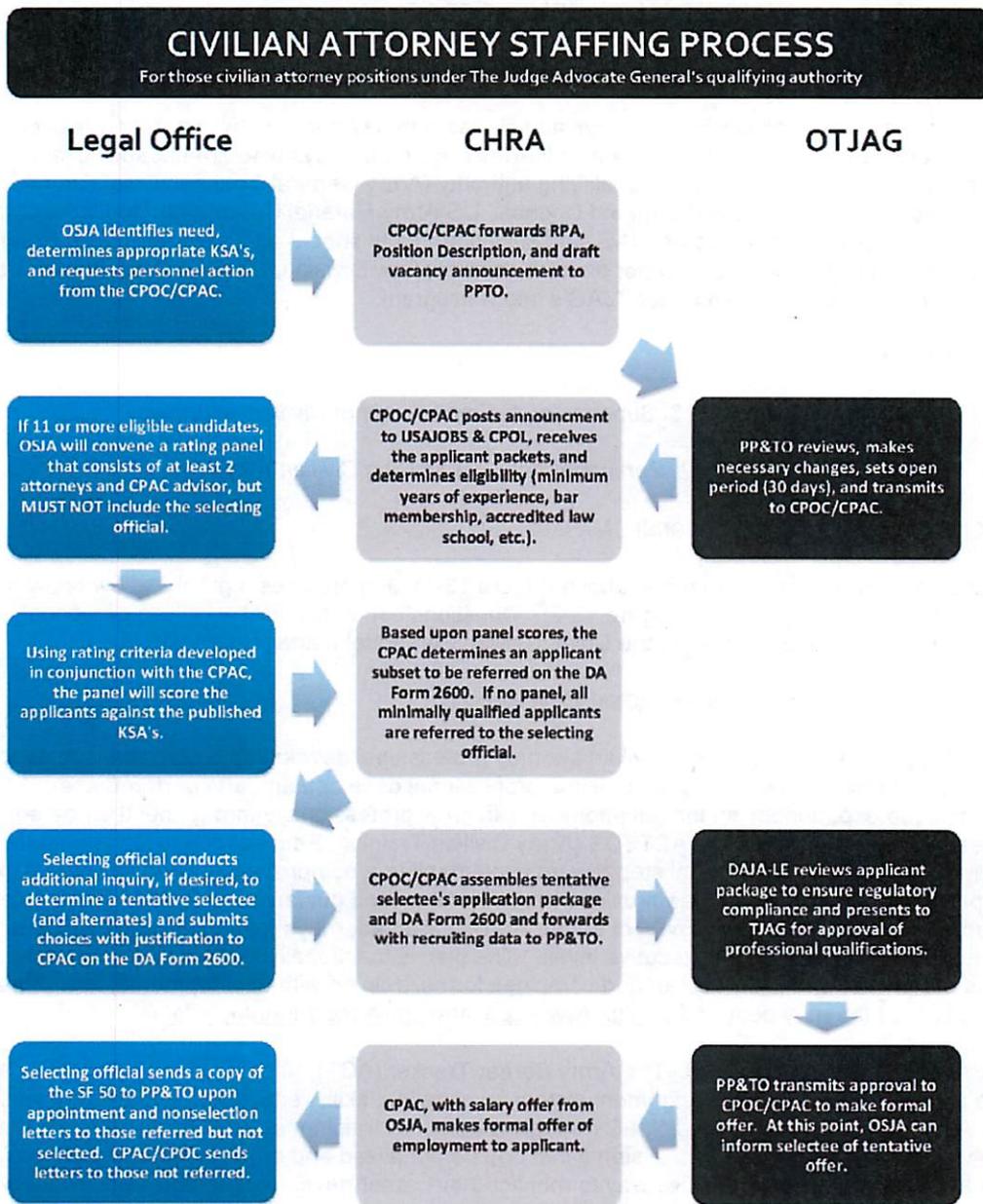
13-4. CIVILIAN ATTORNEY PROFESSIONAL DEVELOPMENT.

a. Doctrine. The intent of the civilian attorney professional development program is to expose attorneys to ample formal education, training, professional development, and performance-enhancing job experiences so that all attorneys can grow professionally throughout their careers. The recently published attorney ACTEDS (Army Civilian Training, Education, and Development System) plan is a significant initial step toward implementing a comprehensive and effective Army-wide program. The ACTEDS plan provides the information and guidance necessary to promote systematic training and development of career Army civilian attorneys from initial entry to senior technical and managerial and executive levels. The plan is functionally tailored to the legal career field, is systematic and progressive, and combines formal training with developmental assignments. The ACTEDS plan may be found at <http://www.cpol.army.mil/library/train/acteds/>.

b. Career Management Tool. The Army Career Tracker (ACT), <https://actnow.army.mil>, is a single aggregated source for assignment history, experience, skills, education, and civilian acquired skills. As a leader development tool, ACT integrates data on training, education, and experiential learning from a number of source systems into one personalized and easy to use interface, provides users a more efficient and effective way to monitor their career development, and allows supervisors to track and advise employees on their leadership development.

c. Communications. Career program information and developmental opportunities will be disseminated through JAGCNet, MilSuite, and ACT. The CP 56 landing page on ACT will be the primary source of communication with careerists as it will provide CP Manager updates, CP-featured links, and CP-specific resources. In addition to being a repository of information for attorneys, ACT provides a mechanism for targeted communication from the CP Manager to careerists, or to a specific set of careerists based on grade, series, and duty location.

Figure 13-1 Civilian Attorney Staffing Process



- Full civilian attorney staffing guidance is contained in AR 690-200, Chapter 213.
- **NONCOMPETITIVE APPOINTMENTS.** Upon TJAG approval, individuals may be noncompetitively:
 - Appointed temporarily (≤ 12 months) or for a time-limited term,
 - Reassigned laterally, or
 - Appointed to their reclassified positions; even if it would result in a promotion.
- Questions concerning additional staffing flexibilities should be directed to the Chief, Civilian Personnel Management, Labor & Employment Law Division (DAJA-LE), OTJAG.

13-5. CIVILIAN ATTORNEY LICENSING FEE REIMBURSEMENT POLICY

a. References.

(1) Title 5, United States Code, Section 5757.

(2) Army Regulation 690-200, Chapter 213, Employment of Civilian Attorneys

(3) Memorandum, Office of the Assistant Secretary of Defense (FMP), Subject: Payment of Expenses to Obtain Professional Credentials, 17 June 2002.

(4) Memorandum, Office of the Assistant Secretary of the Army (M&RA), Subject: Payment of Expenses to Obtain Professional Credentials for Army Civilian Employees, 20 June 2003.

(5) Memorandum, Administrative Assistant to the Secretary of the Army, Subject: Delegation of Authority to Approve Payment of Professional Credentials, 28 August 2003.

b. Pursuant to statutory authority, Department of Defense (DoD) and Department of the Army (DA) guidance, and the conditions listed below, the reimbursement of expenses incurred to maintain professional licenses (bar dues) for civilian attorneys in the Judge Advocate Legal Service (JALS) is authorized. This program is not an entitlement, but a discretionary recruitment and retention tool.

c. In accordance with reference a(5), TJAG has delegated authority to pay licensing fees. This authority is re-delegated to the Director, Civilian Personnel, Labor and Employment Law, Office of The Judge Advocate General (OTJAG).

d. Licensing fees will be centrally reimbursed utilizing OTJAG funds, subject to availability. The maximum reimbursable amount per employee in FY14 is \$350.

e. This policy does not replace existing command licensing fee reimbursement programs.

f. Policy.

(1) All full-time, permanently appointed, appropriated fund civilian attorneys in occupation series 0905 or 1222 under The Judge Advocate General's qualifying authority, to include those executive level (SES, SL, and DISL) attorneys under direct Judge Advocate Legal Service (JALS) supervision, are eligible for reimbursement subject to the conditions below. This authority may not be exercised for any position that is excepted from the competitive service because of the confidential, policy-determining, policy-making, or policy-advocating character of the position (e.g., Schedule C and non-career SES).

(2) As outlined in Army Regulation 690-200, Chapter 213, every JALS civilian attorney must maintain membership in good standing with the licensing authority of a state, territory, the District of Columbia, or the Commonwealth of Puerto Rico. On a fiscal year basis and funding permitting, the Office of The Judge Advocate General (OTJAG) may reimburse the cost of one licensing fee in one attorney licensing jurisdiction where the civilian attorney is currently licensed. Those attorneys receiving licensing fee reimbursement from another federal entity (e.g., local command) are ineligible for reimbursement through OTJAG. Reimbursement is limited to those licensing fees mandatory to remain in good standing (section fees, voluntary pro bono fund, etc. are not reimbursable).

(3) Retroactive approval will not be granted. Reimbursement requests must be approved by the Chief, Civilian Personnel Management, OTJAG, prior to the attorney's payment to the licensing jurisdiction. Note that requesting reimbursement does not relieve the attorney's obligation to meet all applicable licensing authority timelines to remain a member in good standing.

g. Procedures.

(1) To be eligible for reimbursement, JALS attorneys must obtain prior written approval from the Chief, Civilian Personnel Management, OTJAG, prior to incurring the costs connected with the licensing fees.

(2) Requests for the payment of licensing fees will be submitted electronically, utilizing the PDF-fillable form (Fig. 2), by the requesting attorney, through the head of the legal office, to the program manager (currently, jane.estrada.civ@mail.mil). All requests must be accompanied by a copy of the licensing jurisdiction's invoice outlining the charges.

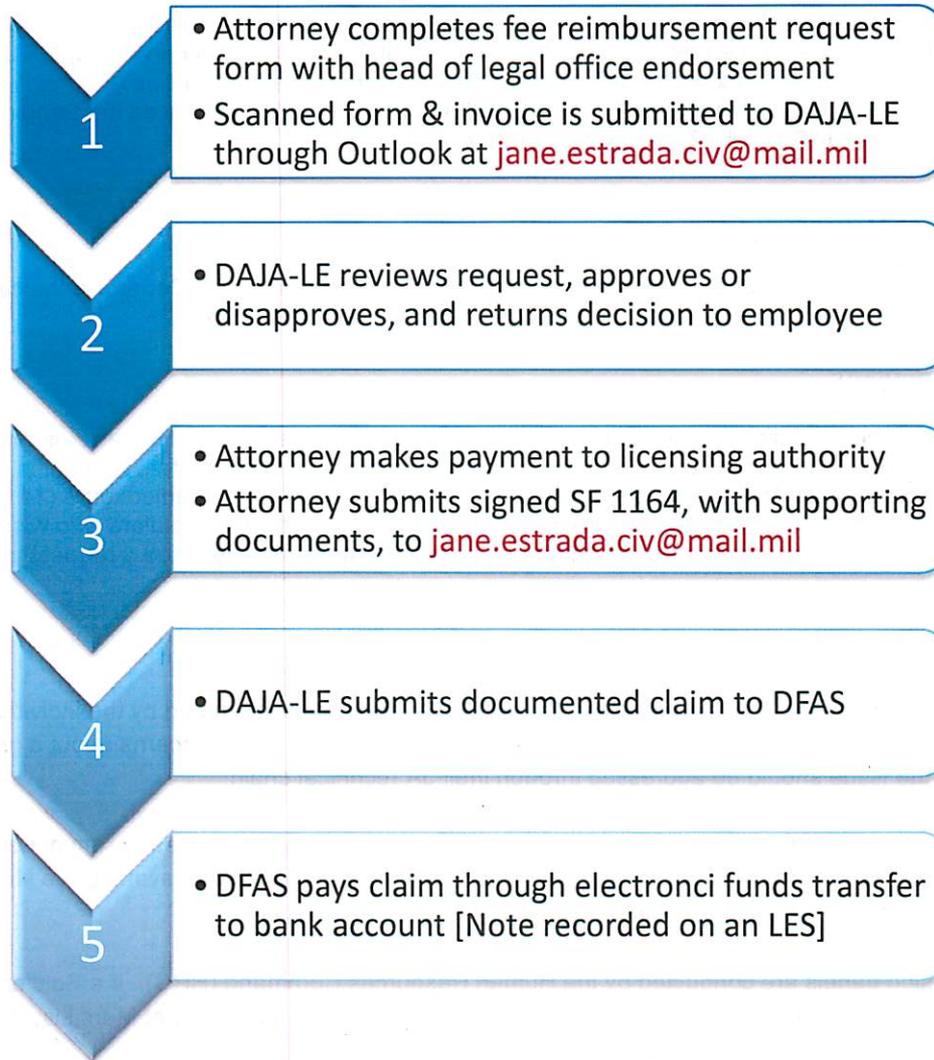
(3) Complete requests must include the following information: civilian attorney's name, e-mail address, duty title, UIC/paragraph/line number of manning document, licensing jurisdiction requested, status to be renewed (active, inactive, government attorney, associate, etc.), due date, regularity of licensing fees (every year, once every two years, etc.), and composition of the cost (surcharges, taxes or other fees).

(4) If approved, reimbursement will be provided after payment to the licensing authority and upon successful submission of the SF 1164, Claim for Reimbursement for Expenditures on Official Business [A scanned copy of proof of payment must accompany the claim and is required for approval]. The SF 1164 must be submitted by e-mail to the program manager within 5 days of receiving proof of payment to the licensing authority.

(5) All expenses incident to the actual licensing fee (e.g., CLE courses, training classes, travel to and from the licensing jurisdiction and examination fees) are non-reimbursable under this policy, but may be subject to reimbursement under command-specific programs.

h. Questions should be directed to Labor & Employment Law Division, OTJAG, at (571) 256-2934.

Figure 13-2 Licensing Fee Reimbursement Map



CHAPTER 14. Enlisted Paralegal Management

14-1 GENERAL

This chapter pertains to the personnel management of all military paralegals, Military Occupational Specialty (MOS) 27D. As a member of Judge Advocate Legal Services, outlined in AR 27-1, TJAG manages military paralegals according to the career development model that follows (Figures 14-1, 14-2 and 14-3). The JAGC Regimental Command Sergeant MAJ (RCSM) serves as the Senior Enlisted Advisor to TJAG for all 27D enlisted assignments.

14-2 CAREER MANAGEMENT AUTHORITY

IAW HQDA General Order 2012-12, dated 11 June 2012, The Judge Advocate General is the career management authority for all members of the Judge Advocate General's Corps.

14-3 ASSIGNMENTS

a. Active Component. Enlisted assignments are determined and processed by Human Resources Command (HRC). Generally, all active component enlisted assignments will be for 36 months, with the following exceptions: Korea unaccompanied tours (12 months) and accompanied tours (24 months); AIT Platoon Sergeants (24 months); or Drill Sergeants (24 months). Soldiers who wish to extend an assignment beyond these length requirements, must submit submitted a request to RCSM.

b. Reserve Component.

1. TPU Assignments. Enlisted assignments for TPU Soldiers are coordinated by the individual Soldier for approval by their gaining and losing units. For any questions or concerns about a given assignment, the issue should be addressed through their JA technical chain.

2. Active Guard and Reserve (AGR) Assignments. Generally, all AGR enlisted assignments will be for a length between 36 and 60 months. If any AGR assignment will extend beyond or be shorter than these guidelines, OTJAG approval is required.

i. Accession panels are conducted by the Human Resources Command (HRC). If a Soldier is deemed to be a candidate for the AGR program, they will be placed on an Order of Merit List (OML) that is created and maintained by HRC.

ii. All AGR assignments are determined by the RCSM in coordination with from the AGR Assignment Steering Committee. The AGR Assignment Steering Committee members are the CSM, The Judge Advocate General's Legal Center and School; CSM, Legal Command; and SGM, US Army Reserve Command. The committee is responsible for providing the RCSM recommendations

c. Nominative Positions.

i. Nominative assignments are those positions which, at the discretion of the RCSM, require additional prerequisites. All selections for these positions will be made by the RCSM, through consultation with senior JAG Corps leadership. Nominative assignments include: 27D First Sergeant Positions; 27D HRC Career Development NCOs; Office of Military Commissions; 27D PME Instructors; Court Reporter Instructors; 27D PME Training Developers; Platoon Sergeants; Drill

Sergeants; Special Victim NCOs; Drill Sergeants; Special Victim NCOs; Any USARC Staff position (RC only); and HQDA Staff.

ii. Selection consideration: Applicants for nominative 27D assignments will forward a packet to the Senior 27D HRC Career Development NCO located at OTJAG PPTO. The packet will include DA Photo, NCOERs (minimum of last 3), ERB, SJA Recommendation, Chief/Command Paralegal NCO Recommendation, Statement from Soldier as to why they want to be considered, and Associates Degree for 27D PME instructors only.

iii. Based on the needs of the JAGC, RCSM may waive these prerequisites and select any Soldier holding the 27D MOS for these positions based upon their demonstrated performance.

Figure 14-1 Active Enlisted Career Model

Professional Development Model											
Career Management Field: 27 - Paralegal Specialist											
Skill Level	SL 1 (PVT-CPL)		SL 2 (SGT)		SL 3 (SSG)		SL 4 (SFC)		SL 5 (MSG/1SG)		SL 6 (SGM/CSM)
Duty Titles	Paralegal SPC		Paralegal NCO Paralegal NCO (TDS) Court Reporter		Paralegal NCO Paralegal NCO (TDS) OPS LAW NCO Court Reporter Special Victim Paralegal		Senior Paralegal NCO Senior Paralegal NCO (TDS) Senior Court Reporter OPS LAW NCO		Chief Paralegal NCO Senior MJ Ops NCO		Command Paralegal NCO
Duty Assignments	Paralegal SPC - BN Paralegal SPC - BDE Paralegal SPC - MSE Paralegal SPC - DIV Paralegal SPC - Corps Paralegal SPC - ASCC Paralegal SPC - OSJA		Paralegal NCO - BN/BDE Paralegal NCO - DIV/Corps Paralegal NCO - ASCC Paralegal NCO - MSE Paralegal NCO - OSJA		Paralegal NCO - SPT BDE Paralegal NCO - DIV/Corps/ASCC Paralegal NCO - OSJA Paralegal NCO - MSE		Senior Paralegal NCO - SPT BDE Senior Paralegal NCO - DIV/Corps/ASCC Senior Paralegal NCO - MSE Senior Court Reporter - DIV/Corps/ASCC/MSE Senior Paralegal NCO - CMD Medical Claims Investigator Honor NCO - USMA		Chief Paralegal NCO - ASCC Chief Paralegal NCO - Installation/MSE/TSC/ AAMDC/SIG CMD/ MP BDE Senior MJ Ops NCO - DIV/Corps/ASCC		Command Paralegal NCO - DIV/ASCC SGM - MOS Immaterial Instructor/Writer - USASMA
Demanding Assignments			Paralegal NCO - Sep. BN Court Reporter		ALC Instructor - NCOA Recruiter Drill Sergeant Court Reporter Instructor/Writer - AIT Platoon Sergeant - AIT Court Reporter Instructor Paralegal NCO - SOF		SR Paralegal NCO - BCT Career Advisor - HRC SR Developer/Writer - TJAGLCS Chief Court Reporter Training - TJAGLCS SR Instructor/Writer - AIT Course Director - AIT SR Small Group Leader - NCOA SLC Instructor - NCOA Platoon Sergeant - AIT Combat Trainer - OPLAW O/C Senior Court Reporter Senior Paralegal NCO - SOF Operations NCO - NCOA		1SG - NCOA 1SG - TJAGLCS 1SG - AIT 1SG - MOS Immaterial Combat Developer SR Career Advisor - HRC		Regimental CSM CSM - TJAGLCS CSM - MOS Immaterial CMD Paralegal NCO - Corps
Institutional Training	AIT	SSD1	WLC	ALC CC	ALC	SSD3	SLC	SSD4	SMC	SSD5	
DL Courses			**Pre-ALC (must be WLC graduate)		**Pre-SLC (must be ALC graduate)						
CMF Resident Courses			Law for Paralegal NCO Course Court Reporter Course TDS Course		Law for Paralegal NCO Course TDS Course OPLOW Course Court Reporter Course		Senior Paralegal NCO Course Military Justice Managers Course OPLOW Course Criminal Law New Developments Course Senior Court Reporter Course Brigade Legal Course Operational Law of Armed Conflict CRS OPLAW Course		Senior Paralegal NCO Course Military Justice Managers Course Criminal Law New Developments Course		Command Paralegal NCO Course Force Management Course CSM Legal Orientation Course
Recommended Civilian Education	Paralegal Degree Program		Paralegal Degree Program		Paralegal Degree Program		Paralegal Degree Program Associates Degree		Bachelors Degree		Masters Degree

** Pre-ALC & Pre-SLC are mandatory for attendance at ALC and SLC **

Figure 14-2 Enlisted TPU Career Model

27D TPU ARMY RESERVE CAREER PROGRESSION MAP					
Years of Active Federal Service			6	8	10
	Skill Level 2 SGT	Skill Level 3 SSG	Skill Level 4 SFC	Skill Level 5 MSG	Skill Level 5 SGM/CSM
Job Description	Paralegal NCO; Court Reporter	Paralegal NCO; Court Reporter	Senior Paralegal NCO; Senior Court Reporter	Chief Paralegal NCO	Command Paralegal NCO
Professional Military Education	<i>Institutional Training</i> WLC, Court Reporter Course	ALC, Court Reporter Course, Battle Staff Course	SLC, First Sergeant's Course, Battle Staff Course	Sergeants Major Course, Sergeants Major Non-Resident Course	
MOS Specific Training	PWTC, Law for Paralegal	PWTC, Law for Paralegal, Military Justice Managers Course, Advanced Court Reporter Course, Redictation Training Course	PWTC, Chief/Senior Paralegal Course, Military Justice Managers Course, Advanced Court Reporter Course, Redictation Training Course	PWTC, First Sergeant's Course, Chief Paralegal NCO Course	Command Paralegal Course,
Typical Assignments	BN/LOD/TDS/GSU Paralegal NCO; Court Reporter	LOD/TDS/GSU Paralegal NCO; Court Reporter; Paralegal NCO - Training Command/ESC	LOD/GSU/RRC Senior Paralegal NCO; Senior Court Reporter; Paralegal NCO - Training Command/ESC	LOD CPLNCO; USARC, Training Command/ESC	CMDPNCO LC/USARC
Operational Assignments	Squad Leader, NCOIC in any SIA/CIA section	Squad Leader, Platoon Sergeant, Operational Law NCO	Platoon Sergeant, Operational Law NCO	First Sergeant	Operations SGM, CSM
Assignment Experiences (MOS Mastery)/ Deployments / Real-World Problem Solving					
Nominative Assignments (AGR)			SGL/TDD TJAGLCS	AGR Enlisted Career Advisor ARCD	
■ Guided Self Development ■ Personal Self Development	Begin AA/AAS, Paralegal Degree Program, Pre-ALC CC, CSA Sublist 1, DANTES/CLEP, SSD I	Complete AA/AAS, CSA Sublist 2, DANTES/CLEP, ALC (CC), Army e-Learning	Begin BS/BA, CSA Reading Sublist 3, SSD III, Army e-Learning	Complete BS/BA, begin MA/MS, Army e-Learning, CSA Reading Sublist 3/4, SSD IV	Complete BS/BA, begin MA/MS, Army e-Learning, CSA Reading Sublist 3/4, SSD V
JAGU On-Demand Courses, Videos and Standard Training Packages: jag.ellc.learn.army.mil					

Figure 14-3 AGR Enlisted Career Model

27D AGR ARMY RESERVE CAREER PROGRESSION MAP					
Years of Active Federal Service					
	Skill Level 2 SGT	Skill Level 3 SSG	Skill Level 4 SFC	Skill Level 5 MSG	Skill Level 5 SGM
Job Description	Paralegal NCO; Paralegal NCO (TDS)	Paralegal NCO; Paralegal NCO (TDS)	Senior Paralegal NCO	Chief Paralegal NCO	Command Paralegal NCO
Professional Military Education	<i>Institutional Training</i> WLC, Court Reporter Course	ALC, Court Reporter Course, Battle Staff Course	SLC, First Sergeant's Course, Battle Staff Course	Sergeants Major Course, Sergeants Major Non-Resident Course	
MOS Specific Training	PWTC, Law for Paralegal	PWTC, Law for Paralegal, Military Justice Managers Course	PWTC, Chief/Senior Paralegal Course, Military Justice Managers Course	PWTC, First Sergeant's Course, Chief Paralegal NCO Course	Command Paralegal Course.
Typical Assignments	LOD/TDS	LOD/TDS/GSU	LOD/GSU/RRC Senior Paralegal NCO; Paralegal NCO - Training Command/ESC	LOD CPLNCO; USARC, Training Command/ESC	CMDPNCO LC/USARC
Operational Assignments	BN/LOD/TDS Paralegal NCO	BCT/LOD/TDS Paralegal NCO; Training Command/ESC	LOD/BCT Senior Paralegal NCO; Training Command/ESC	First Sergeant	Operations SGM, CSM
Assignment Experiences (MOS Mastery)/ Deployments / Real-World Problem Solving					
Nominative Assignments (AGR)			SGL/TDD TJAGLC5	AGR Enlisted Career Advisor ARCD	
Guided Self Development	Begin AA/AAS, Paralegal Degree Program, Pre-ALC CC, CSA Sublist 1, DANTES/CLEP, SSD I	Complete AA/AAS, CSA Sublist 2, DANTES/CLEP, ALC (CC), Army e-Learning	Begin BS/BA, CSA Reading Sublist 3, SSD III, Army e-Learning	Complete BS/BA, begin MA/MS, Army e-Learning, CSA Reading Sublist 3/4, SSD IV	Complete BS/BA, begin MA/MS, Army e-Learning, CSA Reading Sublist 3/4, SSD V
Personal Self Development					
IAGU On-Demand Courses, Videos and Standard Training Packages: jag.ellc.learn.army.mil					

APPENDICES

Appendix 4-1. FY14 ARMY JUDGE ADVOCATE STUDENT LOAN REPAYMENT PROGRAM CONTRACT

Authority: Title 5, United States Code, Section 301, Title 10, United States Code, Sections 3013; Executive Order 9397, Title 37, United States Code, Sections 324

Principle Purpose(s): To specify and record the contractual agreements and obligations for participation in the FY14 Army Judge Advocate Student Loan Repayment Program (JASLRP) Contract as a part of the Judge Advocate Officer Incentives Program (JAOIP).

Routine Use(s): This form will be maintained in the officer's military personnel records and become a permanent part of the officer's individual's official personnel records as confirmation of contracting, obligation, and agreements. All uses of this form are internal to the U.S. Army.

Disclosure: Disclosure of the SSN and other personal information is voluntary. However, failure to provide the required information may result in denial of participation in the FY14 Army JAOIP.

1. Last Name: _____
2. First Name/Middle Initial: _____
3. SSN:
4. Current E-mail address: _____@us.army.mil
5. Projected duty location:

6. First Day of Judge Advocate Officer Basic Course: _____
7. Judge Advocate Officer Basic Class Number: _____
8. Length of contracted initial JAGC ADSO:
 Four Years (Direct Commission) Four Years (ROTC Ed Delay)
9. Project JA Officer Basic Course Graduation Month/Year: /
10. JA Graduate Course Graduation Month/Year (if applicable) /
11. Source of Appointment in JAGC:
 ROTC Ed Delay Direct Commission
 Other: (e.g. RC to AC, branch transfer) _____
12. a. Today's Date: _____ b. Active Duty Date: _____

13. Requesting officer must acknowledge each statement below by initialing in the corresponding box:

- I did not participate in the Officer Menu of Incentives Program for the Army Competitive Category.
- I have not been found guilty of a UCMJ violation as a commissioned officer.
- I have not received a General Officer Letter of Reprimand as a commissioned officer.
- I am not pending administrative action under the UCMJ.
- I currently meet Army height and weight standards IAW AR 600-9.
- I understand that, if approved this contract becomes valid and binding upon approval by The Judge Advocate General (TJAG) or his designee.
- I understand that in order to participate in the Student Loan Repayment Program (JASLRP), I may not enroll in the Montgomery GI Bill (MGIB) and must disenroll if applicable unless my eligibility for the MGIB was established under a period of prior service. My decision to disenroll from MGIB will be irrevocable. I will not be able to establish eligibility for the MGIB at a later date if I disenroll or decline for any reason.
- I understand that only certain loans qualify for JASLRP. Loans which qualify for this program include those which are made, insured, or guaranteed under Title IV, Part B (Federal Family Education Loan Program), Part D (William D. Ford Federal Student Loan Program), Part E (federal Perkins Loans, any loan incurred for educational purposes made by a lender that is – (1) an agency or instrumentality of a State; (2) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State; or (3) from a pension fund or a non-profit private entity (subject to case-by-case review/approval by Office of the Judge Advocate General (OTJAG) – Personnel, Plans, and Training Office (PPTO)). The loan must have been incurred prior to entering active duty.
- I understand that under this program, the amount of qualifying loan(s), which will be repaid, is 33 1/3% of the original unpaid principal balance or \$1500.00, whichever is greater. Payments will be made after each completed year of active duty in my initial active duty service obligation (years of payment will not exceed three years).
- I understand that the JASLRP will not repay student loans in excess of \$65,000. I understand taxes will be withheld by DFAS from the eligible amount. The applicant is requested to fill in the following blocks identifying the number of loans the US Army will cover. I understand I may be asked to provide loan information, i.e. promissory notes or loan statements that include loan disbursement date, loan type, and loan disbursement amount.

Loan Type	Lending Institution	Account Number of Loan	Amount of Loan

See Attached Sheet

- I understand that interest, even interest recapitalized into the principal, will not be repaid. I also understand that I will not be reimbursed for payments I make or have already made to my lenders.
- I understand that my loans must not be in default and must remain in good standing. I understand the US Army cannot assume my loan and it is my responsibility to coordinate with my loan holder(s) regarding payment and forbearance matters.
- I understand that payments made under JASLRP are considered taxable income in the year(s) that payments are made.
- I understand that if I separate from active duty, for any reason, prior to completing the JASLRP payment process, my JASLRP benefits will stop. I understand I must submit to OTJAG-PPTO a copy of my DD Form 214 (Certificate of Release or Discharge from Active Duty) (member copy 4) to determine if further payment would be authorized.
- I understand that in order for the JASLRP payment cycle to begin on my student loans, I must first receive the JAOIP Form 1 from OTJAG-PPTO. I will then coordinate with and have my loan holders provide additional critical information on JAOIP Form 1 to OTJAG-PPTO.
- I understand that I must promptly contact OTJAG-PPTO and inform them of any address change I have and/or whenever any of my loans are sold to another lender.
- I understand that if OTJAG-PPTO has not contacted me prior to the completion of my 10th month on active duty, it is my responsibility to contact them at the number or address listed below:
- OTJAG-PPTO
ATTN: Incentives Manager
2200 Army Pentagon
Washington, DC 20310-2200
- I understand that I will serve the initial ADSO in fulfillment of the requirements under 10 U.S.C. § 2171.
- I understand that I am not eligible for the Critical Skills Accession Bonus, if offered. I will not receive both accession initiatives.

14. Acknowledgement/Statement of Understanding:

a. I understand the option selected above constitutes a voluntary and legally binding retention action. I will not be released from active duty before fulfilling the term of ADSO agreed to in paragraph 13 above and also outlined in my agreement to access into the Regular Army JAGC.

b. I understand that I must maintain the highest levels of ethical, professional, and personal conduct; moral behavior; and legal proficiency. Acts that constitute a failure to adhere to these standards, as determined by The Judge Advocate General, may result in disqualification from or termination of the JASLRP.

c. I have been advised and understand that I must remain technically qualified in my current branch. I understand that I will be considered not technically qualified if I voluntarily or because of misconduct am precluded from performing my current or any future assignment in that branch. These actions may include, but are not limited to:

(1) I refuse to perform certain duties for which I volunteered prior to my accepting the incentive indicated and which are required for effective performance in the branch.

(2) Disciplinary action taken under UCMJ or civil court conviction disqualifies me for future performance in the branch.

(3) My own misconduct causes injury, illness, or some other condition that interferes with effective performance in the branch.

(4) Withdrawal of the minimum security clearance, or loss of any other mandatory qualification required for effective performance in the branch to include the maintenance of a status of good standing in at least one jurisdiction/licensing authority.

(5) Application for and receipt of conscientious objector status, so that I am no longer qualified in the branch.

(6) Application for an acceptance of transfer to another Branch, Area of Concentration (AOC), or Functional Area.

d. Requests for release from active duty or voluntary retirement with an effective date during the period of this agreement will be disapproved except where considered to be in the best interest of the Army. TJAG is the approving authority for these requests.

e. In the event of termination under subparagraphs b or c above, unearned JASLRP payments will be recouped by the government and will be subject to the repayment provisions of section 303a(e), Title 37 U.S.C. based on the length of JASLRP active duty obligation actually served, unless the failure to complete the period of active duty specified in the agreement is due to:

(1) Death or disability that is not the result of misconduct or willful neglect and not incurred during a period of unauthorized absence or,

(2) Separation from the military service by operation of law or regulation of DOD or the Army, when waiver for recoupment has been approved by the Secretary of the Army.

f. I understand that this agreement may be canceled by the Secretary of the Army, or his designee, at any time based on the needs of the Army.

g. I understand that the availability of my incentive is subject to change based on the requirements of the Army.

h. I understand that I accrue no right to an incentive solely by signing this contract. Upon approval of this contract, the Army will afford me, subject to availability, the option requested under the provisions of the above referenced program. In the event that the incentive I have indicated above is not available based on circumstances not under my control or due to lack of availability to the Army, this contract will become void.

15. I have read and understand the statements above and understand these statements are intended to constitute all the promises and guarantees concerning my participation in the FY 14 ARMY JUDGE ADVOCATE STUDENT LOAN REPAYMENT for Judge Advocate Officer Incentives Program (JAOIP). No other (verbal or otherwise) promise or representation not contained in this agreement is valid or will be honored. I hereby state that I have not been promised anything other than what is written on this agreement and hereby waive any claim based upon any promise or representation not contained in this agreement.

Officer's Signature and Date: _____

Officer's Typed or Printed Name: _____

16. I certify that this officer meets the eligibility requirements for the selected option, meets Army height and weight standards IAW AR 600-9, has not received an Article 15 under the Uniformed Code of Military Justice (UCMJ), has not received a General Officer Memorandum of Reprimand (GOMOR), is not pending any adverse action and is otherwise eligible to receive an incentive from JAOIP.

First LTC (or higher) in the requesting officer's chain of command:

Signature and date:

Typed or printed rank and name:

E-mail address: _____@us.army.mil

17. Submit Completed Contract To: PPTO.

18. Agreement of the Department of the Army (Completed by PPTO).

In consideration of the request by the officer as indicated by his/her signature above, the Department of the Army approves the request.

Signature of Chief, Personnel, Plans and Training Office
(date)

Appendix 4-2. FY14 Lump Sum (\$60,000) Judge Advocate Continuation Pay Application

OFFICE LETTERHEAD

Office Symbol

Date

MEMORANDUM THRU STAFF JUDGE ADVOCATE

FOR CHIEF, PERSONNEL, PLANS & TRAINING OFFICE, OFFICE OF THE JUDGE ADVOCATE GENERAL, 2200 ARMY PENTAGON, WASHINGTON, DC 20310-2200

SUBJECT: Request for FY14 Lump Sum (\$60,000) Judge Advocate Continuation Pay (JACP) Payment

1. I request JACP effective immediately upon completion of my initial Active Duty Service Obligation (ADSO) as a Judge Advocate. Contingent upon the recommendation of the Staff Judge Advocate (SJA) or equivalent supervisor and subsequent approval of this application for continuation pay in an amount of \$60,000, I agree to incur a four year ADSO for the JACP. I understand and agree that this four year JACP ADSO will begin upon completion of my initial ADSO, or upon the date this application for JACP is accepted and approved, whichever is later. I understand and agree that I must have my SJA's or equivalent supervisor's recommendation and The Judge Advocate General's (or his designee) approval to receive continuation pay.

2. I understand that the \$60,000 JACP will be paid in one lump sum of \$60,000.

3. I understand that I must maintain the highest levels of ethical, professional, and personal conduct; moral behavior; and legal proficiency. Acts that constitute a failure to adhere to these standards, as determined by The Judge Advocate General, may result in disqualification from or termination of the JACP.

4. Recoupment.

a. Officers who do not remain on active duty for the entire period for which a JACP ADSO was incurred will, except as otherwise provided, reimburse the Government that part of the payment equal to the percentage of service not performed of the total provided for in the application/agreement.

b. I understand and agree that the Secretary of the Army (or his designee) may waive, in whole or in part, any reimbursement if the Secretary determines that reimbursement is contrary to an Army personnel policy or management objective; against equity or good conscience; or contrary to the best interests of the United States.

c. I understand and agree that a discharge from bankruptcy that I enter into less than five years after the termination of this continuation pay agreement does not relieve me from these recoupment provisions.

5. I understand and agree that I may not repay voluntarily an amount equal to the percentage of any unserved time on this agreement solely to reduce the period of obligated service provided for in this agreement.

6. I understand and agree that all payments under this program will be in a lump sum and that I am responsible for all applicable federal, state, and local taxes under the law.

7. I hereby certify that the foregoing information is true and accurate.

NAME
RANK, JA
DUTY TITLE

SSN: _____

Return Address: _____

Email Address: _____@us.army.mil

Appendix 4-3. Approval Recommendation for FY14 Judge Advocate Continuation Pay

OFFICE LETTERHEAD

OFFICE SYMBOL

DATE

MEMORANDUM FOR CHIEF, PERSONNEL, PLANS & TRAINING OFFICE, OFFICE OF THE JUDGE ADVOCATE GENERAL, 2200 ARMY PENTAGON, WASHINGTON, DC 20310-2200

SUBJECT: Recommendation for FY14 Judge Advocate Continuation Pay

1. I recommend approval/disapproval of _____ request for FY14 Judge Advocate Continuation Pay. (OFFICER'S NAME)
2. The Judge Advocate (does) (does not) meet the Army's height/weight standard. The officer's current height/weight are: _____. The officer (is) (is not) flagged under AR 600-8-2.
3. Reason for my recommendation is:
4. My email address is:

SIGNATURE BLOCK

Appendix 4-4. Disapproval Recommendation for FY14 Judge Advocate Continuation Pay

OFFICE LETTERHEAD

OFFICE SYMBOL

DATE

MEMORANDUM FOR (ELIGIBLE JUDGE ADVOCATE)

SUBJECT: Notification of Recommended Disapproval for FY14 Judge Advocate Continuation Pay (JACP)

1. I am recommending disapproval of your request for FY14 JACP based on (explain reasons here). A copy of this memorandum is attached to your application and will be forwarded to the Chief, Personnel, Plans, and Training Office, for final action on your request for JACP.
2. You may submit a rebuttal to accompany my recommendation. You must submit your rebuttal to me within 14 calendar days from the date you receive and acknowledge this memorandum. If you do not submit a rebuttal to me within 14 calendar days, you forfeit the opportunity to respond and your JACP request and this disapproval memorandum will be forwarded to the Chief, Personnel, Plans, and Training Office.
3. Sign and date the attached memorandum acknowledging that you received this memorandum. Indicate in your acknowledgment if you intend to submit a rebuttal.

SIGNATURE BLOCK

Appendix 4-5. Acknowledgment Memorandum from Judge Advocate

OFFICE LETTERHEAD

OFFICE SYMBOL

DATE

MEMORANDUM FOR (STAFF JUDGE ADVOCATE)

SUBJECT: Acknowledgment of Notification of Recommended Disapproval for FY14 Judge Advocate Continuation Pay (JACP)

I acknowledge receipt of your recommended disapproval of JACP. I (will) (will not) submit a written rebuttal.

SIGNATURE BLOCK

Appendix 6-1. Activated JA Request For Overgrade Assignment/Promotion

MEMORANDUM THRU (SUPERVISORY JUDGE ADVOCATE)

FOR The Judge Advocate General (DAJA-PT/Army Reserve Management), 2200 Army Pentagon, Room 2B517, Washington, DC 20310

SUBJECT: Request for Overgrade Promotion for Activated Army Reserve Judge Advocate (Rank, Name, SSN)

1. I am an Army Reserve Troop Program Unit or DIMA officer, serving on a period of active duty as a judge advocate for more than 90 days pursuant to 10 U.S.C. § 12301 (a) or (d), 12302, or 12304. A copy of my order to active duty is attached.

2. I have been selected for promotion by a mandatory selection board. A copy of my promotion notification memorandum is attached. Pursuant to JAG PUB 1-1, paragraph 6-4 Overgrade Assignments and Promotions During Periods of Mobilization, I request over grade assignment in my current position so that I may be promoted immediately.

3. I understand that upon release from active duty, I will have 180 days to locate and be assigned to a TPU or DIMA position requiring the grade to which I am promoted under this policy. If I am unable to locate such a position or if I am unwilling to serve in such a position within the 180 day period, I understand I will be transferred to the Individual Ready Reserve.

2 Atchs

1. Supervisory
SJA Endorsement
2. Promotion Orders

Signature of Officer/Date

NAME
GRADE, JA
United States Army Reserve

CF:

(Deployed SJA/CJA, etc.)

(Reserve Unit SJA/CJA/LOD Chief JA, etc.)

Appendix 6-2. Commander's Request for Non-JA Assignment

MEMORANDUM FOR FOR The Judge Advocate General (DAJA-PT/Army Reserve Management),
2200 Army Pentagon, Room 2B517, Washington, DC 20310

SUBJECT: Gaining Commander's Statement – Selection of a Judge Advocate Officer for a non-JAGC Assignment

1. I certify the Judge Advocate (JA) officer named below was selected by me to occupy a non-JAGC position within my unit:

Selected JA Officer's full name

Position Description including UIC/Paragraph Line Number

2. My reasons for selecting the above named Judge Advocate to fill a non-Judge Advocate position are as follows: ***This paragraph is critical to the approval process. Strong justification language is necessary for TJAG approval of this assignment.***

3. I understand the selected officer may not perform any Judge Advocate duties or legal functions of any kind without approval of The Judge Advocate General or his or her authorized designee.

4. I also understand the selected officer is required to attend, at a minimum, one LCS, on-site CLE program per year.

5. The assignment of the JA officer will not occur until the accompanying request is approved by The Judge Advocate General or his or her authorized designee.

Commander's Signature Block

Appendix 7-1. Military Justice Skill Identifiers Implementing Policy

1. This policy addresses skill identifiers (SIs) for military justice and provides modifications to the policy originally implemented on 21 July 2008. This policy is effective immediately and supersedes the 21 July 2008 policy and the modifications implemented on 9 June 2011. Suggested changes to this policy should be forwarded to the Office of The Judge Advocate General, ATTN: Criminal Law Division (DAJA-CL), 2200 Army Pentagon, Washington, D.C. 20310-2200..

2. Background.

a. Military justice is our Corps' statutory mission. The SI program for military justice encourages Judge Advocates (JAs) to set goals to achieve greater skill in litigation and expertise in military justice. It also allows our Corps to better train and challenge Judge Advocates throughout their careers to improve their military justice proficiency.

b. This policy memo provides four SIs for military justice: *Basic Military Justice Practitioner*, *Senior Military Justice Practitioner*, *Expert Military Justice Practitioner*, and *Master Military Justice Practitioner*. In addition to establishing basic military justice training requirements, these SIs require progressive experience in military justice and litigation assignments, and are designed to encourage counsel to seek out litigation-related assignments to deepen their level of military justice training and expertise.

c. While not prerequisites for any duty assignment, selection boards, or promotion boards, the SIs will assist Personnel, Plans, and Training Office (PPTO) in making more informed assignment decisions. SIs will essentially capture experience for use in the assignments process. While no particular SI will be dispositive to any specific position, SIs will assist PPTO in recommending qualified officers for certain jobs.

d. Counsel and supervising Judge Advocates will ensure that the focus remains on providing the best military justice support to commanders and the best representation of clients, and not on acquiring an SI.

3. Military Justice Experience. Military justice experience includes time spent in attorney positions substantially devoted to the investigation, prosecution, or defense of potential violations of the UCMJ, or the management, supervision or appellate review thereof, i.e., trial counsel, defense counsel, chief of justice, senior defense counsel, trial counsel assistance program training officer, defense counsel assistance program training officer, special victim prosecutor, government appellate counsel, defense appellate counsel, or military judge. Duty as a Staff Judge Advocate, Deputy Staff Judge Advocate, Brigade Judge Advocate, Command Judge Advocate, Officer in Charge, or Special Assistant United States Attorney may qualify upon application through the Office of The Judge Advocate General – Criminal Law Division (OTJAG-CLD) to the Chief of PPTO if time in the position requires a substantial amount of military justice involvement. The Chief of PPTO has waiver and extension authority for the requirements within each SI and will take into account operational considerations and individual circumstances in awarding SIs.

4. Skill Identifiers.

a. *Basic Military Justice Practitioner.* The 3I SI requires: (1) completion of the Judge Advocate Officer Basic Course; (2) 18 months as a trial or defense counsel, or served as a trial or defense counsel in 15 courts-martial (3 of which must have been contested cases); (3) attendance at The Judge Advocate General's Legal Center and School (TJAGLCS) Criminal Law Advocacy Course (CLAC)/ Intermediate Trial Advocacy Course (ITAC)(or similar trial advocacy course with prior

approval from the Chief of OTJAG-CLD) within 6 months of assuming duty as a trial or defense counsel; and (4) attendance at Trial or Defense Counsel Assistance Program (TCAP, DCAP) training (or similar training course with prior approval from the Chief of OTJAG-CLD) within 12 months of assuming duty as a trial or defense counsel. *(We are aware of the problems associated with TDY during deployments, therefore, we allow for extensions of the time to attain the training. We believe this training is critical for development of new MJ practitioners, and we do not want to categorically provide an exception. We prefer to provide extensions and exceptions on a case by case basis.)* Extensions for training requirements and waiver requests must be sent through OTJAG-CLD to the Chief of PPTO. The experience level of judge advocates with SI 1 eligibility would be typical of those who have completed initial military justice assignments as a trial or defense counsel. JAs with this SI typically serve as a senior trial counsel, a Government or Defense Appellate Division (GAD, DAD) Counsel, or a Brigade Combat Team Judge Advocate.

b. Senior Military Justice Practitioner. The 3M SI requires: (1) *Basic Military Justice Practitioner* SI; (2) completion of two advanced military justice or litigation courses (post-SI 1 qualification); (3) a total of 30 months military justice experience (preferably serving as both a trial and defense counsel), or served as a trial or defense counsel in 36 courts-martial (7 of which must have been contested cases), or a total of 18 months military justice experience and written verification from the Chief of Litigation Division (LITDIV), Contract and Fiscal Law Division (KFLD), or Environmental Law Division (ELD) of 24 months experience as a litigation attorney; (4) and a written recommendation from an Appellate Military Judge; a Military Judge; a Staff Judge Advocate; a Regional Defense Counsel; or the Chief of GAD, DAD, TDS-HQ, OTJAG-CLD, LITDIV, KFLD, or ELD. Completion of courses on the Military justice master synchronized training calendar satisfies the training requirement for this SI. Judge Advocates attending non-TJAGLCS or Army-sponsored courses must receive prior approval from the Criminal Law Division to receive credit for the training requirement. Waiver requests for this SI must be sent through the Chief of OTJAG-CLD to the Chief of PPTO. Typically, JAs that are SI 2 qualified serve as Chief of Military Justice, a Senior Defense Counsel, Special Victim Prosecutor, a TCAP or DCAP counsel, Branch Chief of GAD or DAD, attorneys serving in the Trial Defense Service Headquarters (TDS-HQ) or OTJAG-CLD, or a TJAGLCS Criminal Law Department Professor.

c. Expert Military Justice Practitioner. The 3P SI requires: (1) *Senior Military Justice Practitioner* SI; (2) completion of the TJAGLCS Graduate Course with 3 elective hours in criminal law, or completion of the TJAGLCS Graduate Course with three post Graduate Course military justice courses, or completion of the Judge Advocate Officer Advance Course (Phases I & II) with three post Judge Advocate Officer Advance Course military justice courses; (3) a total of 48 months military justice experience (preferably serving as both a trial and defense counsel), or served as a trial or defense counsel in 45 courts-martial (12 of which must have been contested cases), or a total of 36 months military justice experience and written verification from the Chief of LITDIV, KFLD, or ELD of a total of 30 months experience as a litigation attorney; and (4) a written recommendation from an Appellate Military Judge; a Military Judge; a Staff Judge Advocate; a Regional Defense Counsel; or the Chief of GAD, DAD, TDS-HQ, OTJAG-CLD, LITDIV, KFLD, or ELD. Waiver requests must be sent through the Chief of OTJAG-CLD to the Chief of PPTO. JAs with this SI typically serve as a Chief of Military Justice at a Corps, a Regional Defense Counsel, the Deputy Chief of TDS-HQ, OTJAG-CLD, GAD, or DAD, the Chief of TCAP or DCAP, a Military Judge, or TJAGLCS Criminal Law Department Chair.

d. Master Military Justice Practitioner. This SI requires: (1) *Expert Military Justice Practitioner* SI; (2) a total of 96 months military justice experience, or served as a trial counsel, defense counsel, or military judge in 80 courts-martial (18 of which must have been contested cases); (3) served as a Regional Defense Counsel; Chief of Military Justice at a Corps; Professor or Chair of the TJAGLCS Criminal Law Department; Chief of TCAP or DCAP; Deputy Chief of GAD, DAD, OTJAG-CLD, or TDS-HQ; Staff Judge Advocate (may qualify upon application), or Military Judge; and (4) a written recommendation from an Appellate Military Judge; a Military Judge; a Staff Judge Advocate; a Regional Defense Counsel; or the Chief of GAD, DAD, TDS-HQ, OTJAG-CLD, LITDIV, KFLD, or ELD. Waiver requests must be sent through the Chief of OTJAG-CLD to the Chief of PPTO. JAs at

this level typically serve as the Chief of GAD, DAD, TDS-HQ, or OTJAG-CLD; Appellate Military Judge, or Chief Trial Judge.

5. Certification Process.

a. All Judge Advocates are expected to certify eligibility for the skill identifiers. This may be accomplished through submission of results of trial, Officer Evaluation Reports (OER) that detail military justice or litigation experience, award citations, or memoranda by current or former supervisors. (*We provided several options because we recognize that many officers will not have trial records immediately available.*) All applicants must submit an updated and accurate Officer Record Brief (ORB). Although not required, Reserve and National Guard Judge Advocates who obtain the necessary requirements during periods of active duty are encouraged to apply for SIs.

b. Additionally, as noted above, the Chief of PPTO has waiver and extension authority for the requirements within each SI and will take into account operational considerations and individual circumstances in awarding SIs.

c. SI applications, with supporting documentation, should be submitted using the online database located on the Military Justice Online page of JAGCNET. Any questions regarding submission of packets, waivers, or other matters related to this policy should be directed to OTJAG, Criminal Law Division.

APPENDIX 13-1

3 September 1993

C7, AR 690-200
Chapter 213

Chapter 213

Excepted Service Appointments

Subchapter 4. Employment of Civilian Attorneys

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To be filled with basic FPM chapter 213

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Subchapter 4. Employment of Civilian Attorneys

4-1. SCOPE

Except as provided in this subchapter, with respect to Army employees, only persons who are employed in attorney positions may be engaged or utilized to provide professional legal services. This subchapter contains policy for establishing and filling civilian attorney positions (GS/GM 905 and 1222) and employing civilian attorneys, law clerk trainees (GS 904 pending admission to bar membership), and legal interns throughout the Department of the Army (DA), including (in conjunction with AR 690-13) positions subject to the Civilian Intelligence Personnel Management System (CIPMS). This subchapter applies to recruitment, appointment, assignment, promotion, removal or other disciplinary actions, and standards of conduct. It specifies performance evaluation requirements that apply to heads of legal offices. It also specifies recognition incentive requirements that apply to Senior Executive Service (SES) and Senior Level (SL) (vice GS-16, -17, and -18) attorneys. It supplements other civilian personnel regulations that apply to the excepted service, SES, and SL positions.

4-2. APPOINTING AUTHORITY

The Army General Counsel (GC) has been delegated appointing authority with respect to all Army attorneys in the Senior Executive Service (SES). This authority has been redelegated with power of further delegation to the Administrative Assistant to the Secretary of the Army for all departmental and field elements of the Office of the Secretary of the Army (OSA) and to the Chief of Staff, Army for all other elements of the Army.

4-3. QUALIFYING AUTHORITY

a. The GC has been delegated authority to approve the qualifications of persons recommended for any civilian attorney or law clerk trainee position. The GC retains this authority for all attorney positions in the OSA, including its field operating agencies, and for SES and SL attorney positions DA-wide. Such positions may

not be filled without prior approval of the proposed selectee's qualifications by the GC. For the remainder of the Department, the authority to approve the qualifications of persons recommended for positions of attorneys or law clerk trainees in grades GS/GM-15 and below is delegated without power of redelegation as follows. (These officials and the GC are referred to as qualifying authorities (QAs)).

(1) The Chief Counsel, US Army Corps of Engineers (USACE), for all elements under that command.

(2) The Command Counsel, US Army Materiel Command (AMC), for all elements of that command.

(3) The Judge Advocate General (TJAG) for all other elements of the DA.

b. QAs, in coordination with their civilian personnel counterparts, may establish supplementary procedures for filling positions under their jurisdiction. TJAG procedures are published as Appendix C to this regulation.

c. Withdrawal of Qualifications Approval.

(1) Approval of a civilian attorney's qualifications by the designated QA is a continuing condition of employment. A QA may withdraw such approval for good and sufficient reasons such as a violation of the Army Rules of Professional Conduct for Lawyers when such violation is established in accordance with the procedures published under AR 27-26. When a QA withdraws approval of an attorney's qualifications, the person may not thereafter be employed by DA as an attorney.

(2) Withdrawal of qualifications approval should be accomplished through a process akin to that followed for actions based on, as appropriate, poor performance, misconduct, or violation of the Rules of Professional Conduct. Applicable procedures required by law or regulation apply to personnel actions taken as a result of withdrawal of qualifications approval.

4-4. ESTABLISHING LEGAL OFFICES AND POSITIONS

a. Office. A new legal office headed by a civilian attorney may be established only with

prior approval of the GC. Establishing a civilian attorney position that is not under the immediate supervision of another military or civilian attorney within the appointing officer's command constitutes establishing a new legal office.

b. Position. Establishing a civilian attorney position within an existing legal office is subject to any policies and procedures specified by the designated QA. When an attorney position is established in the SES or at the senior level, prior approval of the GC also is required.

4-5. QUALIFICATION REQUIREMENTS (ATTORNEY POSITIONS)

a. Initial Appointment. Applicants for attorney positions must be graduates of law schools accredited by the American Bar Association at the time of the applicant's graduation. The GC may make an exception upon a showing that the candidate possesses superior qualifications and that no well-qualified candidates from accredited law schools are available.

b. Minimum qualifications. The following requirements apply when filling attorney positions:

(1) GS-09. The applicant must be a member in good standing (as defined by the pertinent bar) of the bar of a State, territory, the District of Columbia, or the Commonwealth of Puerto Rico.

(2) GS-11. Same as (1) above plus 1 year of professional legal experience after admission to the bar.

(3) GS-12 and above. Same as (1) above plus 2 years of professional legal experience after admission to the bar commensurate with the duties of the position. For SES level positions, applicants must also achieve quality managerial experience. This normally will be evidenced by having managed at least one year at the GM-15 level.

(4) Exceptions. The QA may make exceptions to the experience requirements in (2) and (3) above when nominees possess special qualifications in place of those specified. For example, a second professional law degree (Master of Laws (LL.M)) or graduation with a distinguished record from an accredited law school (e.g., in the top 25 percent of the class) may be substituted for 1 year of professional legal experience.

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4-6. LAW CLERK TRAINEE AND LEGAL INTERN APPOINTMENT

a. Law clerk Trainee. Honor and superior law school graduates may be temporarily employed as law clerk trainees with the understanding that they may be converted to regular attorney positions after being admitted to the bar. Such appointments may not exceed 14 months.

b. Legal interns. Students at accredited law schools who are candidates for Doctor of Laws (J.D.) or Bachelor of Laws (LL.B) degrees may be appointed as legal interns for a period not to exceed 1 year. Extensions may be approved by the QA.

4-7. RECRUITMENT AND APPOINTMENT

a. Affirmative Action. Recruitment for civilian attorneys will be done in accordance with the requirements specified by the designated QA and the following requirement. Whenever sources of applicants other than current Army civilian attorneys are to be solicited, local recruitment efforts must include reasonable efforts to contact sources in a geographic area thought to be broad enough to provide well-qualified minority group, and women candidates and candidates with disabilities. This will normally include contacts with all accredited law schools, bar associations, and known minority groups and women's organizations within the area of recruitment. QAs will assist local activities in identifying organizations and groups that should be contacted as part of the recruitment process.

b. Veterans' preference. As stated in FPM chapter 213 the principles of veterans' preference will be followed to the extent administratively feasible. A veteran who is not selected is entitled, upon request, to written reasons for nonselection.

4-8. REASSIGNMENT AND PROMOTION

a. General. A current Army civilian attorney may be reassigned or promoted to another attorney position in accordance with requirements specified by the QA. When movement is between organizations subject to different QAs, the requirements of the gaining QA apply.

b. Senior positions. Assignments to SES and SL positions are subject to prior approval by the

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GC as specified in paragraph 4-3a as well as the ASA(M&RA).

c. Time in grade. Excessively rapid promotions should be avoided. For GS/GM-15 positions and below, normally candidates selected for advancement should have completed at least 1 year of service that is one grade lower than the position to be filled. A waiver may be requested only in cases where hardship or inequity exists in accordance with AR 690-300, chapter 300, paragraph 6-7.

d. Overseas employment. Major commands in conjunction with the QAs may grant or arrange for the losing command to grant administrative reemployment rights when necessary to move an Army attorney to an overseas Army position.

e. License to practice. A current, valid license to practice law in a state, territory of the United States, District of Columbia, or Commonwealth of Puerto Rico is a continuing condition of employment for civilian attorneys of DA.

4-9. SECURING PRIOR APPROVAL OF THE QA

a. Requests for approval of recruitment efforts and the qualifications of a candidate for initial assignment to an attorney position within the DA will be sent with the following documents to the proper QA:

(1) Memorandum or other document requesting authority to effect the personnel action. The memorandum will describe the number, types, and geographic areas of sources contacted and the results in terms of numbers of minority group, women and other applicants referred to the selecting official for consideration.

(2) SF 171 (Application for Federal Employment).

(3) Official certificate showing that the applicant is a member in good standing of the bar and a sworn statement by the candidate that his or her fitness to practice law or conduct as an attorney has never been challenged in any jurisdiction or; if either has been challenged, a sworn statement giving the facts, circumstances, and any other explanation that the applicant considers appropriate. As an alternative to a sworn statement, a declaration under penalty of perjury may be submitted in the following format. "I declare (or certify, verify, or state) under

penalty of perjury under the laws of the United States of America that the foregoing is true and correct. . . Executed on (date) (signature of applicant)." The certificate and statement must be dated within three months of the date the application is submitted.

(4) Official transcript of the applicant's law school record and an official statement of his or her relative standing in class. Certified documents must be furnished by the time the request for recruitment and qualifications approval is submitted. However, if these are not obtainable, the QA may authorize submission of other satisfactory evidence of the applicant's law school accomplishments.

(5) One copy of the position description.

(6) Copies of the responses to the appointing officer's inquiries from at least three licensed attorneys identified as references by the applicant.

b. A selectee may not be appointed until the QA issues an approval memorandum to the appointing authority, and furnishes an information copy to the GC.

4-10. HEAD-OF-LEGAL OFFICE PERFORMANCE EVALUATION

a. Performance information. Before rating the performance of any civilian attorney who is the head of a legal office at any level of the Army, the initial rater will request information about the attorney's performance from the head of the legal office at the next higher level in the chain of command. For the Chief Counsel, USACE, and the Command Counsel, AMC, the GC will be considered the head of the next higher level legal office. The head of the next higher level legal office will furnish information to the initial rater on the mandatory criteria in b below and may provide other information to assist the initial rater. The furnished information will be considered by the initial rater when rating the attorney, and a copy of this information will be attached to the official performance rating. In addition, this information will be considered and attached to any recommendations for performance awards (bonuses), other awards, or Presidential Rank Awards for the concerned attorney.

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b. As part of their jobs, all civilian heads of legal offices are expected to ensure that they, and the clients and attorneys for whom they are responsible, provide adequate support and responsiveness to Army headquarters. Therefore, as a minimum, the performance of all civilian heads of legal offices will be rated on the following as a separate performance objective.

(1) Ensures adequate communication within and between the employing organization and offices at higher and lower levels considering:

(a) The extent to which the head of the legal office maintains awareness of and anticipates issues regarding matters of legal and policy significance occurring in the employing organization and subordinate field elements.

(b) The extent to which he or she independently acts on and communicates relevant information in a prompt and meaningful manner to the next higher level legal office.

(2) Ensures responsiveness to requests from higher level legal office. This criterion concerns how well the legal office obtains factual information and provides legal or policy analysis quickly in response to requests from higher level legal offices.

(3) Ensures follow-up and control to make certain that immediate and subordinate legal offices have complied with higher level legal office guidance. This concerns how successful the head of the legal office is in obtaining compliance with guidance he/she initiates or passes on in response to requests from higher level legal offices.

c. Copies of performance rating. The Senior Rater will send a copy of the annual performance appraisal of each SES attorney who is the head of a legal office to the GC.

4-11. SES AND SENIOR LEVEL (SL) RECOGNITION INCENTIVES

Senior raters will consult with the GC prior to making final performance awards (bonuses) to SES or SL attorneys. The Chairman of the Civilian Executive Resources Board will consult with the GC before nomination of an SES attorney to the Secretary of the Army for a Presidential Rank Award. The written views of the GC will be obtained and considered before an SES or SL attorney is recommended for any

type of financial recognition incentive (e.g., Presidential Rank, performance award, or pay adjustment).

4-12. CLASSIFICATION APPEALS

a. GS/GM-13, -14, and -15. The Assistant Secretary of the Army (Manpower and Reserve Affairs) has delegated authority to the Attorney Classification Appeals Committee to decide position classification appeals for attorney positions in grades GS/GM-13, -14, and -15, including those positions covered by the CIPMS. The procedures and requirements in AR 690-500, chapter 511, subchapter 6, apply to these appeals except as follows:

(1) Appeals should be expedited through command channels to the Attorney Classification Appeals Committee, Technical Advisor, Office of the General Counsel, Department of the Army, Washington, DC 20310.

(2) The appeal should refer to the Office of Personnel Management classification standard for attorney positions. If the appealed position is covered by CIPMS and is supervisory, reference should be made to the CIPMS Primary Grading Standard, Part 3, for Supervisory and Managerial Work.

(3) Arguments for and against the existing or requested classification should be supported by brief descriptions of actual-case examples.

(4) In every case, the comments of the immediate supervisor must be furnished.

(5) Intermediate civilian personnel and legal offices may resolve the appeal if all parties agree or may add comments as the appeal correspondence is transmitted through channels.

b. GS-9 through -12 and CIPMS. The regular appeal procedures outlined in AR 690-500, chapter 511, apply to GS-9 through -12 attorney positions except attorneys employed under the CIPMS. For CIPMS attorneys in these grades, the appeal procedures in AR 690-13 will apply.

4-13. ADVERSE ACTIONS

a. The responsible QA will—

(1) Be notified before action is taken to involuntarily reassign, suspend, separate, or reduce the grade of a civilian attorney.

(2) Insure that no adverse action is taken against an attorney that is based solely or in part

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on the substance of complete and accurate legal advice given by the attorney.

(3) Take or oversee the taking of disciplinary action as warranted and appropriate under AR 690-700, Chapter 751, for violation of the Army Rules of Professional Conduct for Lawyers published in AR 27-26.

b. Excepted service appeal procedures are outlined in PL 101-376 and other applicable laws and regulations.

4-14. ASSISTANCE TO ATTORNEYS AFFECTED BY PERSONNEL ACTIONS

The following assistance will be provided for civilian attorneys who have been officially notified that they will be displaced from their current position due to a reduction in force, or who are seeking a new Army civilian attorney position due to the expiration of their current overseas civilian attorney employment contract.

a. If an attorney in this situation cannot be placed in a position within a QA's current vacancies, the QA will certify this fact in writing, and request that the other QAs assist in placement.

b. Attorneys who desire such assistance should forward, through their current QA, a one-page resume and a one-paragraph executive summary of the resume (including current telephone and address) to the other QAs. AMC Form 2693 is an acceptable substitute for the one-page resume.

c. Each assisting QA will advertise to all subordinate legal offices the desire of the attorney to continue employment as an Army attorney, and will solicit direct contact with the attorney by servicing Civilian Personnel Offices (CPO) and selecting officials for possible non-competitive appointment to a vacancy in the same or lower grade.

d. If interested in employing the attorney, local selecting officials, in conjunction with the servicing CPO, may request to interview him/her and may request additional information from the attorney (at least as necessary to satisfy the requirements of paragraph 4-9). Based on this information, and interview if any, the CPO may, with the approval of the relevant QA, offer noncompetitive reassignment to the attorney (paragraph 4-8a).

e. While they continue as current Army employees, attorneys may remain in this placement program until they are placed, request that they be removed from the program, or refuse an official offer by a CPO. QAs will notify each other when one of these events occurs, thereby providing grounds for removal of an attorney from the program.

4-15. REPORTING PERSONNEL ACTIONS

a. Notice to QA. The SF 50-B (Notification of Personnel Action) will be sent to the proper QA for any movement to or from an attorney position.

b. Records Maintenance. Each QA will maintain records for each attorney under his or her jurisdiction. Records will contain the documents listed in paragraph 4-9, copies of SF 50-B (forwarded per "a" above), and any other documents considered necessary by the QA. Upon request, these records will be available to other QAs on loan or for permanent retention when an attorney is selected for another assignment.

4-16. STANDARDS OF CONDUCT AND PROFESSIONAL RULES

Attorneys must comply with the standards of conduct required of all DA personnel in regulations issued by the Office of Government Ethics, Department of Defense, DA and other applicable laws and regulations. They will also comply with the DA Rules of Professional Conduct for Lawyers AR 27-26 and any supplements issued by the appropriate QA.

4-17. OUTSIDE EMPLOYMENT

a. No Army civilian attorney will participate in outside employment, with or without compensation, which (as determined by the attorney's supervisor or QA)—

(1) In any manner interferes or is incompatible with the proper and effective performance of his or her official duties;

(2) Creates a conflict of interest or appearance of one; or

(3) May reasonably be expected to reflect adversely on the Government or DA.

b. In addition to restrictions in "a" above,

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no Army civilian attorney will engage in the outside practice of law without prior written approval of the QA. Requests for approval will be submitted in writing through legal office command channels and will include any applicable justification. If approved, copies of the request and the response will be furnished to the Office of the General Counsel, Department of the Army, Washington, D.C. 20310-0104, within 14 calendar days of approval. For purposes of this regulation, practice of law means representing, advising or providing other legal services for a client or employer with or without compensation. It does not include teaching, lecturing or writing for publication. It also does not include the infrequent, occasional rendering of legal advice or assistance without compensation to personal friends and relatives when not inconsistent with the restrictions in paragraphs c, c(1) or (2) below.

c. Even with written approval, no attorney will engage in outside practice of law in violation of 18 USC 203 or 205 (U.S. is a party or has an interest) or 209 (outside compensation

for official services), standards of conduct regulations cited in 4-16 above, or (for those for whom TJAG is the QA) AR 27-1, nor with respect to matters—

(1) Referred from his or her Army legal office; or

(2) With which he or she is, or may become, involved in an official capacity; or

(3) Involving Government personnel serviced by his or her legal office.

d. The GC may authorize deviations from paragraphs 4-17 a-c above under exceptional circumstances.

e. Army civilian attorneys may provide pro bono services subject to the restrictions and guidance in FPM Chapter 990 and in Office of Government Ethics regulations. This guidance precludes pro bono services on Government time or at its expense or which may interfere with the discharge of official duties. Except for certain personnel proceedings (see 18 USC 205), representing anyone else in a matter in which the Government has a direct and substantial interest is also prohibited.

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Appendix C

CIVILIAN ATTORNEYS-UNDER THE QUALIFYING AUTHORITY OF THE JUDGE ADVOCATE GENERAL

C-1. PURPOSE

This provides procedures to be taken to recruit or fill civilian attorney and law clerk vacancies under the qualifying authority (QA) of The Judge Advocate General (TJAG). These procedures do not apply to the employment of law students in TJAG's Summer Intern Program. All activities, overseas and within the United States, will function through the proper recruiting office. Questions concerning recruitment, job opportunities, and other personnel actions should be addressed to the Chief, Personnel, Plans, and Training Office, Office of the Judge Advocate General, ATTN: DAJA-PT, Washington, DC 20310-2206.

C-2. AFFIRMATIVE ACTION

a. Adequate recruiting must be done at the local level for all civilian attorney position vacancies not located in overseas activities. Affirmative action recruiting for overseas activities will be done by HQDA (DAJA-PT). Staff Judge Advocate/Senior Counsel and servicing Civilian Personnel Office (CPO) are responsible for local recruiting to provide well-qualified minority, women candidates and candidates with disabilities. All attorney or law clerk vacancies located within a State or territory of the United States or District of Columbia will be publicized by the servicing CPO to local and State bar associations, minority and women organizations, and accredited law schools. Local affirmative action recruiting efforts may be coordinated with HQDA (DAJA-PT), see figure C-2.

b. TJAG will recruit within Army and, when appropriate, publicize employment opportunities by mailing job vacancy announcements to such groups as national bar associations, national legal organizations representing minority and women attorneys, and law schools having predominately minority students.

C-3. PROCEDURES

a. The CPO and legal offices will promptly advise HQDA (DAJA-PT) when any attorney or law clerk position is abolished, regraded, or vacated. Prior to abolition of any legal position, or taking any action that affects a TDA position requiring a Judge Advocate Legal Service (JALS) attorney, the legal office, CPO, or local Command must coordinate with DAJA-PT and obtain its approval.

b. The CPO, in coordination with the legal office, will forward a copy of the SF 52-B (Request for Personnel Action), job description, and a draft vacancy announcement to HQDA (DAJA-PT). This information is needed before announcing the position. Announcements must be typed on DD Form 173/3 following the format in figure C-1. TJAG will dispatch the announcement.

c. Applicants will file all required forms directly with the servicing CPO. Each applicant will be rated against the minimum qualifications as outlined in paragraph 4-5b by the CPO. Upon determination that the candidate is minimally qualified, the CPO will convene a ranking panel to rank those candidates who have been determined minimally qualified using the locally developed ranking criteria (knowledges, skills and abilities (KSA)) that distinguish high quality candidates as published in the vacancy announcement. Development of the ranking criteria is a joint legal office and CPO responsibility. The ranking of applicants will be done by a panel consisting of at least two attorneys and a civilian personnel specialist serving as an advisor. (The selecting official will not serve on the panel.) DAJA-PT will assist, if necessary, in meeting this requirement. After all applicants have been ranked, the CPO will prepare a list of the best qualified applicants using DA Form 2600 (Referral and Selection Register) and forward it to the selecting official. The selecting official may waive the panel requirement if there are less than eleven candidates who are mini-

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mally qualified. In such cases, all of those candidates that meet minimum qualifications may be referred to the selecting official.

d. After the selecting official has made a tentative selection, the referral list and supporting documents (relating to selected person(s)), will be sent to HQDA (DAJA-PT) for review. A report of the efforts made to encourage minority and women applicants for the vacancy will accompany the referral list. A sample format for the report is shown at Figure C-2. The reporting of minority and women applicants will be done by using only the information stated on the SF 171, OPM Form 1386 (Background Survey Questionnaire), and supporting documents. Overseas commands are required to provide only the information in Figure C-2, paragraphs 4 and 5.

e. TJAG will review the local affirmative action recruiting efforts and the selectee's professional qualifications. This review will include the extent to which his or her education and experience demonstrates the KSA necessary to successfully perform the duties of the specific position. The selectee's file must include the minimum documents required by the vacancy announcement and a statement explaining why the applicant was selected over other candidates. The selecting official and the servicing CPO will be notified when the selectee has been approved for appointment to the position. After the selectee has been approved, the servicing CPO may continue to process the appointment.

f. Noncompetitive appointments are permitted under the following circumstances:

(1) Temporary assignments. In unusual cases, an attorney may be temporarily appointed to fill an attorney vacancy before the vacancy is filled through the procedures in b through e above. The temporary appointment may not be made without the prior approval of TJAG and will be approved only to provide urgently needed legal services that cannot be temporarily provided by assigned military and civilian personnel. The temporary appointment may be made to the

existing vacancy or to a temporary position. The selecting official may select the temporary appointee without regard to the announcement procedures otherwise required by the appendix. Prior to the selectee's appointment, the documents required by paragraph 3 of figure C-1 and justification for the temporary hiring action will be submitted to the CPO and forwarded to HQDA (DAJA-PT) for review of the selectee's professional qualifications by TJAG. The temporary appointee will vacate the position before the person who is selected for the permanent position reports for duty. If the temporary appointee desires consideration for permanent appointment to the position, he or she must be considered along with all other applicants under the normal competitive procedures. Approval of a person's professional qualifications for temporary appointment will not be construed to give that person an advantage over other applicants for the position.

(2) Appointments/promotions to reclassified positions. Whenever a civilian attorney position is reclassified to a higher grade, the incumbent may be appointed/promoted noncompetitively to the higher graded position after TJAG approves the incumbent's professional qualifications to assume the increased responsibilities. The CPO representative will submit a complete copy of the SF 52-B, a copy of the new job description and a recommendation from the supervisor pertaining to the new appointment to HQDA (DAJA-PT).

(3) Lateral/change to lower grade actions. A person who is appointed to a civilian attorney position may, upon approval of TJAG, be placed noncompetitively in another civilian attorney position at the same or lower grade by a new appointment, reassignment, or change to lower grade. Both positions must be under TJAG's QA. The request should include the items listed in subparagraph (2) above, and be forwarded by the proper staff or command legal office through the servicing CPO to HQDA (DAJA-PT).

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DA WASHINGTON DC//DAJA-PT// NOTE: EXPLANATORY COMMENTS
ARE IN { }. THE MESSAGE
AIG 12575 MUST BE DOUBLE-SPACED,
PROPERLY ALIGNED, AND HAVE
NO MORE THAN 69 CHARACTERS
PER LINE AND 19 LINES PER
PAGE, USING 10-PITCH OCR
TYPE.

INFO {SERVICING CIVILIAN PERSONNEL OFFICE}
{LEGAL OFFICE WHERE POSITION IS LOCATED}

UNCLAS

FOR SJA/JA/LEGAL COUNSEL: PASS TO LOWEST POSSIBLE ECHELON
SUBJECT: POSITION VACANCY {GRADE AND LOCATION}

1. REQUEST THE FOLLOWING VACANCY ANNOUNCEMENT BE DISTRIBUTED AND POSTED ON ALL LOCAL BULLETIN BOARDS. THE FOLLOWING ATTORNEY POSITION IS AVAILABLE: {POSITION TITLE: E.G., ATTORNEY ADVISOR {CONTRACT}; GS-905-14; {LOCATION; E.G. IN THE OFFICE OF THE JUDGE ADVOCATE {CONTRACT LAW DIVISION}, HQ, USAREUR & 7TH ARMY, APO NEW YORK 09403 {HEIDELBERG, GERMANY}. SALARY: {E.G., \$56,627 TO \$73,619}. ANNOUNCEMENT NO. {LOCALLY DETERMINED}. OPENING DATE: {DETERMINED BY HQDA, DAJA-PT}; CLOSING DATE: {DETERMINED BY HQDA, DAJA-PT}.
2. ALL QUALIFIED APPLICANTS WILL RECEIVE CONSIDERATION FOR THE ABOVE POSITION WITHOUT DISCRIMINATION FOR ANY NONMERIT REASON SUCH AS RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, POLITICS, MARITAL STATUS, PHYSICAL OR MENTAL HANDICAP THAT DOES NOT INTERFERE WITH JOB PERFORMANCE, AGE, OR MEMBERSHIP OR NONMEMBERSHIP IN AN EMPLOYEE ORGANIZATION.
3. TO BE CONSIDERED, ALL APPLICANTS MUST FORWARD THE FOLLOWING DOCUMENTS TO : {THE SERVICING CIVILIAN PERSONNEL OFFICE; E.G., CINCUSAREUR, CIVILIAN RECRUITMENT CENTER, ATTN: AEAGA-CRC, APO NEW YORK 09403}. FAILURE TO SUBMIT ANY OF THESE DOCUMENTS MAY ELIMINATE YOUR APPLICATION FROM CONSIDERATION.
 - A. COMPLETED STANDARD FORM 171 (APPLICATION FOR FEDERAL EMPLOYMENT), AND ANY SUPPLEMENTAL STATEMENTS. ITEM 1A SHOULD INDICATE THE POSITION TITLE AND ANNOUNCEMENT NUMBER.
 - B. THREE RECENT LETTERS OF RECOMMENDATION FROM ATTORNEYS-AT-LAW. REQUEST ONE OF THESE LETTERS BE FROM A CURRENT SUPERVISOR, IF POSSIBLE. LETTERS OF RECOMMENDATION THAT ARE RECEIVED UNDATED OR NOT DATED WITHIN 12 MONTHS OF THE OPENING DATE OF THIS ANNOUNCEMENT WILL ELIMINATE YOUR APPLICATION FROM CONSIDERATION. LEGIBLE COPIES OF DATED AND SIGNED LETTER OF RECOMMENDATION ARE ACCEPTABLE.
 - C. LAW SCHOOL TRANSCRIPTS. A PHOTOSTATIC COPY IS ACCEPTABLE

FIGURE C-1. SAMPLE POSITION VACANCY ANNOUNCEMENT

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WHEN APPLYING BUT CERTIFIED DOCUMENTS MUST BE FURNISHED BEFORE ENTERING ON DUTY. APPLICANTS WHO OBTAINED LAW DEGREES FROM FOREIGN UNIVERSITIES ARE REQUIRED TO SUBMIT "EVALUATIONS OF FOREIGN EDUCATION."

D. OFFICIAL CERTIFICATE SHOWING THAT THE APPLICANT IS A MEMBER IN GOOD STANDING OF THE BAR, TOGETHER WITH A SWORN (NOTARIZED) STATEMENT BY THE CANDIDATE THAT HIS OR HER FITNESS TO PRACTICE LAW OR CONDUCT AS AN ATTORNEY HAS NEVER BEEN CHALLENGED IN ANY JURISDICTION TO THE BEST OF THE APPLICANT'S KNOWLEDGE, OR IF EITHER HAS BEEN CHALLENGED, A SWORN (NOTARIZED) STATEMENT CONCERNING THE FACTS AND CIRCUMSTANCES, TOGETHER WITH ANY EXPLANATION THE APPLICANT MAY DEEM APPROPRIATE MAY BE SUBMITTED. AS AN ALTERNATIVE TO SWORN (NOTARIZED) STATEMENT, A DECLARATION UNDER PENALTY OF PERJURY MAY BE SUBMITTED IN THE FOLLOWING FORMAT. "I DECLARE (OR CERTIFY, VERIFY, OR STATE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT . . . EXECUTED ON {DATE} . . . {SIGNATURE OF APPLICANT}." {28 U.S.C. 1746}. THE STATEMENT AND CERTIFICATE MUST BE DATED WITHIN THREE MONTHS OF THE DATE THE APPLICATION IS SUBMITTED.

E. EXAMPLES OF WRITING SKILLS AS DEMONSTRATED BY LEGAL PUBLICATIONS, BRIEFS, MEMORANDUMS, OR LETTERS. THESE EXAMPLES SHOULD TOTAL NO MORE THAN TEN PAGES IN LENGTH; EXTRACTS OF SELECTED SECTIONS OF LARGER DOCUMENTS ARE ACCEPTABLE. ALL DOCUMENTS MUST BE RECEIVED BY THE CLOSING DATE IN ORDER TO BE CONSIDERED. IN ADDITION TO THE ABOVE DOCUMENTS, ALL APPLICANTS ARE REQUESTED TO SUBMIT, ON A VOLUNTARY BASIS, A COMPLETED OPM FORM 1386 (BACKGROUND SURVEY QUESTIONNAIRE).

F. COPY OF SPONSOR'S PERMANENT CHANGE OF STATION (PCS) ORDERS IF APPLYING FOR SPOUSE PREFERENCE.

4. DESCRIPTION OF POSITION: (THIS SECTION SHOULD SUMMARIZE THE JOB DESCRIPTION OF THE POSITION).

5. SELECTIVE PLACEMENT FACTORS: (E.G., MUST BE ABLE TO MAKE PERIODIC TRIPS OF 3-4 DAYS DURATION; TRAVEL COMPRISES FIVE PERCENT OF DUTY TIME).

6. MINIMUM QUALIFICATIONS REQUIREMENTS: THE MINIMUM QUALIFICATION REQUIREMENTS MUST BE MET BEFORE APPLICANTS HAVE BASIC ELIGIBILITY FOR FURTHER CONSIDERATION. THESE REQUIREMENTS ARE PRELIMINARY TO RANKING AGAINST THE SPECIFIC JOB-RELATED CRITERIA, WHICH IS THE FINAL STEP BEFORE BEING REFERRED TO THE SELECTING OFFICIAL.

A. EDUCATION: AN APPLICANT MUST HAVE SUCCESSFULLY COMPLETED A FULL COURSE OF STUDY IN A SCHOOL OF LAW ACCREDITED BY THE AMERICAN BAR ASSOCIATION (ABA) AND HAVE THE FIRST PROFESSIONAL LAW DEGREE (LLB OR JD).

B. BAR MEMBERSHIP: AN APPLICANT MUST CURRENTLY BE A MEMBER OF THE BAR OF A STATE, TERRITORY OF THE UNITED STATES, DISTRICT OF COLUMBIA, OR COMMONWEALTH OF PUERTO RICO.

C. EXPERIENCE: (REQUIREMENTS FOUND IN AR 690-200, CHAPTER 213, SUBPARAGRAPH 4-5, INCLUDING PROVISION FOR WAIVER OF EXPERIENCE). (IF APPLICANT REQUESTS AN EXCEPTION TO THE EXPERIENCE REQUIREMENTS, HE/SHE MUST STATE THE BASIS FOR THE EXCEPTION AND PROVIDE SUPPORTING EVIDENCE RELATING TO THE EXCEPTION (E.G., A COPY OF THE ADVANCED LAW DEGREE RECEIVED)).

D. TIME-IN-GRADE: APPLICANTS CURRENTLY EMPLOYED BY THE FEDERAL GOVERNMENT OR WHO HAVE BEEN EMPLOYED BY THE FEDERAL GOVERNMENT IN A PERMANENT POSITION WITHIN THE PAST YEAR, MUST HAVE COMPLETED ONE YEAR

FIGURE C-1. SAMPLE POSITION VACANCY ANNOUNCEMENT--CONTINUED

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AT THE NEXT LOWER GRADE WITHIN 30 DAYS OF CLOSING DATE OF THIS ANNOUNCEMENT. TIME IN GRADE REGULATIONS APPLY (EXCEPT CIVILIAN INTELLIGENCE PERSONNEL MANAGEMENT SYSTEM (CIPMS) POSITIONS). FOR CIPMS POSITIONS ABOVE GS-11, APPLICANTS MUST HAVE AT LEAST ONE YEAR OF APPROPRIATE PROFESSIONAL EXPERIENCE AT OR EQUIVALENT TO THE NEXT LOWER GRADE IN THE FEDERAL SERVICE. RELEVANT PROFESSIONAL EXPERIENCE FROM AN APPROPRIATE SOURCE IS CREDITABLE.

7. RANKING CRITERIA: {THE CRITERIA ARE TO BE DEVELOPED BY THE STAFF OR COMMAND LEGAL OFFICE CONCERNED IN COORDINATION WITH THE SERVICING CIVILIAN PERSONNEL OFFICE. THE CRITERIA WILL BE WEIGHTED EQUALLY, UNLESS OTHERWISE INDICATED IN THE ANNOUNCEMENT, AND WILL REFLECT THE ESSENTIAL ELEMENTS REQUIRED FOR SATISFACTORY JOB PERFORMANCE}.

8. REFERRAL AND SELECTION OF CANDIDATES: A RANKING PANEL WILL REVIEW THE QUALIFICATIONS OF EACH APPLICANT WHO MEETS THE MINIMUM QUALIFICATION REQUIREMENTS BASED ON ALL INFORMATION SUBMITTED. A RANKING PANEL WILL DETERMINE THE DEGREE TO WHICH EACH APPLICANT MEETS THE JOB-RELATED CRITERIA SPECIFIED ABOVE AND WILL RANK ALL APPLICANTS ACCORDINGLY. THE BEST QUALIFIED APPLICANTS WILL BE REFERRED TO THE SELECTING OFFICIAL. SELECTING OFFICIAL MAY WAIVE THE REQUIREMENT FOR A PANEL WHERE THERE ARE LESS THAN ELEVEN MINIMALLY QUALIFIED CANDIDATES. IN SUCH CASES ALL OF THOSE THAT MEET MINIMUM QUALIFICATIONS MAY BE REFERRED TO THE SELECTING OFFICIAL.

9. DESCRIPTION OF THE COMMUNITY: {THIS SECTION SHOULD HIGHLIGHT THE SOCIAL, CULTURAL, AND ECONOMIC ASPECTS OF THE COMMUNITY. HOUSING, TRANSPORTATION, AND EDUCATIONAL PROBLEMS OR BENEFITS SHOULD BE POINTED OUT}.

10. ANNOUNCEMENT AND ADDITIONAL INFORMATION: THIS MESSAGE PROVIDES NECESSARY INFORMATION FOR CANDIDATES TO BEGIN PREPARING THEIR APPLICATION. CANDIDATES WHO INTEND TO APPLY FOR THE POSITION SHOULD OBTAIN A COPY OF THE VACANCY ANNOUNCEMENT BY DIRECTLY CONTACTING: {INDICATED THE ADDRESS OF THE SERVICING CIVILIAN PERSONNEL OFFICE, THE NAME OF THE PERSONNEL SPECIALIST CONCERNED, AND THE COMMERCIAL AND DSN/FTS TELEPHONE NUMBERS}.

11. THIS POSITION IS IN THE EXCEPTED SERVICE WITHOUT TIME LIMITATION AND MAY NOT BE FILLED BY COMPETITIVE APPOINTMENT. SERVICE IN THIS POSITION IS FULLY CREDITABLE TOWARD CIVIL SERVICE RETIREMENT. ANY SELECTED APPLICANT WHO IS IN THE COMPETITIVE SERVICE WILL BE TAKEN OUT OF THE COMPETITIVE SERVICE WHEN HE OR SHE OCCUPIES THIS POSITION AND WILL COMPETE ONLY WITH OTHER EXCEPTED STATUS EMPLOYEES IN THE EVENT OF A REDUCTION-IN-FORCE. HE OR SHE MAY, HOWEVER, REMAIN ELIGIBLE FOR REINSTATEMENT IN THE COMPETITIVE SERVICE. {IF THE POSITION IS IN THE MERIT PAY SYSTEM, FOR EXAMPLE, GM-14 OR IN THE CIPMS, THIS SHOULD BE INDICATED HERE.}

FIGURE C-1. SAMPLE POSITION VACANCY ANNOUNCEMENT--CONTINUED

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APPENDIX 13-1

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LOCAL RECRUITING ACTIONS

1. Organizations contacted (Include a copy of the form letter or other correspondence used.)

- a. Law Schools
- b. Bar Associations
- c. State Bars
- d. Minority Group and Women Attorney

Associations

2. Periodicals or other publications used:

3. Other recruiting actions:

4. Total number of applications received:

- a. Number of minority group applicants:
- b. Number of women applicants:
- c. Number of other applicants:

5. Total number of candidates on referral list:

- a. Number of minority candidates:
- b. Number of women candidates:
- c. Number of other candidates:

Figure C-2. Sample Format for Notification of Recruitment Actions

YOU MUST RECEIVE PRE-APPROVAL PRIOR TO MAKING PAYMENT TO BE ELIGIBLE



**JUDGE ADVOCATE LEGAL SERVICE
ATTORNEY LICENSING FEE REIMBURSEMENT REQUEST**

Employee's Name:	Organization:
Employee's Contact E-Mail:	
Employee's Pay Plan/Series/Grade/Duty Title:	Head of Legal Office (Name, Phone Number):
Requesting Employee's UIC/Paragraph/Line Number:	

Bar Information:			
Jurisdiction:	Status Renewed (Active, Inactive, etc.):	Due Date (indicate if this is a birth month renewal):	When Renewed (Annual, Biennial, etc.):
Itemization of MANDATORY Costs by Type:			
1.			\$
2.			\$
3.			\$

Total Reimbursement Requested	[NOT TO EXCEED \$350]	\$
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Section A – Certifications

I have not received reimbursement from any other source for this licensing fee or the licensing fee of any other jurisdiction during the fiscal year.

Employee Signature _____
Date
I have reviewed the request and supporting documentation and certify that reimbursement complies with applicable guidance and is appropriate.

Head of Legal Office Signature _____
Date

Submit completed form & licensing authority bill to: jane.estrada.civ@mail.mil

Section B – OTJAG Approval

On behalf of The Judge Advocate General and the Director, Civilian Personnel, Labor and Employment Law, I have conducted a review of this request and have approved the request for reimbursement. Reimbursement will be provided after payment and upon receipt of a completed SF 1164, Claim for Reimbursement for Expenditures on Official Business.

JAMES N. SZYMALAK _____
Date
CHIEF, CIVILIAN PERSONNEL MANAGEMENT
Office of The Judge Advocate General, HQDA

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