FM 3-84

LEGAL SUPPORT TO OPERATIONS



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LEGAL SUPPORT TO OPERATIONS

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Preface

FM 3-84, *Legal Support to Operations*, is the Army's manual for operational legal doctrine. This manual provides authoritative doctrine and practical guidance for commanders, judge advocates, legal administrators, paralegal Soldiers, and Department of the Army Civilian legal personnel across the range of military operations, during competition below conflict, crisis, and armed conflict. It outlines how the Judge Advocate General's Corps is organized in accordance with the Army's force design. It also discusses the delivery of legal support to the force.

The principal audience for FM 3-84 is all members of the profession of arms. Commanders and staffs of Army headquarters serving as a joint task force or multinational headquarters or serving as Army forces in support of joint or multinational forces, as well as individually assigned or attached JAG Corps personnel. Trainers and educators throughout the Army also use this publication.

Commanders, staffs, and subordinates ensure their decisions and actions comply with applicable United States, international, and applicable host-nation laws and regulations. Commanders at all levels ensure their Soldiers operate in accordance with the law of armed conflict and any applicable rules of engagement. This manual does not address the law of armed conflict in detail. For a more comprehensive treatment of those areas, refer to the *Department of Defense Law of War Manual* and FM 6-27.

Army leaders must understand joint doctrine and use it when operating as part of the joint force. JP 3-84 establishes the baseline for legal support to operations for the joint force. Commanders and staffs of Army headquarters serving as a joint task force or multinational headquarters or serving as Army forces in support of joint or multinational forces should refer to applicable joint, multinational, and allied doctrine.

FM 3-84 applies to the Regular Army, the Army National Guard/Army National Guard of the United States, and United States Army Reserve unless otherwise stated.

The proponent for this publication is the Future Concepts Directorate, The Judge Advocate General's Legal Center and School, United States Army. Send written comments and recommendations on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Commander, The Judge Advocate General's Legal Center and School, United States Army, ATTN: ALCS-CTR-FC, 600 Massie Road, Charlottesville, VA 22903-1781. Send comments and recommendations by e-mail to usarmy.pentagon.hqda-tjaglcs.list.tjaglcsdoctrine@army.mil. Follow the DA Form 2028 format or submit an electronic DA Form 2028.

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Introduction

This manual establishes a foundation for the Judge Advocate General's (JAG's) Corps and judge advocate legal services (JALS) personnel to provide principled counsel and mission-focused legal support to the operational Army. It establishes an understanding of the roles and responsibilities that JAG Corps personnel have both between legal offices at different levels of command and between the legal section and the staff of the supported command, all in support of the commander and the Army. FM 3-84 replaces FM 1-04, and it includes several substantive changes.

The JALS includes all personnel under the qualifying authority of The Judge Advocate General (TJAG), including uniformed lawyers, legal administrators, and paralegals, as well as civilian attorneys, paralegals, legal administrators, and paraprofessionals. The JALS also includes executive-level civilian attorneys who are under the technical supervision of TJAG. The JAG Corps consists of all officers, warrant officers, enlisted personnel, and other members of the Army detailed to the JAG Corps.

The purpose of this manual is to assist commanders and judge advocates in assigning roles and responsibilities for legal support in military operations. This manual is not intended to provide detailed guidance on every situation that judge advocates will encounter in a deployed environment, whether overseas or within the United States. Just as Army leaders and forces must respond to a broad range of threats under conditions of uncertainty by exercising operational adaptability to accomplish missions, so too must judge advocates.

Operational adaptability requires JALS personnel to understand the situation in width, depth, and context, and then to assist the command by providing sound legal advice and support across the core legal disciplines. Every operation is different, and each operation requires its own unique legal support. As such, commanders and judge advocates work together to task-organize legal support for operations in a manner consistent with the operational requirements of the commander.

FM 3-84 provides doctrine on legal support across the range of operations and the provision of legal support in specific types or aspects of operations.

FM 3-84 contains five chapters and five appendixes.

Chapter 1 discusses the JAG Corps' mission, roles, and principles; introduces core legal competencies and legal functions; and examines the role of legal services personnel.

Chapter 2 summarizes Army operations and provides guidance on their legal support. It addresses the importance of multidomain operations, the Army's contribution of land power to the joint force, and joint and multinational operations. The chapter then discusses the Army operational concept, operational framework, and Army echelons and units. Finally, the chapter addresses the capabilities, combat power, and the operations process and planning that enable the Army to support joint operations.

Chapter 3 describes where JALS personnel are assigned supporting Army operations, discusses the roles and responsibilities of JALS personnel, outlines the primary doctrinal missions of the legal sections, and identifies resources necessary to provide legal support at various echelons.

Chapter 4 provides a detailed description of the four legal functions supporting the Army as an institution. They include administrative and civil law, contract and fiscal law, military justice, and national security law.

Chapter 5 discusses the core legal competency of providing legal support to Soldiers and Families and its subordinate legal functions and tasks. This chapter covers these topics with a focus on legal support during large-scale combat operations, rear detachment operations, and maintaining installation services.

Appendix A discusses the structure and organization of legal support within the Army Reserve.

Appendix B describes legal support to the operational Army within the Army National Guard.

Appendix C provides a format for Tab C (Legal Support), Appendix 2 (Personnel Service Support), to Annex F (Sustainment) for Army operation orders.

Appendix D discusses legal running estimates.

Appendix E updates the rules of allocation for legal support to operations.

This manual recognizes the continued increase in individual and small team operations for judge advocates as they support multiple command posts, specialized operational cells, and headquarters required to run

mobile, tailored forces. Judge advocates train and prepare to operate independently across the range of military operations, standing by the commander's side. To succeed in today's operational environment, judge advocates are versatile practitioners who are experts in their roles as lawyers, ethics advisors, counselors, law of armed conflict (also called law of war) subject matter experts, and rule of law practitioners. Judge advocates increase their knowledge as Soldiers and leaders. Judge advocates work proactively to accomplish the mission and serve Army personnel and their families.

Commanders, supported by staff judge advocates (SJAs), are responsible for training and supporting JAG Corps personnel to ensure robust legal support to operations (in this manual, SJA also refers to the senior legal advisor to the commander of an Army Service Component Command (ASCC), known as the "Judge Advocate"). Training is conducted according to the Army's training principles, including training for combat proficiency, under realistic conditions, to standard, and in accordance with appropriate doctrine. This training should include training that integrates JAG Corps elements with the units they support in various environments, settings, and exercises. Commanders conduct active, realistic training so that JAG Corps personnel develop the Soldier and lawyer skills needed to provide legal support to operations.

Chapter 1
Judge Advocate General's Corps

This chapter discusses the judge advocate general (JAG) corps' mission, roles, and principles, introduces core legal competencies and legal functions, and examines the role of legal service personnel.

MISSION, VISION, AND PRINCIPLES

1-1. Legal support is a critical element of the Army's success, and it enables the good order and discipline that is the hallmark of enduring institutions, great units, and successful operations A disciplined, fair environment is necessary for sustaining an Army culture centered on building trust between Soldiers who can then focus on accomplishing missions. This Army culture extends to families and military communities where trust and cohesion are essential to the long-term success of individuals, units, and institutions.

1-2. During operations, upholding the law of armed conflict, international agreements, and other rules governing the use of military force is essential to maintaining the trust of the nation and the international community. Good order and discipline within units and in the application of combat power enable the consolidation of gains and contribute to the achievement of sustainable policy outcomes. (See the *Department of Defense Law of War Manual* and FM 6-27 for more information on the law of armed conflict.)

1-3. Judge advocate legal services (JALS) personnel follow four guiding principles in the delivery of legal services to the Army and in joint operations. These principles are described in figure 1-1 on page 1-2.

JAG Corps' Mission

The JAG Corps' mission is to provide principled counsel and premier legal services, as committed members and caring leaders in the and Army professions, in support of a ready, globally responsive, and regionally engaged Army. The JAG Corps supports a ready, globally responsive, and regionally engaged Army.

JAG Corps' Vision

The vision of the JAG Corps is to remain the most highly trained, inclusive, and values-based team of trusted Army legal professionals, that is ready, regionally engaged, and globally responsive while providing principled counsel, and premier legal services in support of Army and joint force missions of all types and across all spectrums of competition and combat in a complex and legally dynamic world. The JAG Corps operates in an increasingly complex and legally dynamic world, both at home and abroad. The JAG Corps trains to operate against current and against emerging threats.



Principled counsel

Professional advice on law and policy grounded in the Army Ethic and enduring respect for the Rule of Law, effectively communicated with appropriate candor and moral courage, that influences informed decisions.

Servant leadership

Leaders demonstrate servant leadership when they put those they lead before themselves. A leader does this by providing purpose, direction, and motivation; they devote and commit themselves to the well-being and growth of those they serve.

Stewardship

Leaders act to improve the organization beyond their own tenure. Improving the organization for the long-term is deciding and taking action to manage people or resources when the benefits may not occur during a leader's tour of duty with an organization.

Mastery of the law

In-depth knowledge, competence, and skill in our practice areas. Mastery forms through experience, training, and intensive, lifelong learning and professional development. It ensures the provision of clear, timely, and accurate legal advice and counsel necessary for our client to meet present challenges, preserve legal maneuver space, and set the conditions for future victory.

Note. The term "legal maneuver space" in the definition of mastery of the law is used legally, and not in the way the words "maneuver" and "space" are typically used in operational doctrine.

Figure 1-1. Four constants of the Army legal profession

ROLE OF THE ARMY JUDGE ADVOCATE GENERAL'S CORPS

1-4. A *role* is the broad and enduring purpose for which the organization or branch was established (ADP 1-01). Within the context of Army doctrine, an organization can only have one role. The JAG Corps' role is to provide principled counsel and premier legal services to the Army across the range of military operations. This role is fulfilled through the delivery of legal support to all echelons by judge advocates, civilian attorneys, legal administrators, paralegals, and civilian paraprofessionals to support Army operations. These individuals are collectively known as JALS personnel, and they are responsible for providing legal services to the individual Soldier all the way to the Chief of Staff of the Army, across the competition continuum, and in any geographic location Soldiers deploy on behalf of the nation.

1-5. A *core competency* is an essential and enduring capability that a branch or an organization provides to Army operations (ADP 1-01). A *function* is the broad, general, and enduring role for which an organization is designed, equipped, and trained (JP-1, Volume 1). The JAG Corps provides principled counsel and premier legal services to the Army through two core legal competencies:

- Legal support to the Army
- Legal support to Soldiers and Family members

1-6. The legal support to the Army competency includes all legal support provided to the Army as an institution, to include commanders and staffs of individual organizations. It features the following legal functions: administrative and civil law, contract and fiscal law, military justice, and national security law. Table 1-1 illustrates many of the major legal tasks subordinate to applicable legal functions.

1-7. The legal support to soldiers and family members competency encompasses all legal services provided to Soldiers and Family members. It includes the legal functions of Soldier and Family legal services and trial defense service (TDS).

Table 1-1. Core legal competencies, legal functions, and legal tasks

Core Legal Competency ***Legal Support to the Army***	***Core Legal Competency*** ***Legal Support to Soldiers and Family Members***
Legal Function: Administrative and Civil Law Legal tasks: • Environmental law • General statutory, regulatory, and policy compliance • Government ethics and standards of conduct • Investigations • Labor law • Army institutional claims • Real property law • Civil litigation support	**Legal Function: Soldier and Family Legal Services** Legal tasks: • Claims by Soldiers and Department of the Army Civilians • Medical evaluation and disability law • Soldier and Family legal assistance • Special victims counsel program
Legal Function: Contract and Fiscal Law Legal tasks: • Fiscal law • Contract law	
Legal Function: Military Justice Legal tasks: • Courts-martial • Adverse administrative actions • Nonjudicial punishment	**Legal Function: Trial Defense Service** Legal tasks: • Courts-martial • Adverse administrative actions • Nonjudicial punishment
Legal Function: National Security Law Legal tasks: • U.S. domestic national security law • Cyberspace law • Intelligence law • International law • Operational law • Security cooperation • Joint and multinational operations • Space operations	

ROLES OF JUDGE ADVOCATE GENERAL'S LEGAL SERVICES PERSONNEL

1-8. JALS personnel fulfill important legal roles. These roles include judge advocate, legal administrator, paralegal soldier, civilian attorney, and civilian paraprofessional. These roles are discussed in paragraphs 1-9 through 1-14.

JUDGE ADVOCATE

1-9. No matter the level of command to which they are assigned, judge advocates have several roles. They can be counselors, advocates, and trusted advisors to commanders, staffs, individual Soldiers, and Family

members. They are commissioned officers, leaders, and managers who can practice law in each of the six legal functions.

LEGAL ADMINISTRATOR

1-10. Legal administrators are Army warrant officers with specialized training and expertise in law office operations and management. They receive specialized training to support the staff judge advocate's (SJA's) management of a legal office. Their responsibilities are generally focused on resource management, personnel management, security management, force management, knowledge management, and systems integration.

PARALEGAL SOLDIER

1-11. Paralegal Soldiers are paraprofessionals who are both technical experts and professional Soldiers who provide legal support to commanders and legal services clients. In addition to receiving technical instruction, paralegal Soldiers receive training in leadership and Soldier skills at every level of the noncommissioned officer education system.

CIVILIAN ATTORNEY

1-12. Civilian attorneys serve as leaders and subject matter experts, often providing valued continuity in the delivery of legal advice. Their professionalism, expertise, and knowledge of local policies and practices ensures uninterrupted legal support across the Army.

CIVILIAN PARAPROFESSIONAL

1-13. Civilian paraprofessionals provide subject matter, technical, and administrative support to the Army's legal offices. Paraprofessionals serve in a variety of positions including paralegal, court reporter, legal technician, legal assistant, claims technician, government information specialist, among others.

1-14. Unless otherwise specifically authorized by the judge advocate general (TJAG), Army Regulation, or other DA Publication, only attorneys of the JALS and attorneys under the qualifying authority of the General Counsel of the Army, the Chief Counsel of the Army Corps of Engineers, of the Command Counsel of the Army Material Command may practice law. This includes engaging in the practice of law on behalf of any Army command, unit, agency, office, element, or other Army entity; assignment against any authorization or requirement for an attorney; or providing legal instruction or training to or for any Army command, unit, agency, office, element, or other Army entity. (For more information on who may practice law, see AR 27-1. For a definition of "practice of law," see the comment to rule 5.5 in AR 27-26.)

Chapter 2

Army Operations Overview

This chapter summarizes Army operations and provides guidance on their legal support. It addresses the shift from limited contingency operations to large-scale combat operations, the importance of the multidomain operations, and joint operations. The chapter then discusses the Army operational concept, operational framework, and Army echelons and units. Finally, the chapter addresses the capabilities, combat power, and the operations process and planning that enable the Army to support joint operations.

LARGE-SCALE COMBAT OPERATIONS

2-1. The Army's primary mission is to organize, train, and equip its forces to conduct prompt and sustained land combat to defeat enemy ground forces and seize, occupy, and defend land areas. It supports four strategic roles for the joint force. Army forces shape operational environments, counter aggression on land during crisis, prevail during large-scale ground combat, and consolidate gains. The strategic roles clarify the overall purposes for which Army forces conduct multidomain operations on behalf of joint force commanders (known as JFCs) in pursuit of a stable security environment and other policy objectives that are favorable to the United States. The JAG Corps is manned, equipped, and trained to support a wide range of operational categories, including large-scale combat operations, limited contingency operations, crisis response, and support to security cooperation. JAG Corps personnel support Army operations during competition, crisis, and armed conflict. (See figure 2-1 for a depiction of the Army strategic context. See FM 3-0 for more information about the strategic contexts and operational categories.)

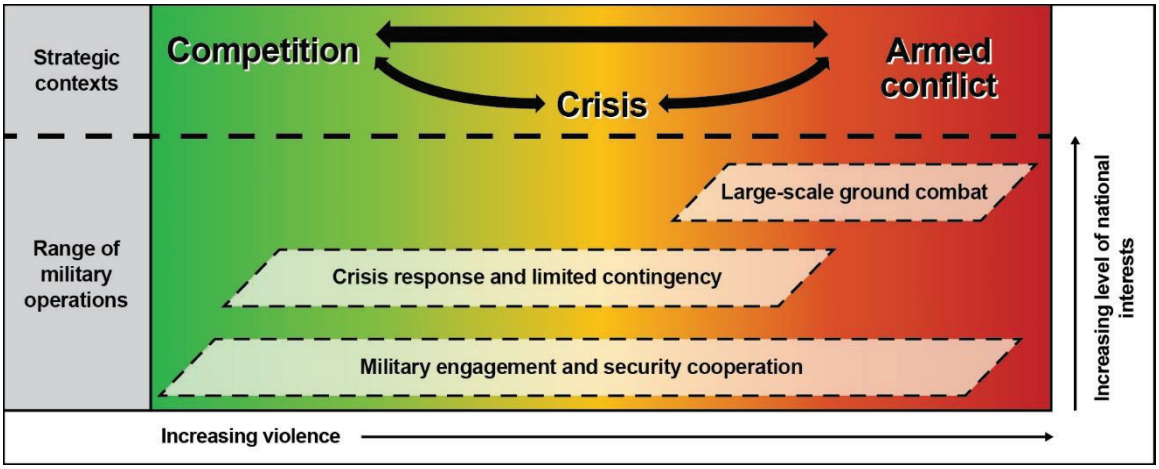


Figure 2-1. Army strategic context and operational categories

2-2. JAG Corps personnel provide legal support during conventional and irregular warfare. Each of these methods of warfare involves different applications of lethal force, different rules of engagement, and different points of emphasis for Army forces. Legal support plays a key role in helping leaders and units navigate the legal challenges in any operational environment. (See FM 3-0 for more information about conventional and irregular warfare.)

CHALLENGES

2-3. While the overwhelming majority of operations conducted by Army forces occur either below the threshold of armed conflict or during limited contingencies, the focus of Army readiness is large-scale combat operations. Large-scale combat against peer threats poses the most demanding and dangerous challenges that Army forces must be prepared to overcome.

2-4. Peer threats employ robust surveillance and reconnaissance capabilities with global reach and long-range precision fires enabled by networks that make them adaptive and resilient against traditional attacks against attacks in one domain or against a single decisive point. These integrated fires complexes and integrated air defense systems enable peer threats to employ standoff approaches that contest the joint force in all five domains-land, maritime, air, space, and cyberspace.

2-5. Peer threats combine their standoff approaches with other advantages that increase risk to the joint force. Peer threats will likely begin conflicts with the initiative because it is their aggression that will require the joint force to respond. Peer threats will likely possess significant numerical and firepower advantages. They will operate on shorter lines of communications than U.S. forces, and they will have better understanding of the terrain and populations in the region.

2-6. Defeating threat standoff approaches during armed conflict requires Army forces to take advantage of the mutually supporting relationships between capabilities from all domains during joint operations. Army forces achieve objectives on land to enable joint force and require joint force capabilities to enable Army operations on land to defeat enemy integrated air defense systems and integrated fires complexes.

> The challenge for Army forces will be to fight and win while outnumbered and isolated.

2-7. Overall, enemy actions will attempt to fix U.S. forces, isolate them, and then target them for destruction. Enemy forces may employ tactical nuclear weapons, and they may contaminate environments with other chemical, biological, radiological, and nuclear effects. Army forces must be able to build combat power and conduct operations while at risk to enemy fires and maneuver forces. Enemy standoff approaches challenge Army forces' ability to preserve combat power and extend operational reach necessary to accomplish their mission. This requires Army forces to operate dispersed, defeat enemy sensors and fires systems, employ cover, concealment, and camouflage, and mask electromagnetic signatures while sustaining tempo and expanding the depth of operations.

2-8. Peer threats will continue to employ information warfare to erode U.S. and allied will to pursue policy objectives. During competition they will exploit alliances and international laws through aggressive and malign behavior that tests the limits that would cause the U.S. to employ the joint force in armed conflict. Peer threats will create uncertain conditions intended to escalate lethality in a way that they can twist into disinformation. During armed conflict, they will exploit U.S. adherence to the law of war and rules of engagement in ways that disadvantage Army forces in tactical situations. In all of these cases, Army forces must maintain discipline and understand that their conduct during operations is critical to the long-term success of the Army and the national interests it supports.

MULTIDOMAIN OPERATIONS

2-9. The Army's operational concept is multidomain operations. *Multidomain operations* are the combined arms employment of joint and Army capabilities to create and exploit relative advantages to achieve objectives, defeat enemy forces, and consolidate gains on behalf of joint force commanders (FM 3-0).

2-10. Multidomain operations are how Army forces enable and operate as part of the joint force against threats able to contest it in all domains. Army forces, enabled by joint capabilities, attack enemy forces and protect friendly forces through all domains. Army forces provide the resilient land power necessary to defeat threat standoff approaches and achieve joint force objectives. The synchronized employment of joint and Army capabilities integrated across echelons in a combined arms approach is essential to defeating threats able to contest friendly forces in all domains. Leaders assess what capabilities are required and account for all available capabilities at the beginning of planning to create complementary and reinforcing physical, information, and human effects throughout the depth of their assigned area of operations. JAG Corps

personnel serve at nearly every echelon and must integrate early and proactively during the planning and execution of their organization's mission to provide effective legal support and ensure compliance with the law. (See FM 3-0 for more information on multidomain operations.)

Operational Environments

2-11. The *operational environment* is the aggregate of the conditions, circumstances, and influences that affect the employment of capabilities and bear on the decisions of the commander (JP 3-0). An operational environment (known as an OE) includes portions of the land, maritime, air, space, and cyberspace domains; understood through three dimensions (human, physical, and information). (See figure 2-2 for a depiction of the domains and dimensions of an operational environment.)

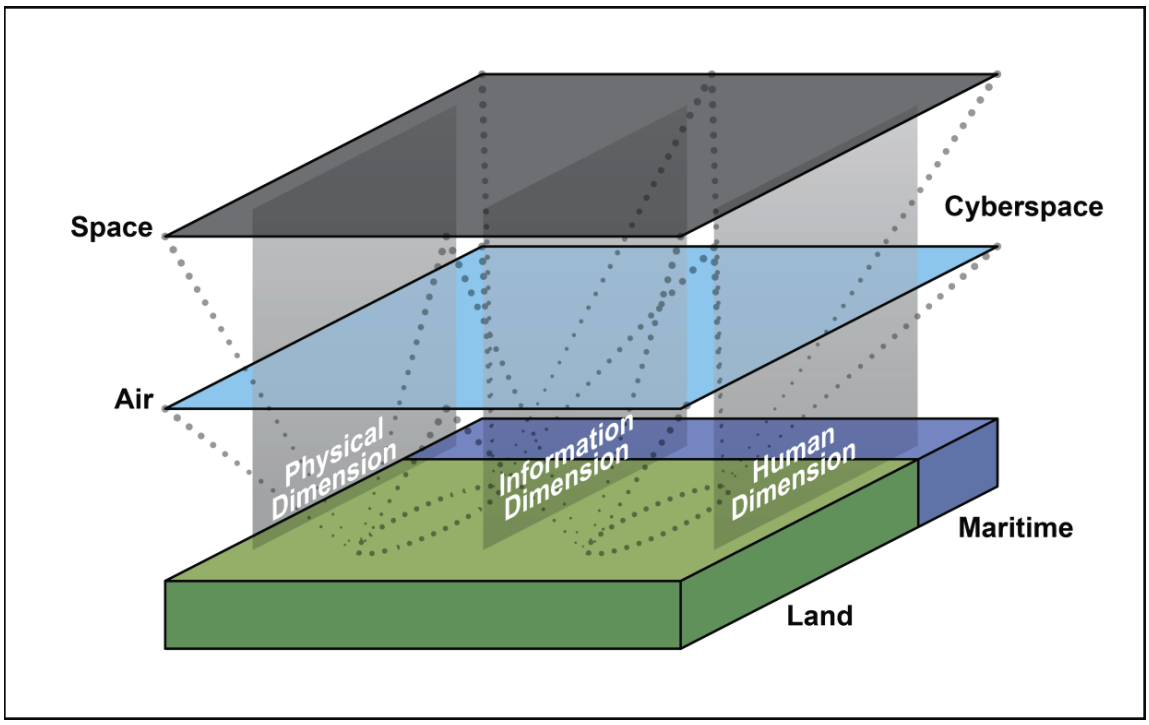


Figure 2-2. Domains and dimensions of an operational environment

2-12. Commanders must understand the domains, and the capabilities of friendly and enemy forces in each, to identify create and exploit relative advantages during operations. Judge advocates and paralegals must also understand the domains and associated capabilities to operate in each and effectively advise the command on the application of law and policy. Understanding an operational environment is inherently complex. Operations in the land domain leverage the capabilities in the other domains and dimensions to expand opportunities over time and allow Army forces to defeat evenly matched peer threats. Judge advocates and paralegals who understand law and policy play a critical role in helping the commander visualize advantages and disadvantages in the information and human dimensions.

TENETS AND IMPERATIVES

2-13. The tenets of operations are summarized below. (See FM 3-0 for more information about the tenets and imperatives.)

2-14. The tenets of operations are desirable attributes that should be built into all plans and operations, and they are directly related to how the Army's operational concept should be employed. Commanders use the tenets of operations to inform and assess courses of action throughout the operations process. The degree to which an operation exhibits the tenets provides insight into the probability for success. Judge advocates and paralegals play a key role in imbuing the tenets into operations. The tenets of operations are—

- Agility.
- Convergence.
- Endurance.
- Depth.

AGILITY

2-15. In operational environments characterized by friction, uncertainty, violence, and change, the ability to act faster than the enemy is critical for success. *Agility* is the ability to move forces and adjust their dispositions and activities more rapidly than the enemy (FM 3-0). While initiative implies a bias for action, agility enables the action to occur before enemy forces can effectively react. Moving forces on the battlefield and conducting transitions requires commanders to assume risk. JAG Corps personnel help assess risk and provide legal options to protect the mission and the force.

CONVERGENCE

2-16. Peer threats employing adaptable, durable capabilities and formations make it unlikely that they can be defeated in a single, decisive effort. Success requires Army forces to sustain attacks against multiple decisive points across multiple domains and dimensions over time to create windows of opportunity. *Convergence* is an outcome created by the concerted employment of capabilities from multiple domains and echelons against combinations of decisive points in any domain to create effects against a system, formation, decision maker, or in a specific geographic area (FM 3-0). Convergence is a top-down driven outcome from the senior Army tactical echelon, informed by an understanding of the larger land tactical situation and influenced by access to multination, joint, and Army capabilities.

2-17. Achieving convergence requires an understanding of the enemy and friendly situations and other factors in the operational environment. JAG Corps personnel identify critical legal factors in the information and human dimensions that contribute to the set of decisive points necessary for achieving the overall objectives of convergence.

ENDURANCE

2-18. *Endurance* is the ability to persevere over time throughout the depth of an operational environment (FM 3-0). Endurance enhances the ability to project combat power and extends operational reach. Endurance is about resilience and preserving combat power while continuing operations for as long as is necessary to achieve the desired outcome. During competition, Army forces improve endurance by setting the theater across all warfighting functions and improving interoperability with allies and other unified action partners.

2-19. Violations of the law of armed conflict and rules of engagement have the potential to erode international support, erode national will to fight, and violate the trust of host nation populations. Legal support to operations helps maintain the trust, will, and support required to sustain operations long enough to fulfill mission requirements and sustain lasting policy objectives.

DEPTH

2-20. *Depth* is the extension of operations in time, space, or purpose to achieve definitive results (ADP 3-0). While the focus of endurance is on friendly combat power, the focus of depth is on enemy locations and dispositions across all domains. Commanders achieve depth by understanding the strengths and vulnerabilities of the enemy forces' echeloned capabilities, then attacking them throughout their dispositions in simultaneous and sequential fashion. Although simultaneous attacks through all domains in depth are not possible in every situation, leaders seek to expand their advantages and limit enemy opportunities for sanctuary and regeneration. Leaders describe the depth they can achieve in terms of operational reach.

2-21. Depth does not just apply to geography and physical factors. Legal support contributes to achieving depth in the information and human dimensions. Good order and discipline and concerted efforts to uphold the law of war and rules of engagement strengthen trust within an alliance and deny threat opportunities to disrupt the cohesion of alliances, even when attempting to accomplish difficult missions in complex environments.

OPERATIONAL APPROACH AND OPERATIONAL FRAMEWORK

2-22. Through operational art, commanders develop their *operational approach*—a broad description of the mission, operational concepts, tasks, and actions required to accomplish the mission (JP 5-0). An operational approach is the result of the commander's visualization of what needs to be done in broad terms to solve identified problems. It is the main idea that informs detailed planning. When describing an operational approach, commanders—

- Consider ways to defeat enemy forces in detail and potential decisive points.
- Employ combinations of defeat mechanisms to isolate and defeat enemy forces, functions, and capabilities.
- Assess options for assuming risk.

(See ADP 3-0 for more information on operational art. See ADP 5-0 for more information on planning).

2-23. The *operational framework* is a cognitive tool used to assist commanders and staffs in clearly visualizing and describing the application of combat power in time, space, purpose, and resources in the concept of operations (ADP 1-01). Commanders build their operational framework on their assessment of the operational environment, including all domains and dimensions. They may create new models to fit the circumstances, but they generally apply a combination of common models according to doctrine. The three models commonly used to build an operational framework are—

- Assigned areas.
- Deep, close, and rear operations.
- Main effort, supporting effort, and reserve.

(See FM 3-0 for more information on the operational framework.)

Note. Commanders may use any operational framework models they find useful, but they must remain synchronized with their higher echelon headquarters' operational framework.

DEEP, CLOSE, AND REAR OPERATIONS

2-24. Within assigned areas, commanders organize their operations in terms of time, space, and purpose by synchronizing close, deep, and rear operations. The focus of operations in time, space, and purpose—not necessarily their physical location—determines whether they are deep, close, or rear operations. This model assists commanders and staffs in synchronizing capabilities that reside outside of their unit's assigned area, from the air, space, and cyberspace domains, for example, with operations inside their assigned areas. The degree of convergence that a corps can achieve to set conditions for its subordinate divisions depends on its ability to synchronize close, deep, and rear operations among its subordinate echelons and with the joint force (See FM 3-0 for more information on dividing an area of operations. See figure 2-3 on page 2-7 for an example of notional corps deep, close, and rear areas.)

Deep Operations

2-25. *Deep operations* are tactical actions against enemy forces, typically out of direct contact with friendly forces, intended to shape future close operations and protect rear operations (FM 3-0). At the operational level, deep operations influence the timing, location, and enemy forces involved in future battles. At the tactical level, deep operations set conditions for success during close operations and subsequent engagements. At both the operational and tactical levels, the principal effects of deep operations focus on the enemy forces' freedom of action and the coherence and tempo of their operations. Deep operations strike enemy forces throughout their depth and prevent the effective employment of reserves, command and control nodes, logistics, and long-range fires. Deep operations are inherently joint, since many of the capabilities employed by or in support of Army formations are provided by a joint headquarters or Service component. (See FM 3-0 for more information on deep operations.)

Close Operations

2-26. *Close operations* are tactical actions of subordinate maneuver forces and the forces providing immediate support to them, whose purpose is to employ maneuver and fires to close with and destroy enemy forces (FM 3-0). At the operational level, close operations comprise the efforts of large tactical units—corps and divisions, and sometimes theater armies—to win current battles by defeating enemy forces after setting favorable terms to do so. At the tactical level, close operations comprise the efforts of smaller tactical units to win current engagements through movement combined with direct and indirect fires while physically in contact with the enemy forces they intend to destroy and defeat. (See FM 3-0 for more information on close operations.)

Rear Operations

2-27. *Rear operations* are tactical actions behind major subordinate maneuver forces that facilitate movement, extend operational reach, and maintain desired tempo (FM 3-0). This includes continuity of sustainment and command and control. Rear operations support close and deep operations. At the operational level, rear operations sustain current operations and prepare for the next phase of the campaign or major operation. These operations are numerous, complex, and continuous. At the tactical level, rear operations enable the desired tempo of combat, assuring that friendly forces have the agility to exploit any opportunity. Rear operations typically include five broad activities: positioning and moving reserves; positioning and repositioning aviation, fire support, and air and missile defense units; conducting support area operations; securing sustainment and command and control nodes; and controlling tactical unit movement between the division or corps rear boundary and units conducting close operations. All these activities compete for limited terrain and lines of communications. (See FM 3-0 for more information on rear operations.)

Support Area Operations

2-28. *Support area operations* are a critical part of rear operations. Support area operations are tactical actions securing lines of communications, bases, and base clusters that enable an echelon's sustainment and command and control (FM 3-0).

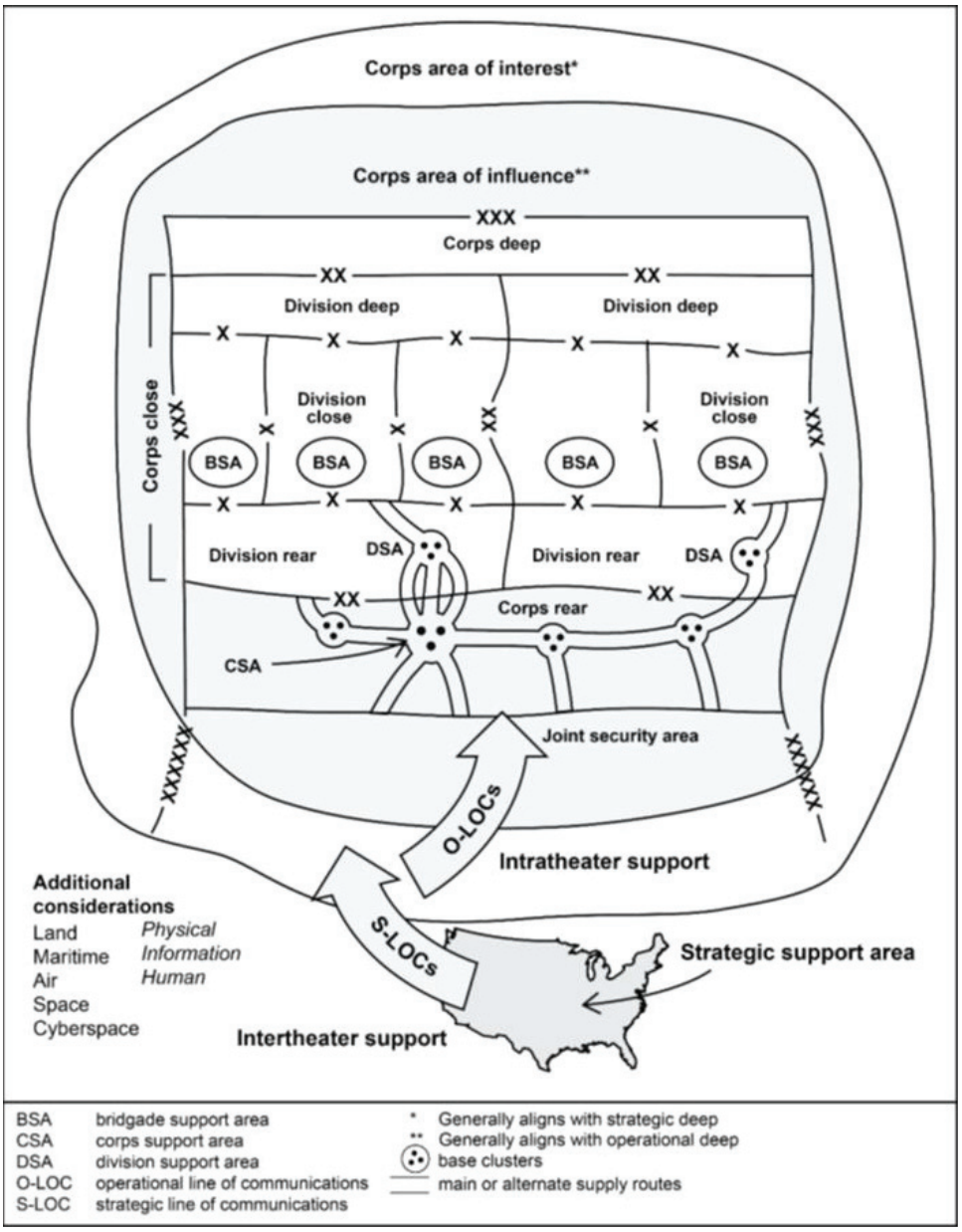


Figure 2-3. Notional corps deep, close, and rear areas

MULTINATIONAL AND JOINT OPERATIONS

2-29. The United States Army routinely conducts multinational operations. Multinational operations are conducted by two or more nations, usually in the form of a coalition or alliance. The JAG Corps, as part of the Army, operates with allies and partners. To the extent possible, the JAG Corps strives toward legal interoperability by fielding compatible systems, common procedures, and contingency plans that are compatible with allies and foreign partners even when the United States is operating alone, thereby preserving one process and one system. This reduces incompatibility or "relearning" once operations transfer from U.S. unilateral operations to multinational operations. The JAG Corps also strives to achieve understanding of the ways in which allies and partners interpret the law of armed conflict. (See FM 3-16 for more on multinational operations.)

2-30. To best compete with peer or near-peer adversaries, the Army's policy is to develop interoperability to enhance readiness in support of U.S. national defense and strategic goals, including operating effectively with allies and foreign partners across the full range of military operations. *Interoperability* is the ability to act together coherently, effectively, and efficiently to achieve tactical, operational, and strategic objectives (JP 3-0). Interoperability is achieved through international military standardization, other Army security cooperation programs and activities, and Army participation in joint, interorganizational and multinational programs and activities. Interoperability activities are any initiative, forum, agreement, or operation that improves the Army's ability to operate effectively and efficiently as a component of the joint force, within an interorganizational environment, and as a member or leader of an alliance or coalition across the range of military operations.

2-31. JAG Corps personnel work to achieve interoperability whenever possible. Interoperability is routinely considered and supported as Army planning, programming, and budgeting, and execution (known as PPBE); force design; force structure; doctrine and policy; training; weapon systems and material requirements; research; development and acquisitions; information and data processes for assessment, monitoring, and evaluation; material management; and logistics support. JAG Corps personnel simultaneously address human, technical, and procedural aspects across all warfighting functions as they shape capabilities for interoperability. JAG Corps personnel understand the legal and policy constraints and caveats of allies and partners during multinational operations. (See AR 34-1 for more information on interoperability.)

2-32. Joint operations are military actions conducted by joint forces, which include the Army, Navy, Marine Corps, Air Force, Space Force, and in some instances, the Coast Guard. Those service forces are employed in specific command relationships with each other to integrate joint capabilities. JAG Corps personnel work in joint headquarters at multiple echelons, and they understand the capabilities, processes, and procedures of the other Services and develop relationships with other Service personnel to effectively deliver legal support to the joint force.

JOINT FORCE STRUCTURE AND SUPPORT

2-33. In accordance with U.S. law and DOD regulations, the Secretary of Defense manages the employment of forces among combatant commands (CCMDs) based on policy, requests, requirements, and assessments in a process called global force management. The Secretary of Defense directs the Secretary of each Military Department to assign or allocate forces to CCMDs. Each military Service is led by a civilian secretary who, along with the Service Chief, is primarily responsible for organizing, training, equipping, and managing forces for assignment and allocation to the CCMDs. The assignment and allocation establish the command relationship and authority between the command and unit. (See JP 3-35 for more information on joint deployment. See FM 3-94 for more information on theater army, corps, and division operations.)

2-34. Combatant commanders (known as CCDRs) command forces to confront emerging or current threats in their designated areas of responsibility. Units assigned or allocated to the CCMDs are then assigned to a joint force commander in the area of responsibility and normally task organized into subordinate task forces to execute large scale or other combat operations. Additionally, CCMDs are supported by each of the Military Services through a component command which is permanently aligned to the CCMD. This headquarters exercises varying degrees of authority over its Service's assigned units. It can fill various command roles, such as joint force commander or land component commander. United States Army Central Command and United States Army South are examples of Army Service component commands (ASCCs) permanently supporting CCMDs (See JP 3-0 and FM 3-94 for more information on combatant commanders. See figure 2-3 on page 2-7 for a depiction of notional corps deep, close, and rear areas.)

2-35. The Secretary of the Army and Chief of Staff of the Army execute their responsibilities to organize, train, equip, and manage Army forces for assignment to the CCMDs through United States Army Training and Doctrine Command and United States Army Forces Command. The Judge Advocate General of the Army and SJAs ensure that JAG Corps personnel have the requisite individual legal, joint, and tactical training to support military operations.

ARMY COMPONENTS

2-36. By law, the Army is structured with one Regular Army and two Reserve Components: the Army Reserve; and the Army National Guard. The Regular Army consists of professional Soldiers in units of all types necessary for prompt employment of land power. The Army National Guard is comprised of citizen Soldiers. It performs both a state military mission under Title 32, United States Code, which may include training for federal missions, and an operational reserve mission for the Regular Army under Title 10, United States Code. The unit structure and equipment in the Army National Guard is identical to that used in the Regular Army. The Army Reserve is also comprised of citizen Soldiers, but it performs only a federal military mission under Title 10, United States Code, as individuals or units. The Army Reserve provides individual augmentees for headquarters and units, half of the Army's sustaining units, and one-fourth of the Army's mobilization base expansion capability. (See ADP 1 for more information on Army components.)

2-37. The Army JAG Corps relies heavily on the Reserve and National Guard Components to provide legal services to the Army. JAG Corps elements and personnel in the Army Reserve and Army National Guard are vital to the JAG Corps' ability to support rear-detachment operations, mobilization of Guard and Reserve units, forward deployment of units to a theater of operations, and direct support to large-scale combat operations. Army doctrine, as well as JAG Corps doctrine, applies to all components. (See Chapter 3, Appendix A, and Appendix B for further discussion of the structure and support of the JAG Corps Army Reserve and Army National Guard Components.)

ARMY ECHELONS AND UNITS

2-38. As discussed earlier in the chapter, the Army provides the CCMDs a mix of headquarters, units, and capabilities. These elements and capabilities conduct joint operations as part of the theater campaign plan (See FM 3-0 for more information on Army contributions to CCMDs.)

2-39. Army headquarters and commanders may serve in various roles in the joint force. Many Army commanders hold multiple roles simultaneously, such as land forces component commander, Army service component commander, senior Army Forces (known as ARFOR) commander, and joint forces commander. All joint task forces that include Army forces have an *ARFOR*, the Army component and senior Army headquarters of all forces assigned or attached to a combatant command, subordinate joint force, joint functional command, or multinational command (FM 3-94). The designated roles of the Army commander are significant for JALS personnel because roles determine the commander's legal authorities and responsibilities within the joint force. JALS personnel must also pay close attention to the relationships and responsibilities assigned to supported commands because they dictate the extent of legal support required to adjacent and attached units. (See FM 3-94 for more information theater army, corps, and division operations.)

THEATER OF FIELD ARMY

2-40. The senior Army headquarters in the CCMD's area of responsibility is the theater army. This echelon is comprised of the commander, staff, and all Army forces assigned to the CCMD. It is responsible for the command of forces and direction of operations (operational responsibility) and equipping, sustaining, training, discipline, and personnel matters (administrative responsibilities) of assigned Army units. The composition of the theater army will vary based on the needs of CCMD. A field army headquarters is the Army component assigned to a subordinate unified command. The field army headquarters is staffed and equipped to perform three functions: Army component and ARFOR for a subordinate unified commander, joint force land component headquarters (with augmentation) for large-scale combat operations, or joint task force headquarters (with augmentation) for crisis response and limited contingency operations. Eighth Army, for example, is a field army currently assigned to United States Forces Korea, a subordinate unified command under United States Indo-Pacific Command. (See FM 3-94 for more information on armies.)

CORPS

2-41. The corps is the most versatile echelon above brigade due to its ability to operate at both the tactical and operational levels. While it is organized, staffed, trained, and equipped to fight as a tactical formation, the corps may be called upon to become a joint and multinational headquarters for conducting operations. When operating as the senior Army headquarters under a joint task force (known as JTF), the corps will serve

as the ARFOR. The corps can also serve as the coalition forces land component commander (known as CFLCC) when properly augmented with joint and multinational personnel. If the corps is uncommitted to specific combatant commander requirements, it focuses on building and sustaining readiness to prevail in large-scale combat operations. (See FM 3-94 for more information on corps operations.)

DIVISION

2-42. The division is the Army's principal tactical warfighting formation during large-scale combat operations. Its primary role is to serve as a tactical headquarters commanding brigades. A division conducts operations in an area of operations assigned by its higher headquarters—normally a corps. Winning battles and engagements remains the division's primary purpose. The roles of the division include acting as a tactical headquarters; or, with significant augmentation, an ARFOR headquarters, coalition forces land component command, or joint task force headquarters. (See FM 3-94 for more information on division operations.)

BRIGADE COMBAT TEAMS

2-43. A brigade combat team (BCT) is the Army's primary combined arms, close-combat maneuver force. BCTs maneuver against, close with, and destroy enemy forces. BCTs seize and retain key terrain, exert constant pressure, and break the enemy's will to fight. They are the principal ground maneuver units of a division or a JTF.

2-44. Divisions seek to employ BCTs in mutually supporting ways to the greatest extent possible. However, BCTs must be capable of fighting isolated from higher echelon headquarters and adjacent units during periods of degraded communication and when operations are widely distributed. (See FM 3-96 for more information on brigade combat teams.)

MULTIFUNCTIONAL AND FUNCTIONAL BRIGADES

2-45. Theater armies, corps, and divisions are task-organized with an assortment of multifunctional and functional brigades to support their operations. These brigades add capabilities such as intelligence, attack and reconnaissance aviation, fires, protection, contracting support, or sustainment.

2-46. Multifunctional brigades provide a variety of functions to support operations and are normally attached to a corps or division, but they may be under a joint or multinational headquarters. Multifunctional brigades include combat aviation brigades, expeditionary combat aviation brigades, field artillery brigades, sustainment brigades, and maneuver enhancement brigades. (See FM 3-81, FM 3-04, ATP 4-93, and ATP 3 09.24 for more information on multifunctional brigades.)

2-47. Examples of functional brigades include security forces assistance, air defense artillery, civil affairs, expeditionary military intelligence, and engineer brigades. (See FM 3-34, FM 3-39, FM 3-57, ATP 3-96.1, ATP 2-19.1-1, ATP 2-19.1-2, ATP 2-19.3, and ATP 3-01.7 for more information on functional brigades.)

COMMAND AND SUPPORT RELATIONSHIPS

2-48. Command relationships define superior and subordinate relationships between commanders. They identify the degree of control of the gaining Army commander, and the type of relationship often relates to the expected longevity of relationship between the headquarters involved and identifies the degree of support the gaining and losing commander provide. These relationships consist of the following:

- Organic includes those forces that are assigned to and forming an essential part of a military organization as listed in the table of organization for the service. This relationship is established through organizational documents. Temporary task-organized units return to the control of the organic headquarters at the completion of the mission.
- Assigned is the placement of units or personnel in an organization where such placement is relatively permanent. The headquarters controls and administers the units or personnel for the primary function.
- *Attach* is the placement of units or personnel in an organization where such placement is relatively temporary (JP 3-0).

- *Operational control* is the authority to perform functions of command over subordinate forces involving organizing and employing commands and forces, assigning tasks, designating objectives, and giving authoritative direction necessary to accomplish the mission (JP 1, Volume 1).
- *Tactical control* is the authority over forces that is limited to the detailed direction and control of movements and maneuvers within the operational area necessary to accomplish mission or tasks assigned (JP 1, Volume 2).

(See table 2-1 for a listing of Army command relationships.)

Table 2-1. Army command relationships

If relationship is:	*Then inherent responsibilities:*							
	Have command relationship with:	**May be task-organized by:[1]**	**Unless modified, ADCON responsibility goes through:**	**Are assigned position or AO by:**	**Provide liaison to:**	**Establish/ maintain communications with:**	**Have priorities established by:**	**Can impose on gained unit further command or support relationship of:**
Organic	All organic forces organized with the HQ	Organic HQ	Army HQ specified in organizing document	Organic HQ	N/A	N/A	Organic HQ	Attached; OPCON; TACON; GS; GSR; R; DS
Assigned	Gaining unit	Gaining HQ	Gaining Army HQ	OPCON chain of command	As required by OPCON	As required by OPCON	ASCC or Service-assigned HQ	As required by OPCON HQ
Attached	Gaining unit	Gaining unit	Gaining Army HQ	Gaining unit	As required by gaining unit	Unit to which attached	Gaining unit	Attached; OPCON; TACON; GS; GSR; R; DS
OPCON	Gaining unit	Parent unit and gaining unit; gaining unit may pass OPCON to lower HQ[1]	Parent unit	Gaining unit	As required by gaining unit	As required by gaining unit and parent unit	Gaining unit	OPCON; TACON; GS; GSR; R; DS
TACON	Gaining unit	Parent unit	Parent unit	Gaining unit	As required by gaining unit	As required by gaining unit and parent unit	Gaining unit	TACON;GS GSR; R; DS

Note: [1] In NATO, the gaining unit may not task-organize a multinational force. (See TACON.)

ADCON	administrative control	HQ	headquarters
AO	area of operations	N/A	not applicable
ASCC	Army Service component command	NATO	North Atlantic Treaty Organization
DS	direct support	OPCON	operational control
GS	general support	R	reinforcing
GSR	general support–reinforcing	TACON	tactical control

2-49. The Army specifies four different support relationships. These relationships consist of the following:

- *Direct support* is a support relationship requiring a force to support another specific force and authorizing it to answer directly to the supported force's request for assistance (FM 3-0). The unit assigned direct support retains its command relationship with its parent unit, but it is positioned by and has priorities of support established by the supported unit.

- *General support* is support given to the supported force as a whole and not to any particular subdivision thereof (JP 3-09.3). Units assigned a general support relationship are positioned and have priorities established by the parent unit.
- *Reinforcing* is a support relationship requiring a force to support another supporting unit (FM 3-0). Only like units can be given a reinforcing mission. The reinforcing unit retains its command relationship with its parent unit but is positioned by the reinforced unit.
- *General support-reinforcing* is a support relationship assigned to a unit to support the force as a whole and to reinforce another similar type of unit (FM 3-0). A unit assigned a general support-reinforcing support relationship is positioned and has priorities established primarily by its parent unit and secondarily by the reinforced unit.

(See table 2-2 for listing of Army support relationships.)

Table 2-2. Army support relationships

If relationship is:	*Then inherent responsibilities:*							
	Have command relationship with:	May be task-organized by:	Receive sustainment from:	Are assigned position or an area of operations by:	Provide liaison to:	Establish/ maintain communications with:	Have priorities established by:	Can impose on gained unit further support relationship of:
Direct support[1]	Parent unit	Parent unit	Parent unit	Supported unit	Supported unit	Parent unit; supported unit	Supported unit	See note[1]
Reinforcing	Parent unit	Parent unit	Parent unit	Reinforced unit	Reinforced unit	Parent unit; reinforced unit	Reinforced unit; then parent unit	Not applicable
General support–reinforcing	Parent unit	Parent unit	Parent unit	Parent unit	Reinforced unit and as required by parent unit	Reinforced unit and as required by parent unit	Parent unit; then reinforced unit	Not applicable
General support	Parent unit	Parent unit	Parent unit	Parent unit	As required by parent unit	As required by parent unit	Parent unit	Not applicable

Note: [1] Commanders of units in direct support may further assign support relationships between their subordinate units and elements of the supported unit after coordination with the supported commander.

2-50. *Administrative control* is the direction or exercise of authority over subordinate or other organizations in respect to administration and support. (JP 1, Volume 2). Administrative control (ADCON) is not a command or support relationship; it is a Service authority. It is exercised under the authority of and delegated by the Secretary of the Army, and it is synonymous with Army's Title 10, United States Code, authorities. Commanders of ASCCs exercise ADCON over Army units assigned or attached to the combatant commander and operating in the theater of operations. Although ADCON generally includes jurisdiction to exercise military justice, practitioners should always consult their local AR 27-10 supplement to verify legal authority.

Generating Combat Power

2-51. Large-scale combat operations require the continuous generation and application of combat power for extended periods. A *warfighting function* is a group of tasks and systems united by a common purpose that commanders use to accomplish missions and training objectives (ADP 3-0). The warfighting functions are—

- Command and control.
- Movement and maneuver.

- Intelligence.
- Fires.
- Sustainment.
- Protection.

2-52. The purpose of warfighting functions is to provide an intellectual organization for common critical capabilities available to commanders and staffs at all echelons and levels of war. Warfighting functions are not confined to single domain, and they typically include capabilities from multiple domains. Warfighting functions are not branch specific. Although some branches, staff sections, and types of units have a role or purpose that mainly aligns with a warfighting function, each warfighting function is relevant to all types of units. (See FM 3-0 for more information on the warfighting functions.)

2-53. Synchronizing the warfighting functions generates combat power. *Combat power* is the total means of destructive and disruptive force that a military unit/formation can apply against an enemy at a given time (JP 3-0). It is the ability to fight. The complementary and reinforcing effects that result from synchronized operations yield a powerful blow that overwhelms enemy forces and creates friendly momentum. Army forces deliver that blow through a combination of five dynamics. The dynamics of combat power are—

- Leadership.
- Firepower.
- Information.
- Mobility.
- Survivability.

(See figure 2-4 for a depiction of the dynamics of combat power.)

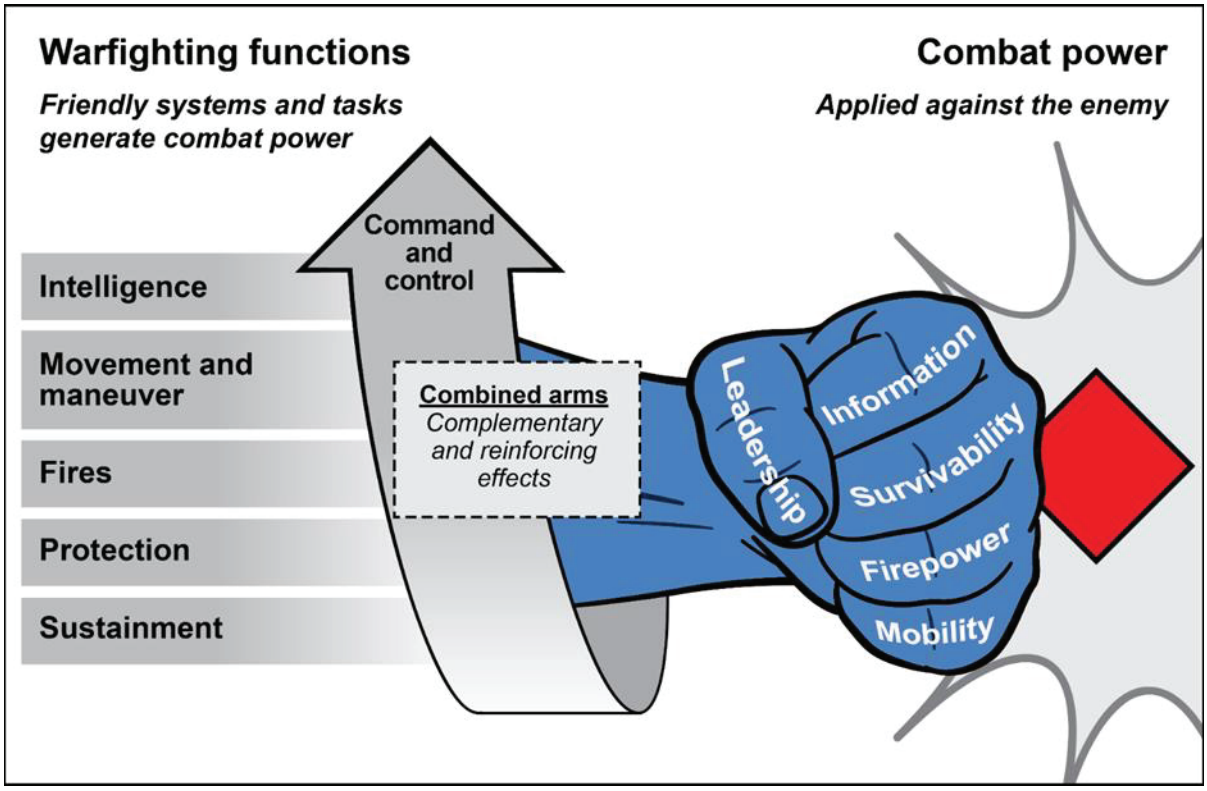


Figure 2-4. The dynamics of combat power

2-54. Legal support is generally part of the sustainment function, however, the advice given by JALs personnel to commanders also supports the generation of leadership and information dynamics of combat power. Sound legal advice is essential to decision-making. Army forces who are trained and educated in the

law of armed conflict and rules of engagement also make better decisions and are more effective at achieving their objectives.

THE OPERATIONS PROCESS

2-55. The Army's framework for exercising the warfighting function of command and control is the *operations process*: the major command and control activities performed during operations: planning, preparing, executing, and continuously assessing the operation (ADP 5-0). Commanders, supported by their staffs, use the operations process to drive conceptual and detailed planning necessary to understand, visualize, and describe the operational environment, make and articulate decisions, and direct, lead, and assess operations. Through the operations process, the commander integrates all warfighting functions across all domains and synchronizes the force to accomplish the mission. (See figure 2-5 for a depiction of the operations process.)

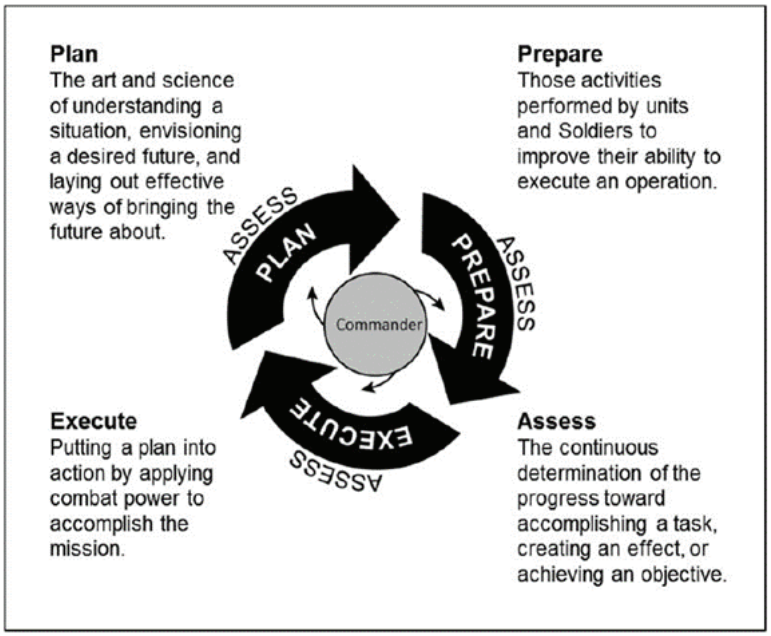


Figure 2-5. The operations process

2-56. The Army has five planning methodologies. They are Army problem solving, Army design methodology, the military decision-making process (MDMP), troop leading procedures (known as TLP), and the rapid decision-making and synchronization process (known as RDSP).

2-57. Army problem solving is a methodology available for leaders to use to identify and solve a variety of problems both in garrison and in operations. Army problem solving is an analytical approach to defining a problem, developing possible solutions to solve the problem, arriving at the best solution, developing a plan, and implementing that plan to solve the problem.

2-58. *Army design methodology* is a methodology for applying critical and creative thinking to understand, visualize, and describe problems and approaches to solving them. (ADP 5-0). This methodology is used by commanders and staff and must be integrated with detailed planning to produce executable plans.

2-59. The *military decision-making process* is an iterative planning methodology to understand the situation and mission, develop a course of action, and produce an operation plan or order. (ADP 5-0). Commanders initiate the process upon receipt of or in anticipation of a mission. (See figure 2-6 for a depiction of the MDMP.)

Key inputs	Substeps	Key outputs
• Higher headquarters' plan or order or a new mission anticipated by the commander	Step 1: **Receipt of Mission**	• Commander's initial guidance • Initial allocation of time
	Warning order	
• Higher headquarters' plan or order • Higher headquarters' knowledge and intelligence products • Knowledge products from other organizations • Army design methodology products	Step 2: **Mission Analysis**	• Problem statement • Mission statement • Initial commander's intent • Initial planning guidance • Initial CCIRs and EEFIs • Updated IPB and running estimates • Assumptions
	Warning order	
• Mission statement • Initial commander's intent, planning guidance, CCIRs, and EEFIs • Updated IPB and running estimates • Assumptions	Step 3: **COA Development**	• COA statements and sketches - Tentative task organization - Broad concept of operations • Revised planning guidance • Updated assumptions
• Updated running estimates • Revised planning guidance • COA statements and sketches • Updated assumptions	Step 4: **COA Analysis (War Game)**	• Refined COAs • Potential decision points • War-game results • Initial assessment measures • Updated assumptions
• Updated running estimates • Refined COAs • Evaluation criteria • War-game results • Updated assumptions	Step 5: **COA Comparison**	• Evaluated COAs • Recommended COAs • Updated running estimates • Updated assumptions
• Updated running estimates • Evaluated COAs • Recommended COA • Updated assumptions	Step 6: **COA Approval**	• Commander-selected COA and any modifications • Refined commander's intent, CCIRs, and EEFIs • Updated assumptions
• Commander-selected COA with any modifications • Refined commanders intent, CCIRs, and EEFIs • Updated assumptions	Step 7: **Orders Production, Dissemination, and Transition**	• Approved operation plan or order • Subordinates understand the plan or order

CCIR commander's critical information requirement
COA course of action
EEFI essential element of friendly information
IPB intelligence preparation of the battlefield

Figure 2-6. Steps of the military decision-making process

Note. The wargame is one of multiple ways to do COA analysis.

2-60. *Troop leading procedures* is a dynamic process used by small-unit leaders to analyze a mission, develop a plan, and prepare for an operation. (ADP 5-0). Troop leading procedures are designed to enable commanders and leaders to plan when they do not have formal staffs, typically at the company, troop, battery and lower echelons. There are eight troop leading procedures steps: (1) receive the mission; (2) issue a warning order; (3) make a tentative plan; (4) initiate movement; (5) conduct reconnaissance; (6) complete the plan; (7) issue the order; and (8) supervise and refine the plan.

2-61. The rapid decision-making and synchronization process is a decision-making and planning technique that commanders and staffs commonly use during execution when planning time is limited. While the MDMP seeks an optimal solution, the rapid decision-making and synchronization process seeks a timely and effective solution within the commander's intent. Under the rapid decision-making and synchronization process, leaders combine their experiences and intuition to quickly understand the situation and develop a course of action. The rapid decision-making and synchronization process is based on an existing order and the commander's priorities as expressed in the order. (See FM 5-0 for more information on the five Army planning methodologies.)

2-62. JAG Corps personnel must be integrated into staff and operations process during all phases of the operations process. JAG Corps personnel must participate in every step, to the extent possible, of military planning to identify potential legal issues early. (See Chapter 3 for further discussion on JAG Corps staff integration and involvement in the planning process.)

2-63. As part of the operations process, commanders and staffs execute command post operations to effectively plan, prepare, execute, and assess operations. A command post (CP) is a unit headquarters where commanders and staff members perform specific functions, such as controlling and assessing operations; developing and disseminating orders; coordinating with higher, lower, and adjacent units; maintaining the common operational picture; and supporting the commander's decision-making process. The main CP is a facility containing most of the staff. It is designed to control current operations, conduct detailed analysis, and plan future operations. The tactical CP is a facility containing a tailored portion of a unit headquarters designed to control portions of an operation for a limited time. The tactical CP is fully mobile and includes only essential Soldiers and equipment. (See FM 6-0 for more information on CP operations.)

2-64. CP operations include warfighting function-aligned cells (intelligence, movement and maneuver, fires, sustainment, and protection), integrating cells (plans, future operations, and current operations), command and control center, and battle rhythm events. A battle rhythm is a deliberate daily cycle of command, staff, and unit activities intended to synchronize current and future operations. Events occurring in a unit's battle rhythm include shift change briefings; operations synchronization meetings; operations update and assessment briefings; planning meetings and briefings; and working groups and boards. The cells, working groups, boards, and synchronization meetings are designed to further collaboration among the warfighting functions, solve problems, coordinate action, and aid or make decisions. (See FM 6-0 for more information concerning command post operations See figure 2-7 for a depiction of planning in CPs.)

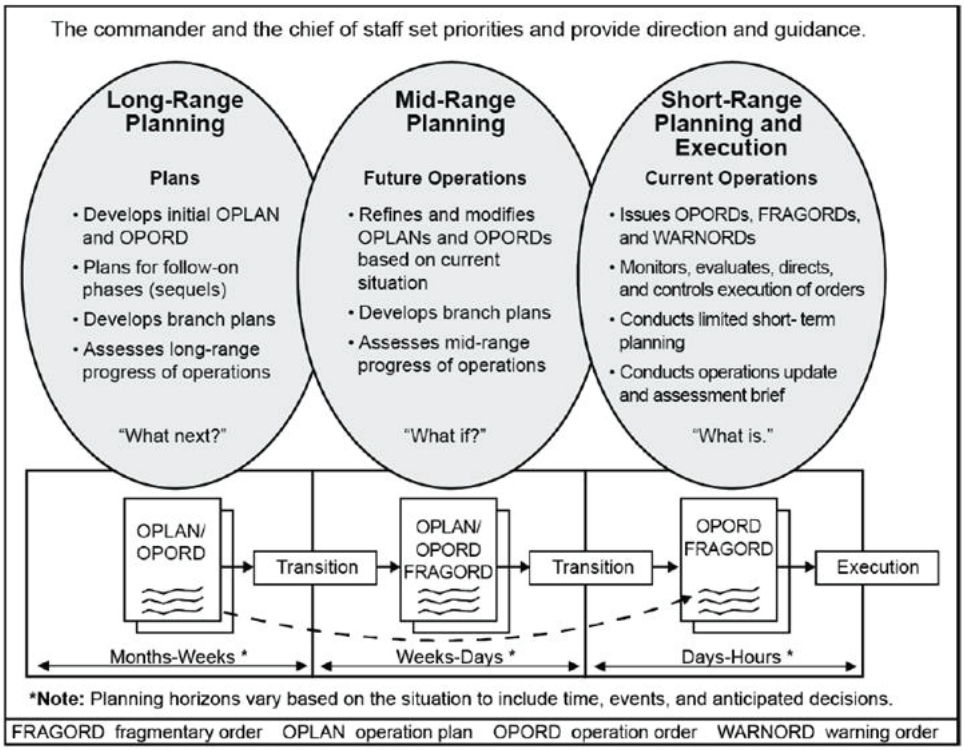


Figure 2-7. Integration of plans, future operations, and current operations

TARGETING

2-65. *Targeting* is the process of selecting and prioritizing targets and matching the appropriate response to them, considering operational requirements and capabilities (JP 3-0). During combat operations, JAG Corps personnel are directly involved in the targeting process, to include targeting battle rhythm events. The purpose of targeting is to integrate and synchronize fires and effects into operations. Targeting begins in planning, and it is an iterative process that continues throughout the operations process. The Army targeting process is guided by the methodology of decide, detect, deliver, and assess (known as D3A). The decide, detect, deliver, and assess methodology organizes the efforts of the commander and staff to accomplish key targeting requirements and facilitates the engagement of the right target with the right asset at the right time. The process provides a holistic means to—

- Decide: determine which targets require engagement to support the overall operations.
- Detect: collect information on the target using assets and resources to develop, vet, and validate the decision to engage.
- Deliver: engage the target after tactical and technical decisions.
- Assess: continuously compare the operational environment and progress of operations to the initial vision and intent and adjust to ensure objectives are met and military end state is achieved.

(See figure 2-8 on page 2-18 for a depiction of targeting methodology. See FM 3-60 for more information on targeting.)

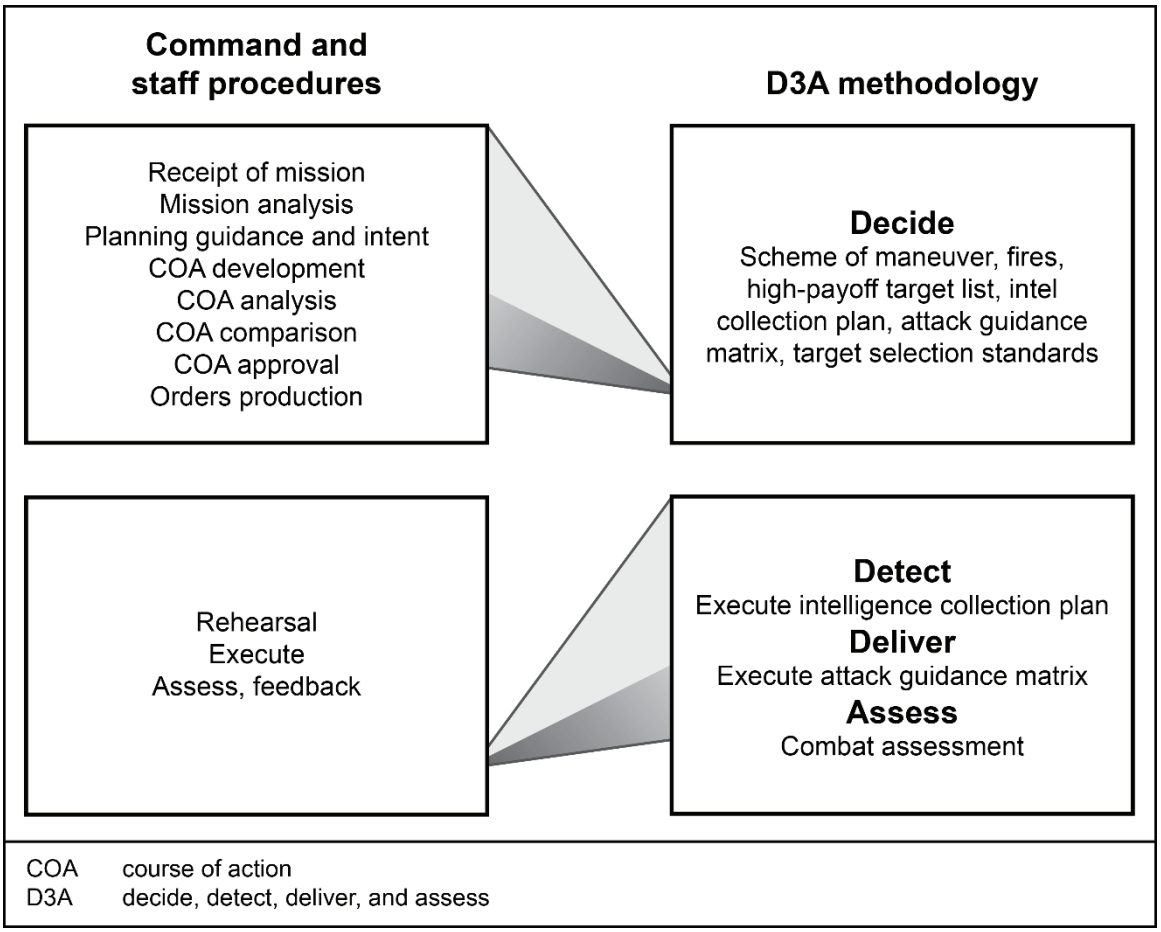


Figure 2-8. Targeting methodology

2-66. The targeting process allows commanders and staffs to prioritize targets and allocate limited resources against targets to achieve effects. Units execute the targeting process through the targeting working group and targeting board. The targeting working group meetings focus on assessing ongoing targets, ensuring fire and air support requests with target nominations are processed through higher headquarters, and nominating targets to support operations. This group meets regularly based on unit battle rhythm and higher echelon headquarters targeting cycle. The targeting working group's products, which integrate and synchronize fires into operations, are briefed to the targeting decision board. The targeting decision board makes decisions on what targets to recommend to the commander for approval. This methodical process is commonly referred to as deliberate targeting.

2-67. When the unit seeks to prosecute a target identified too late, or not selected for action in time to be included in deliberate targeting, the staff will execute dynamic targeting. Dynamic targeting is primarily designed to attack time sensitive targets (known as TSTs) and high-payoff targets (known as HPTs), and it is facilitated at the joint level by the find, fix, track, target, engage, and assess method. (See FM 3-60 for more information on dynamic targeting.)

2-68. When targeting, units consider collateral damage estimation (CDE). Regardless of the type of targeting—deliberate or dynamic—the law of armed conflict and rules of engagement (ROE) apply any time a commander authorizes the use of force against a target. The CDE methodology is a tool that assists commanders with compliance with the law of armed conflict, ROE, and policy objectives. The CDE evaluates potential collateral effects of prosecuting targets based on engagement variables. During targeting, staffs have the responsibility to mitigate the unintended and incidental risk of damage or injury to the civilian population and noncombatants, friendly military personnel, civilian property, targets that are on the no-strike

or restricted target list, civilian objects, and anything that would have adverse effects on military operations or violate law or policy. If feasible, a judge advocate should remain co-located with the joint air-ground integration center (known as JAGIC), joint targeting and execution cell (known as JTEC) or multidomain attack joint integration cell (known as MAJIC) to provide on-the-spot legal advice for targeting. This responsibility exists independent of the CDE, which may be abbreviated or done hastily during dynamic targeting. (See CJCSI 3160.01D, CJCSI 3162.02A, JP 3-60, and JP 3-09 for additional information on joint targeting and CDE.)

2-69. During large-scale combat operations, specifically during the decisive phase of operations, the targeting process will often focus on lethal attacks targeting using a rapid and efficient process to keep pace with the tempo of combat operations. During such operations, on-scene commanders directly employing dynamic fires have the responsibility to ensure compliance with the law of armed conflict and ROE, making pre-combat training on these matters critically important. Once combat operations transition to stability operations, the targeting process will begin to focus on the allocation of resources to nonlethal means of effecting targets.

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Chapter 3

Judge Advocate General's Corps Support to Operations

This chapter describes where JAG Corps personnel are assigned when supporting Army operations. It also discusses the roles and responsibilities of JALS personnel, outlines the primary missions of the legal sections, and identifies resources necessary to provide legal support at various echelons.

ROLES, RESPONSIBILITIES, AND WORKING RELATIONSHIPS

3-1. Chapter 2 of this field manual outlines the Army's operational concept. While the Army adjusted the way it trains and prepares, focusing on large-scale combat operations, its mission has not changed, nor has the JAG Corps' mission. To accomplish this mission, judge advocates, legal administrators, paralegal Soldiers, civilian attorneys, and paraprofessionals work together proactively, professionally, and fully integrated with their respective staffs. To this end, JALS personnel at every level of command forge and maintain strong working relationships with each other.

3-2. Army regulations require JALS personnel to comply with military and civilian codes of professional responsibility and ethics that govern licensure and the practice of law. Judge advocates and civilian attorneys are prohibited from providing legal support in any way that violates an applicable rule of legal ethics. Judge advocates may not, for example, engage in conflicts of interest. These conflicts may arise when a uniformed or civilian attorney who represents the Army is asked to give legal advice to Soldiers or other individuals. In cases of ethical conflict, an additional judge advocate or DOD civilian attorney is consulted. This and other rules of professional responsibility govern both attorneys and the legal administrators and paralegals who assist them. Judge advocates are subject to professional discipline from their bar licensing organizations for violations of any applicable rule, on the part of the judge advocate or the paralegals or legal administrators they supervise, even in an area of operations. Judge advocates identify and explain to their commanders any issues of legal ethics that may affect operations. JALS personnel also inform and consult their technical supervisory chain regarding any matters of professional legal ethics. (See AR 27-26 for more information on the rules of professional conduct for lawyers.)

DUTIES AND RESPONSIBILITIES OF THE OFFICE OF THE STAFF JUDGE ADVOCATE PERSONNEL

3-3. OSJA personnel have specific tasks and responsibilities. The personnel consist of the SJA, the deputy staff judge advocate (DSJA), division chiefs, subordinate judge advocates, the legal administrator, command or chief paralegal noncommissioned officer (NCO), paralegal NCOs, paralegal Soldiers, a senior civilian, civilian attorney, and civilian paraprofessionals.

The Office of the Staff Judge Advocate

3-4. The Office of the Staff Judge Advocate (OSJA) provides legal support to commanders, staffs, Soldiers, and other eligible individuals supported by a given command. Army units at division level and above are supported by organic OSJAs.

The Office of the Staff Judge Advocate Tasks

3-5. The OSJA performs numerous legal and non-legal tasks. The tasks involve both core legal competencies and generally encompass all legal functions except for TDSs. As appropriate and necessary, and independent from the trial defense mission, the OSJA also provides support to the TDS legal function.

3-6. The SJA leads the OSJA. The SJA manages and leads with the help of key advisors: DSJA; division chiefs; legal administrator; command or chief paralegal NCO; and a senior civilian. The SJA ensures that the OSJA is led, trained, equipped, and supported in a manner to accomplish the mission. The SJA ensures that assigned or attached JAG Corps personnel have the requisite individual training—legal, joint, and tactical—to deploy in support of CCMD missions. Each division within the OSJA has a division chief who receives direction, guidance, and support from senior leaders. They in turn provide direction, guidance, and support that is more specific to those who work in their division. To achieve the Army's policy of achieving interoperability, whenever possible, foreign legal service officers of allies and foreign partners will be integrated directly into the OSJA's operations, training, and battle rhythm.

THE STAFF JUDGE ADVOCATE

3-7. The SJA is the field representative of TJAG and is responsible and accountable for the delivery and quality of legal services within the applicable area of operations. The SJA is the officer-in-charge of the OSJA. The SJA is responsible for planning and resourcing legal support and conducting training, assignments, and the professional development of JALS personnel assigned to the command and its subordinate units. In accordance with Article 6 of the Uniform Code of Military Justice (UCMJ), the SJA is authorized to communicate directly with TJAG and other supervisory judge advocates of superior or subordinate commands as necessary and in the SJA's discretion.

3-8. The SJA serves as the primary legal advisor to the commander exercising general court-martial convening authority (GCMCA) as prescribed by the UCMJ, the *Manual for Courts-Martial*, and applicable regulations. The SJA is a member of the commander's personal and special staff. In accordance with Article 6 of the UCMJ, the commander and the SJA shall communicate directly at all times on matters relating to the administration of military justice, including, but not limited to, all legal matters affecting the morale, good order, and discipline of the command. Article 6 authority applies to SJAs across all Army commands, ASCCs, and direct reporting units. In accordance with Section 7037, Title 10, United States Code, no officer or employee of the DOD may interfere with the ability of the SJA to give independent legal advice to a commander. The SJA provides legal advice and support to the staff and coordinates actions with other staff sections to ensure the timely and accurate delivery of legal services throughout the command.

THE DEPUTY STAFF JUDGE ADVOCATE

3-9. The DSJA is assigned to the OSJA and serves as the SJA's second-in-charge. While the SJA is the primary legal advisor to the command, the DSJA is responsible for the day-to-day administration, training, and execution of the OSJA activities. The DSJA coordinates the efforts of the legal administrator and command or chief paralegal NCO throughout the OSJA. The DSJA ensures that every member of the OSJA receives the mentorship, training, equipment, and support to meet mission requirements consistent with the SJA's intent. The DSJA serves as the acting SJA in the SJA's absence and therefore is always prepared to assume the SJA's duties and responsibilities. The DSJA may supervise legal services at a separate location during split-based operations. Such operations may include serving as the SJA of the rear detachment when the SJA deploys with the forward element.

DIVISION CHIEFS

3-10. Division chiefs are key OSJA leaders with responsibility for the mission success of their respective divisions within the OSJA. Typically, the divisions within the OSJA are organized according to legal functions. Division chiefs lead and supervise attorneys and support staff in the delivery of legal support within their legal function. Division chiefs advise the SJA and DSJA concerning all matters falling within the scope of their particular legal function and train subordinates in the legal skills required by the function.

SUBORDINATE JUDGE ADVOCATES

3-11. Subordinate judge advocates within the OSJA perform legal duties under the supervision of a division chief. They provide legal advice, legal support to staff planning, review actions for legal sufficiency, investigate factual matters related to legal actions, write legal opinions, prepare legal actions, and provide Soldier and Family legal services. To these ends, subordinate judge advocates also advise commanders, staff

officers, and personnel; participate in staff working groups or teams; advocate before courts-martial and administrative decision-making bodies; and review, adjudicate, and settle claims on behalf of and against the United States. Judge advocates supervise paralegals and civilian legal support staff who assist in performing these tasks.

THE LEGAL ADMINISTRATOR

3-12. Legal administrators utilize specialized skills and training to assist the SJA in leading and managing legal offices by performing the role of office administrators. Normally assigned to OSJAs supporting installations, or those at or above the division level, legal administrator responsibilities typically involve resource management, personnel management, security management, force management, knowledge management, and systems integration, and they include key roles in ensuring that the administrative, logistical, and funding requirements are met for the delivery of legal services to the supported units. Consistent with guidance from the SJA, the legal administrator builds and maintains effective working relationships with key personnel throughout the command to enable OSJA personnel to meet their mission requirements. Always searching for more efficient ways to provide legal support, legal administrators at all echelons are encouraged to collaborate and share lessons learned through their warrant officer technical chain. Consistent with SJA guidance, legal administrators may also train, coach, and mentor NCOs and officers.

THE COMMAND OR CHIEF PARALEGAL NCO

3-13. The command or chief paralegal NCO is the senior enlisted Soldier in the OSJA of a division, corps, or ASCC. A command paralegal NCO (normally a sergeant major), or a chief paralegal NCO (normally a master sergeant), serve at corps and division OSJAs, respectively. This senior enlisted leader advises SJAs, commanders, and their NCOs on all paralegal Soldier issues within the OSJA and those arising from subordinate units. The command or chief paralegal NCO provides technical supervision of all paralegal Soldiers assigned to or supported by the OSJA and is primarily responsible to the SJA for the deployment and training readiness of OSJA personnel. The chief paralegal NCO, like the legal administrator, builds and maintains effective working relationships with key personnel throughout the command to enable OSJA personnel to meet their mission requirements.

PARALEGAL NONCOMMISSIONED OFFICERS AND SOLDIERS

3-14. Paralegal NCOs serve as enlisted leaders and subject matter experts within their respective divisions or sections, assuming responsibility for the effective and efficient operation of the division or section where they serve. They also bear primary responsibility to train, mentor, and develop junior paralegal Soldiers to the required level of expertise necessary to effectively contribute to mission success. Some paralegal NCOs serve as a division or section NCO in charge. They therefore serve as senior enlisted advisors to the division chiefs or officers-in-charge, much the same way the command or chief paralegal NCO serves as the senior enlisted advisor to the SJA.

3-15. Paralegal Soldiers provide support in all the core competencies and legal functions, under the supervision of judge advocates, civilian attorneys, and paralegal NCOs. Paralegal Soldiers, like all JALS personnel, are subject to the rules of professional responsibility. Like paralegal NCOs, they do not provide legal advice, but support the legal services provided by judge advocates and civilian attorneys at all levels within the Army.

SENIOR CIVILIAN

3-16. The senior civilian, whether an attorney or civilian legal administrator, provides the SJA with a valuable civilian perspective regarding the delivery of legal services and office management. The senior civilian is often best suited to provide advice and perspective regarding continuity and long-term office issues.

CIVILIAN ATTORNEYS

3-17. Civilian attorneys assigned to the OSJA perform many of the same legal duties as judge advocates. They regularly provide a depth of expertise and continuity in a particular legal discipline. They may also have supervisory responsibilities, to include those of a division chief. Civilian attorneys do not enter an appearance at courts-martial. Their role in administrative board proceedings is also more limited than that of judge advocates—they may serve as legal advisors to administrative boards, but not as recorders.

CIVILIAN PARAPROFESSIONALS

3-18. Civilian paraprofessionals assigned to the OSJA perform many of the same legal duties as uniformed paralegals. They regularly provide a depth of expertise and continuity in a particular legal discipline. Like paralegal Soldiers, they do not provide legal advice or practice law, but they support the legal services provided by judge advocates and civilian attorneys at all levels within the Army.

BRIGADE LEGAL SECTION

3-19. The brigade legal section consists of legal personnel assigned to the brigade headquarters. It also includes battalion paralegal Soldiers.

BRIGADE LEGAL SECTION PERSONNEL

3-20. Brigade legal section personnel are assigned directly to the brigade headquarters or the subordinate battalions, but not to the division. A BCT legal section includes three judge advocates: a brigade judge advocate (BJA), a national security law attorney, and a military justice advisor (MJA). Functional and multifunctional brigade legal sections have a BJA and may have an MJA.

3-21. The brigade legal section also includes a brigade senior paralegal NCO. BCTs are authorized a sergeant first class to fill the position of a brigade senior paralegal NCO. Functional and multifunctional brigades are authorized a staff sergeant to fill the same position. Paralegal Soldiers, private through sergeant, are assigned to subordinate battalions. While in garrison, paralegal Soldiers are consolidated within a legal office at the brigade headquarters, brigade equivalent, or higher echelon, to include in the OSJA at the discretion of the SJA. All JAG Corps Soldiers in a brigade work under the direction and supervision of the BJA and the brigade senior paralegal NCO to ensure timely and efficient legal support to all supported units and to facilitate paralegal training. (See AR 27-1 for more information on legal services.)

3-22. The BJA and the brigade senior paralegal NCO are assigned to the brigade. The brigade headquarters is the primary place of duty for the BJA and the senior paralegal NCO. If an MJA advises units within only one brigade, the MJA will ordinarily be co-located with that brigade. If an MJA advises units within more than one brigade, the MJA may be located at the OSJA, at the discretion of the SJA. The BCT national security law judge advocate will typically be co-located with their assigned brigade, but could also work in the OSJA, depending on mission requirements. The SJA, in coordination with the BJA, may task organize an MJA or a BCT national security law judge advocate in accordance with mission requirements.

3-23. While not directly supervising all brigade legal personnel, the SJA of the higher echelon retains responsibility for legal oversight, mentoring, and technical guidance. However, the brigade commander determines the BJA's routine, day-to-day duties. An MJA co-located with the brigade is ordinarily supervised by the BJA. In other circumstances, an MJA is ordinarily supervised by the OSJA's chief of justice. The BCT national security law judge advocate is supervised by the BJA during training exercises and operational missions, and it is supervised by the OSJA's chief of national security law, or as the SJA directs, if working in the OSJA.

DUTIES AND RESPONSIBILITIES OF BRIGADE LEGAL SECTION PERSONNEL

3-24. Paragraphs 3-25 through 3-30 outline the primary duties and responsibilities of personnel assigned to the brigade legal section. These duty descriptions are not exhaustive, but they provide an overview. The actual day-to-day duties and priorities of brigade legal section personnel vary based on the brigade commander and brigade sergeant major's priorities, the SJA's legal priorities, and the brigade's mission.

BRIGADE JUDGE ADVOCATE

3-25. The BJA supervises, trains, and mentors subordinate judge advocates and paralegals assigned to the brigade. The BJA is the primary legal advisor to the brigade commander. As a member of both the brigade commander's personal staff and special staff, the BJA occupies a unique role on the staff. As a personal staff officer, the BJA requires a direct line of communication with the brigade commander on all matters requiring legal advice. No officer or employee of the DOD may interfere with the ability of the BJA to give independent legal advice to the commander or interfere with direct communication between the BJA and the commander. When performing special staff functions not requiring legal advice to the commander, such as participating in operational planning, the BJA may be supervised by the brigade executive officer. The BJA deploys as a member of the brigade staff and serves as the officer-in-charge of the brigade legal section. As a member of the brigade staff, the BJA normally attends the meetings that the brigade staff primaries attend. This judge advocate should have completed intermediate level education, recently completed the Judge Advocate Tactical Staff Officer Course or equivalent or have experience with operational planning. The BJA's primary duties and responsibilities include but are not limited to—

- Supervising, training, and mentoring all judge advocates and paralegals assigned to the brigade.
- Advising the commander and staff on national security law, military justice, administrative law, contract and fiscal law, and other areas of the law as required.
- Ensuring the timely and accurate delivery of legal services to the brigade across all legal functions.
- Participating in operations planning and targeting processes, including plans and orders, training concepts, review of isolated Soldier guidance, and other key actions.
- Planning and coordinating for Soldier and Family legal services, Soldier readiness programs, and preventive law programs for the brigade, as required.

MILITARY JUSTICE ADVISOR

3-26. The MJA advises commanders on all areas of military justice and adverse administrative actions in garrison and during deployments. The MJA's primary duties and responsibilities include—

- Advising commanders on issues pertaining to military justice and adverse administrative actions. The MJA assists and coordinates with other members of the brigade staff (for example, S-1, retention personnel, and equal opportunity personnel), as required.
- Attorney functions within military justice that are not primarily litigation, such as reviewing complicated non-judicial punishment, advising commanders and law enforcement on search and seizure issues, and representing the government at pre-trial confinement hearings.
- Reviewing adverse administrative actions and conducting administrative board hearings.
- In brigades, the MJA assists the BJA in the performance of BCT national security law judge advocate duties and may assist with the BJA's responsibilities for administrative law, contract and fiscal law, and other support, as required.

BRIGADE COMBAT TEAM NATIONAL SECURITY LAW JUDGE ADVOCATE

3-27. Under the direction and supervision of the BJA, the BCT national security law judge advocate advises commanders and staff on national security law issues within the brigade. This judge advocate should have recently completed the Judge Advocate Tactical Staff Officer Course or equivalent or have experience with operational planning. The BCT national security law judge advocate's primary duties and responsibilities include—

- Advising commanders and staff on the DOD Law of War Program, detainee operations, status-of-forces and other international agreements, general orders, the law of armed conflict, targeting, and predeployment legal preparation.
- Serving as a standing member of operations planning groups, targeting boards, and providing direct support to the brigade's fire support coordinator.
- Participating in planning for operations and providing legal input into plans.
- Assisting the BJA with administrative law, contract and fiscal law, and other support, as required.

BRIGADE SENIOR PARALEGAL NONCOMMISSIONED OFFICER

3-28. The brigade senior paralegal NCO is the senior enlisted advisor and assistant to the BJA. The brigade senior paralegal NCO serves as the NCO in charge of the brigade legal section. The senior paralegal NCO supervises, trains, and mentors subordinate paralegal Soldiers and paralegal NCOs assigned to battalions. The senior paralegal NCO serves as a member of the brigade's staff. This NCO should have successfully completed the Battle Staff NCO Course and received an additional skill identifier. This NCO coordinates and conducts required training on legal issues, including law of armed conflict, ROE, and rules for the use of force.

BATTALION PARALEGAL SOLDIERS

3-29. Battalion paralegal Soldiers are assigned to the S-1 section of each subordinate battalion. Their assignment to the battalion S-1 section is designed to provide legal support to battalion commanders and Soldiers, while acting under the direction and supervision of the BJA and brigade senior paralegal NCO. Paralegal Soldiers are expected to primarily perform duties of a legal nature.

3-30. BJAs retain the flexibility to coordinate the consolidation of battalion paralegal Soldiers at the brigade headquarters in the discretion of the BJA as approved by either the brigade commander or the SJA. The decision to consolidate is based on a variety of factors. While in garrison, geographic location of subordinate battalions, operational tempo, ease of movement, and the nature of the legal mission often lends itself to the consolidation of paralegals at the brigade headquarters. Consolidation also allows the BJA and senior paralegal NCO to train, supervise, and develop paralegal Soldiers to the required level of expertise prior to deployment. During deployment, these and other factors may also lead to the decision to consolidate legal assets. Consolidation of legal assets may also be necessary due to the nature of legal support required by the operation. The BJA and senior paralegal NCO must weigh the relevant factors and determine whether decentralization or consolidation provides the optimal use of legal assets to support the command's mission. Operational adaptability requires continuous assessment of the situation, and it might necessitate the need to decentralize legal assets and consolidate them in whole or in part throughout the operation. The approval authority for the consolidation of battalion paralegal Soldiers is either the brigade commander or the SJA.

THE OFFICE OF THE STAFF JUDGE ADVOCATE—BRIGADE LEGAL SECTION RELATIONSHIP

3-31. Providing legal support to all levels of command remains the chief mission of all JAG Corps personnel. However, personnel at the OSJA and the brigade legal section may identify different ways and means to accomplish this mission. These potentially different views stem from the increased capabilities of BCTs and other brigades and the assignment of JAG Corps personnel directly to brigades. Though support and coordination issues may arise, both organizations focus on the same end state: providing high quality, reliable legal services to the command across all types of operations. OSJA and brigade legal section personnel build and maintain an ongoing, professional, working relationship. This relationship enables JAG Corps personnel at all levels to focus their efforts on mission accomplishment. This field manual does not address all OSJA-brigade legal section issues concerning support and coordination, but certain aspects of the OSJA-brigade legal section relationship merit specific consideration: rapport, legal oversight, direct supervision, and technical training.

RAPPORT

3-32. Rapport is critical for mission success-for both the JAG Corps and the Army. As senior leaders of the JAG Corps, OSJA leaders take every opportunity to teach, mentor, and support the brigade legal section for mission success. Similarly, brigade legal section personnel support the OSJA to accomplish its mission. These relationships will be of special interest to TJAG and the regimental command sergeant major during UCMJ Article 6 inspections.

LEGAL OVERSIGHT

3-33. The nature of the legal profession requires a strong technical chain of supervision within JAG Corps channels for several reasons. TJAG has a statutory obligation to direct the members of the JAG Corps in the performance of their duties under Section 7037, Title 10, United States Code. TJAG also has the unique requirement to meet professional legal responsibilities under AR 27-26. All judge advocates are attorneys subject to civilian rules of professional conduct, continuing education requirements, and professional discipline from their licensing organization, which requires enhanced technical supervision. Finally, under Section 806(b), Title 10, United States Code, the SJA or legal officer of any command is entitled to communicate directly with the SJA or legal officer of a superior or subordinate command, or with TJAG.

3-34. SJAs are ultimately responsible for legal advice provided within their command's jurisdiction. As the next senior judge advocate in the BJA's technical chain, the SJA provides BJAs with technical guidance, direction, and insight on legal issues. Exercise of this function by the SJA can be based on policies and procedures agreed upon in advance with the BJA, or it may be event-driven, based solely on the SJA's professional judgment. BJAs are presumed to be experienced enough to determine when to request technical guidance from the SJA. Situations that require technical guidance by the SJA may include but are not limited to—

- Soldier misconduct that will likely result in action by the GCMCA.
- Any complex or potentially high-profile military justice matter.
- Clarification of ROE and application of the law of armed conflict.
- Allegations of senior leader misconduct.
- Issues requiring specialized expertise not resident in the brigade legal section, such as government contracting or ethics.
- Situations where the BJA is contemplating issuing a legal opinion contrary to a legal opinion or interpretation issued by the higher OSJA.

TECHNICAL TRAINING

3-35. SJAs do not normally have the formal authority to impose training requirements directly on brigade legal section personnel working at a brigade headquarters. Nevertheless, OSJA leaders should take every opportunity to teach, coach, and mentor brigade legal section personnel on legal and professional subjects and include the brigade legal section at appropriate events. To this end, the OSJA leaders should—

- Invite and encourage brigade legal section personnel to attend formal OSJA training events such as professional responsibility training, professional development classes, staff rides, or sergeants' time training.
- Ensure that brigade legal section personnel are informed of training opportunities made available to the OSJA (such as legal conferences, seminars, and continuing legal education). OSJA leaders should also provide justification to brigades to secure the allocation of unit funds to enable the attendance of brigade legal sections personnel at professional development courses.
- Establish procedures for regular, effective communication. Examples include routine meetings or information-sharing sessions where technical topics are discussed. Frequent and candid communication between the OSJA and brigade legal section is essential. Whenever practical, this communication should occur in face-to-face interactions.

UNITED STATES ARMY TRIAL DEFENSE SERVICE

3-36. The United States Army Trial Defense Service provides legal support to Soldiers regarding judicial and nonjudicial disciplinary matters. It also provides legal support regarding adverse administrative actions.

OSJA—TRIAL DEFENSE SERVICE RELATIONSHIP

3-37. TDS personnel receive administrative and logistic support from designated installations or organizations through the OSJA in accordance with AR 27-10 and JAG Corps policy. This support may include the provision of legal support personnel, as required. Effective representation of Soldiers during

disciplinary proceedings is a hallmark of a fair justice system. Accordingly, TJAG assesses that this support is essential to the performance of the defense mission. Paralegal support at the TDS-team level is equally important to mission success. SJAs and command or chief paralegal NCOs should actively coordinate the TDS paralegal assignment process with regional and senior defense counsel as they would for their respective OSJAs. This coordination ensures that paralegal support to the TDS teams meets the regulatory requirements in AR 27-10.

3-38. All JAG Corps personnel involved in adversarial processes are required to advocate zealously on behalf of their client, whether the client is the Army or an individual. Disagreements between OSJA and TDS personnel are inherent in the adversarial process. Leaders at all levels of the JAG Corps share a common duty to foster professional relationships between personnel of the OSJA and TDS. Such professional relationships succeed when all JAG Corps personnel display mutual respect and support for each other's roles and responsibilities.

3-39. OSJA and brigade legal section leaders make all reasonable efforts to ensure TDS support is equally effective as the legal support provided to the government. Additionally, OSJA leaders make all training opportunities equally known and available to TDS personnel, as they would be for OSJA personnel. Personnel evaluations and other supervisory activities remain within the TDS hierarchy, wholly independent from the OSJA. However, TDS personnel are often attached to a local command for the purpose of processing leave requests or other routine personnel actions.

LEGAL SUPPORT TO LARGE-SCALE COMBAT OPERATIONS

3-40. As discussed in Chapter 2, the Army is returning its focus to large-scale combat operations, and away from limited contingency operations, to better prepare to confront peer and near-peer threats. The JAG Corps must, in turn, reorient its focus to supporting an Army conducting large-scale combat operations. Legal support in Iraq, Afghanistan, and other places was primarily delivered from large base complexes in an operational environment where the military dominated all domains.

3-41. During large-scale combat operations, echelons above brigade, namely divisions and corps, operate as tactical and operational elements in the assigned area. The JAG Corps is prepared to provide legal support in austere conditions to rapidly maneuvering and mobile unit headquarters. OSJA and legal operations detachment (LOD) elements supporting Army, joint, and multinational headquarters consider how to provide multi-functional legal support at multiple command posts simultaneously while anticipating minimal access to digital communication and information.

3-42. JAG Corps leaders evaluate and analyze the anticipated operations of the supported unit to best design the structure for legal support at their echelon. Corps and division headquarters may operate both a main and tactical command post and regularly displace to avoid detection. Traditional OSJA and LOD division structure, centered on legal functions, may not adequately provide the legal support required of a dispersed and tactically focused corps or division headquarters in large-scale combat operations. SJAs have the responsibility and authority to task organize legal assets as necessary for mission accomplishment. To achieve interoperability, foreign legal service officers of allies and foreign partners are integrated directly into the OSJA's operations, training, and battle rhythm whenever possible.

3-43. JAG Corps personnel operating at brigade and battalion echelons provide legal services under similar circumstances as personnel at corps and division. Depending on mission requirements, paralegals may need to physically locate with battalions and companies to ensure adequate legal support. Junior judge advocates and paralegals could be required to operate geographically separated from technical support chains. As such, judge advocates and paralegals prepare for geographic separation during predeployment training.

3-44. CPs during large-scale combat operations are smaller, more agile, and with less digital communications infrastructure than stationary CPs in other operations. Additionally, digital communications infrastructure is likely a target for cyberspace and electromagnetic effects, creating disruption and degradation of the network. In large-scale combat conditions, JAG Corps leaders deliver legal support through a variety of means, execute off-network document production, and have hardcopy or off-network reference materials on hand.

3-45. Members of OSJAs and brigade legal offices prepare themselves to provide support, and supervisors ensure their personnel are prepared. This includes having appropriate access to required networks and

computer systems; reviewing operation orders (OPORDs), deployment orders, task orders, ROEs, rules for the use of force; understanding how their echelon staff sections function and operate; and maintaining individual readiness and equipment.

LEGAL SUPPORT TO CAPABILITIES AND COMBAT POWER

3-46. Legal support is doctrinally part of the sustainment warfighting function. Like traditional sustainment tasks, such as maintenance and transportation, legal tasks support all warfighting functions. However, legal support is also integrated into the accomplishment of specific warfighting function tasks, such as command and control, and not merely general support. (See FM 4-0 for more information on sustainment.)

3-47. It is important that JAG Corps leaders view legal support through the lens of warfighting functions and not just legal functions. Understanding how the legal functions and tasks relate to the dynamics of combat power allows JAG Corps personnel to fully support the Army and its formations and seamlessly integrate legal support with warfighting functions.

LEGAL SUPPORT TO THE OPERATIONS PROCESS

3-48. Commanders exercise the warfighting function of command and control through the operations process. The commander, supported by the staff, plans, prepares, executes, and continually assesses operations to achieve mission accomplishment. JAG Corps personnel are part of that staff, and they integrate into the operations process and with the other warfighting functions to effectively provide required legal support. As such, they are trained in three areas—legal, joint, and tactical. JAG Corps personnel integrate into the command by competently participating in all steps of the operations process and CP operations. (See FM 3-0 for more information on command and control.)

LEGAL SUPPORT TO THE MILITARY DECISION-MAKING PROCESS

3-49. JAG Corps personnel, and specifically judge advocates who serve in SJA, command judge advocate (known as CJA), and BJA positions, are members of the commander's personal and special staff. These judge advocates provide legal advice directly to the commander and legal support to the staff and subordinate units of the command. These command legal advisors must balance the requirements of supporting the operations process as a member of the staff and complying with standard operating procedures (SOPs), as a member of the staff, with the duty to provide independent legal advice to commanders. (See FM 6-0 for more information on the personal and special staffs.)

3-50. Participation in operational planning, including the MDMP, is vital to providing timely legal support to the staff and subordinate units of the command. Full participation in planning allows OSJA personnel to identify legal issues arising from higher echelon headquarters' orders, in proposed courses of action and in course of action analysis and comparison, and it allows for development of the concept of legal support prior to completion of the plan. Additionally, OSJA personnel have expert subject matter knowledge and critical thinking skills that can aid the staff in developing and analyzing plans that meet the commander's intent.

3-51. Full participation in planning events can be difficult for OSJA elements because of a limited number of personnel and competing interests in the operations process. JAG Corps leaders prioritize OSJA participation at key and beneficial points in the planning process. JAG Corps leaders train and develop subordinate personnel to understand the MDMP to ensure participants in planning events comprehend the goal of each step in the process, the inputs required from the OSJA element, and the anticipated outputs. Failure to understand the goals, inputs, and outputs, and failure to prepare for each event reduces the OSJA element's effectiveness in identifying legal issues that arise during the planning process.

Legal Inputs and Outputs to the Military Decision-Making Process

3-52. The primary legal outputs of the MDMP are the concept of legal support, the legal running estimate, and assistance to the operations section in the development of the ROE. OSJA elements produce the legal annex, Tab C (Legal Support) to Appendix 2 (Personnel Service Support) to Annex F (Sustainment), which

outlines how the legal element will execute the core legal competencies and legal functions required to support the operation. The legal annex generally: establishes how legal personnel will be positioned and aligned in the battlespace; provides instructions for legal processes and services; provides legal guidance to legal personnel, staff, and commanders; and identifies legally significant actions required to be reported. Additionally, the OSJA element assists the commander, through the J-3, G-3, and S-3, with creation of the rules of engagement (known as ROE), Annex C (Operations), Appendix 11 (ROE), Tab A (the no strike list), and Tab B (the restricted target list). (See Appendix D for an example of a legal annex. See table 3-1 for a listing of legal inputs and outputs to MDMP.)

Table 3-1. Legal inputs and outputs to the military decision-making process

Key Inputs	*Steps*	*Key Outputs*
Higher headquarters' plan or order or a new mission anticipated by the commander	**Step 1** **Receipt of Mission**	Commander's initial guidance Initial allocation of planning time
Higher headquarters plan or order (key annexes) Higher headquarters ROE, CDE, TEA, NSE, and legal support knowledge products Knowledge products from other organizations	**Step 2** **Mission Analysis** Key event: Commander's brief	Problem statement Mission statement Initial commander's intent Initial planning guidance Initial legally significant actions Updated legal running estimate Constraints and assumptions Legal specified and implied tasks Identified potential legal risk and issues Identified command relationships and authorities
Problem statement Mission statement Initial commander's intent Initial planning guidance Initial legally significant actions Updated legal running estimate Constraints and assumptions Legal specified and implied tasks	**Step 3** **Course of Action (COA) Development** Key Event: Staff COA development meeting	COA statements and sketches • Tentative task organization • Broad concept of operations Revised planning guidance Broad concept of legal support Updated constraints and assumptions Identified legal risks and issues for COAs Identified command relationships and authorities for COAs
COA statements and sketches Revised planning guidance Broad concept of legal support Updated constraints and assumptions Updated legal running estimates Legal risks and issues for COAs Command relationships and authorities for COAs	**Step 4** **COA Analysis (War Game)** Key event: Staff war game meeting	Refined COAs War game results Potential decision points Updated legally significant actions Refined concept of legal support Updated constraints and assumptions Mitigation of legal risks and issues Refined command relationships and authorities

Table 3-1. Legal inputs and outputs to the military decision-making process (*continued*)

Key Inputs	*Steps*	*Key Outputs*
Refined COAs War game results Updated legal running estimate Refined concept of legal support Updated constraints and assumptions Remaining legal risks and issues Refined command relationships and authorities	**Step 5** **COA Comparison** Key Event: Staff Comparison Meeting	Evaluated COAs Recommend COAs Recommended concept of legal support Updated legal running estimates Updated constraints and assumptions
Evaluated COAs Recommend COAs Recommended concept of legal support Updated legal running estimates Updated constraints and assumptions	**Step 6** **COA Approval** Key event: Commander's brief	Commander-selected COA and modifications Refined commander's intent Refined legally significant actions Updated constraints and assumptions
Commander-selected COA and modifications Refined commander's intent Refined legally significant actions Updated constraints and assumptions	**Step 7** **Orders Production, Dissemination, and Transition** Key event: Finalize order	Approved operations order or plan Approved legal annex Approved ROE annex Established legally significant actions Subordinates understand the plan or order Subordinate legal elements understand legal risks, issues, and mitigation

CDE collateral damage estimate
COA course of action
NSE no-strike entities
ROE rules of engagement
TEA target engagement authority

3-53. The OSJA element produces a legal annex and assists the commander in producing the ROE. The OSJA element also reviews, at a minimum, these parts of the supported unit order for legal issues:

- Base operation order.
- Task organization (Annex A).
- Human and signals intelligence (Annex B, Appendixes 4 and 5).
- Offensive cyberspace operations (Annex C, Appendix 12, Tab A).
- Military information support operations (Annex C, Appendix 13).
- Military deception (Annex C, Appendix 14).
- Information operations (Annex C, Appendix 15).
- Fire support overlay, targeting, and air support (Annex D, Appendixes 1, 3, and 5).
- Police operations (Annex E, Appendix 7).
- Populace and resource control (Annex E, Appendix 4).
- Detention operations (Annex E, Appendix 13).
- Contract support integration (Annex F, Appendix 1, Tab G).
- Mobility and countermobility (Annex G, Appendix 1).
- Public affairs guidance (Annex J, Appendix 2).

OSJA element integration and participation in the MDMP will reduce or eliminate legal issues contained in orders developed across the staff.

3-54. A *running estimate* is the continuous assessment of the current situation used to determine if the current operation is proceeding according to the commander's intent and if planned future operations are supportable (ADP 5-0). Running estimates include facts and assumptions, mission readiness, goals and requirements, and other information that impacts current and future operations. OSJA elements maintain a running estimate to monitor and evaluate the effectiveness of current legal support and the status of legal risks, constraints, assumptions, and issues. The legal running estimate varies depending on the supported unit task organization and operations. Potential legal running estimate data may include—

- Location and activity of JALS personnel supporting operations (the legal support laydown).
- Special ROE or targeting constraints relevant to the operation.
- Number of personnel and units trained in the ROE.
- List and status of no-strike entities.
- Legally significant actions.
- Pending requests for information and legal opinions from staff and subordinate units.
- Assumptions that could impact the delivery of legal services, and requests for information pending update from higher echelon headquarters.
- Command relationships and authorities.
- Number, type, and status of legal investigations.
- Number of foreign claims intakes and payments.
- Military justice actions by type and offense.

(See Appendix D for an example of a legal running estimate. See FM 5-0 for more information on running estimates.)

3-55. During the MDMP, the staff develops two lists of information requirements for the commander: priority intelligence requirements (known as PIRs), and friendly force information requirements (known as FFIRs). Information requirements which the commander deems essential to decision making and successful execution of the operation are designated as commander's critical information requirements (known as CCIRs). Legally significant actions are events that occur during operations having legal significance and require action by the OSJA element. Legally significant actions may be included in friendly force information requirements or designated as commander's critical information requirements if deemed essential. (See FM 6-0 for more information on priority intelligence requirements and friendly force information requirements.)

3-56. A *constraint* is a restriction placed on the command by a higher command or authority. A constraint dictates an action or inaction, thus restricting freedom of action of a subordinate commander (FM 5-0). Many constraints are created by statute, regulation, or policy categorizing them as legal constraints imposed on commanders. Commanders and staff expect JALS personnel to understand, track, and apply legal constraints to ensure planning and execution of the mission adheres to the conditions imposed by the higher echelon headquarters, institutions, or civilian elected officials.

3-57. A planning assumption is a supposition on the current situation or a presupposition on the future course of events, assumed to be true in the absence of positive proof, and necessary to enable the commander in the process of planning to complete an estimate on the situation and decide on the course of action. A legal assumption is a supposition or presupposition that a potential legal constraint does or does not apply. When application of the law under the facts or circumstances surrounding the unit's mission is ambiguous, a legal assumption is made to facilitate further planning. JALS personnel must resolve ambiguity through research, analysis, and consultation with higher headquarters technical chain of supervision. (See FM 6-0 for more information on planning assumptions.)

3-58. Risk management is incorporated into MDMP by all staff sections to account for hazards within their functional areas. *Risk* is probability and severity driven chance of loss, caused by threat or other hazards (ATP 5-19). Hazards are conditions with potential to cause injury, illness, or death of personnel; damage to or loss of equipment or property; or mission degradation. Legal risks are those concerned with mission degradation resulting from consequences of unlawful, or the perception of unlawful, conduct by a unit. Consequences for the conduct do not typically result in operational failure, but they reduce the effectiveness of leaders and units if not adequately considered prior to execution. Common examples of legal risks include failure to cooperate with inspections of facilities by the International Committee of the Red Cross, failure to

adequately investigate allegations of significant wrongdoing, and choosing expediency over fair application of the principles of proportionality and distinction under the law of armed conflict. JALS personnel owe commanders and staffs their assessment of legal risks and mitigation in accordance with the risk management process. (See ATP 5-19 for more information on risk management.)

3-59. JALS personnel understand the command and support relationships established by unit orders with higher and subordinate commands. These relationships, usually found in Annex A and paragraph three of the order or plan, describe the types of authorities one command exerts over another. These relationships and authorities may create responsibilities to provide legal support and alter military justice jurisdiction. (See Chapter 2 and FM 6-0, Appendix B, for details on the various command and support relationships and associated authorities.)

Legal Support to Command Post Operations

3-60. In addition to the MDMP, the staff performs many tasks and executes multiple meetings to synchronize and coordinate among warfighting functions to support the operations process. JAG Corps supervisors may not have enough personnel to provide legal support to every meeting and working group while they participate in key events of the MDMP. JAG Corps supervisors identify which command post activities require legal support and which can be deferred. The types of activities that have higher priority will vary from unit to unit and operation to operation, requiring constant review by JAG Corps supervisors. JAG Corps personnel can be either consolidated and tasked to support as needed, tasked to integrate and directly support a warfighting function or integrating cell, or a combination of both.

3-61. JAG Corps supervisors ensure adequate workspace, equipment, and connectivity in the CP to effectively provide legal support. The amount of workspace and its location is guided by how legal support is divided among CP activities. JAG Corps supervisors assist commanders when considering the effectiveness and survivability of a CP. This creates tension between the number of personnel and amount of equipment to perform necessary tasks and the ability to avoid detection and remain mobile. The task of designing and analyzing the layout of a CP is usually delegated to the operations officer and executive officer or chief of staff. OSJA supervisors participate with or engage the CP design team to ensure adequate workspace in the right locations to fulfill legal support requirements.

3-62. JAG Corps personnel integrate into the staff and directly support the warfighting functions as part of the operations process. Legal support must be synchronized with CP SOPs, battle drills, and battle rhythm. See table 3-2, examples of battle rhythm events requiring legal support. CP SOPs control the setup, security, and defense of the CP; shift, eating, and sleeping plans; priorities of work; reports; maintenance of equipment and vehicles; and use of Army Battle Command Systems (known as ABCS). CP battle drills include react to indirect fire, react to degraded network, react to a mass casualty event, execute dynamic targeting, execute close air support, and support troops in contact. JAG Corps personnel must follow the CP SOP and battle drills to effectively integrate with the commander and staff sections.

Table 3-2. Examples of battle rhythm events requiring legal support

Common Battle Rhythm Events and Meetings		
Events and Meetings	**Primary Legal Functions**	**Potential Legal Issues**
Protection WG	National security law Administrative law Military justice	Detainee operations and ICRC Interrogation oversight Use of force Mobility and countermobility (obstacles) SOFA and international agreements Command policy Criminal investigations Command and safety Investigations Counter UAS issues

Table 3-2. Examples of battle rhythm events requiring legal support (continued)

Common Battle Rhythm Events and Meetings		
Events and Meetings	**Primary Legal Functions**	**Potential Legal Issues**
Information operations WG	National security law	Targeting Military deception SOFA and international agreements Public affairs
Cyberspace and electromagnetic WG	National security law	Targeting and CDE LOAC (proportionality and distinction) SOFA and international agreements
Rule of law WG	National security law Military justice Contract and fiscal law	SOFA and international agreements Detainee operations and ICRC LOAC (Geneva Convention obligations) Legal engagements Fiscal support
Economic and infrastructure development WG	National security law Contract and fiscal law	LOAC (Geneva Convention obligations) Construction funding Fiscal support
Governance WG	National security law Administrative law Contract and fiscal law	LOAC (Geneva Convention Obligations) Fiscal support Other international law and treaties
Targeting WG	National security law Administrative law Contract and fiscal law	ROE and TEA Targeting and CDE No-strike lists LOAC and protection of civilians Intelligence oversight Mobility and countermobility (obstacles) SOFA and international agreements Command investigations Foreign claims and solatia Construction ACSA
Targeting board	National security law Administrative law Contract and fiscal law	ROE and TEA Targeting and CDE No-strike lists LOAC and protection of civilians Command investigations Foreign claims and solatia Fiscal Construction ACSA

Table 3-2. Examples of battle rhythm events requiring legal support (continued)

Common Battle Rhythm Events and Meetings		
Events and Meetings	**Primary Legal Function**	**Potential Legal Issues**
Assessments WG	National security law Administrative law Military justice Contract and fiscal law	ROE and TEA Targeting LOAC and protection of civilians Detainee operations and ICRC Command policy Criminal investigations Command investigations Foreign claims and solatia Fiscal Construction ACSA
Logistics synchronization meeting	Administrative law Contract and fiscal law	Regulatory application Property loss investigations Fiscal Contracting Construction ACSA
Joint requirements review board	Contract and fiscal law	Validation of funding for materiel and services
Operations update and assessment briefing	National security law Administrative law Military justice Contract and fiscal law Soldier legal assistance	Legal support ROE and TEA Detainee operations and ICRC SOFA and international agreements Command investigations Criminal investigations and trends Foreign claims and solatia Fiscal Construction Legal assistance client intake
Operations synchronization meeting	National security law	ROE and TEA Targeting and CDE LOAC and protection of civilians Detainee operations and ICRC
Shift change briefing	National security law Administrative law	Legally significant actions Legal support status (personnel and operations) Requests for legal support and opinion status Changes to ROE, TEA, and CDE Command investigations Legal issues for upcoming operations

ACSA	acquisition and cross-servicing agreement	SOFA	status of forces agreement
CDE	collateral damage estimate	TEA	target engagement authority
ICRC	International Committee of the Red Cross	UAS	unmanned aircraft system
LOAC	law of armed conflict	WG	working group
ROE	rules of engagement		

TARGETING PROCESS

3-63. As discussed in Chapter 2, because of the pace of large-scale combat operations, the commander and staff execute an efficient and rapid targeting process. The targeting process involves two primary meetings: the targeting working group and the targeting board. However, these meetings may be supported by subordinate working groups organized to analyze specific subjects relating to effects on targets. Depending on the phase of the operation, these subordinate working groups vary. Like the MDMP, JAG Corps supervisors ensure their personnel are prepared for targeting process working group meetings and understand the inputs, outputs, and potential legal issues. The inputs and outputs are established by the leading warfighting function and the executive officer or chief of staff (See FM 6-0 for more information on targeting meetings.)

3-64. JAG Corps personnel provide legal support to targeting. Targeting during large-scale combat operations focuses on delivering lethal and non-lethal effects on targets. The targeting process is executed at a rapid tempo to keep pace with combat operations. Legal support is mainly the application of law of armed conflict (LOAC), ROE, engagement authorities, intelligence law, detention operations and dislocated civilians, and cyber and electromagnetic warfare. After transition to stability operations, targeting may shift focus to nonlethal effects. The targeting process may be executed at a moderate pace, matching the tempo of operations. Legal support may focus primarily on fiscal and contract law support, rule of law, humanitarian assistance, governance, economic and infrastructure development, property disposal, and environmental considerations. Legal personnel appreciate partner capabilities and anticipate challenges to targeting that partner treaty obligations such as the Ottawa Treaty or the Convention on Cluster Munitions may create in the targeting process.

CURRENT OPERATIONS

3-65. One of the integrating cells that requires additional attention from JAG Corps personnel is current operations. The current operations cell is the focal point for the execution of operations. This cell displays and maintains the common operational picture and executes the shift change, daily update briefings, and operations synchronization meeting. While monitoring and assessing the current situation, the current operations cell executes battle drills to support main and supporting efforts with resources, executes personnel recovery, executes dynamic targeting, and reacts to mass casualty events. (See FM 6-0 for more information on the current operations cell.)

3-66. Current operations cell battle drills often require immediate legal support. OSJA supervisors ensure adequate legal support through either direct integration of their personnel into the current operations integration cell or access to means of immediate communication with their personnel. Direct integration into the current operations integrating cell is the preferred method of legal support. Direct integration requires workspace and access to current operations' portion of the CP, normally called the operations center. Integration of JAG Corps personnel into current operations facilitates immediate recognition of legally significant actions occurring during operations.

3-67. JAG Corps personnel understand and operate within the unit communications plan. Every unit establishes a prioritized designation of communications mediums to be used during operations, known as the primary, alternate, contingency, and emergency plan (PACE) plan. Internal to the CP, the PACE plan may include digital communication on Army Battle Command Systems (known as ABCS) programs or CP of the future applications. Communication with subordinate units or higher echelon headquarters may use high-frequency modulated radio, tactical satellite radio (known as TACSAT), or Joint Battle Command-Platform (known as JBC-P). JAG Corps elements train on these communication technologies. The JAG Corps element, like all warfighting elements, must develop an internal PACE plan and PACE plan with JALS elements at the next higher echelon, all nested within the supported unit PACE plan. (See paragraph 3-70 for further discussion on communications requirements). (See FM 6-02 for more information on the PACE plan.)

PLANNING CONSIDERATIONS FOR LEGAL SUPPORT

3-68. Prioritization of legal support to meet the numerous demands of the operations process requires understanding and analyzing by JAG Corps supervisors to ensure delivery of accurate and timely legal support. Understanding and analysis of the events and meetings occurring throughout the operations process allows OJSA supervisors to tailor the structure of their legal element and legal support based on the unit's battle rhythm and operations. Whenever available, OSJA supervisors fully integrate and use any multinational assets that are available to them and develop systems and procedures that are consistent with the multinational operations approach. (See table 3-3 for a listing of legal support demands during large-scale combat operations.)

Table 3-3. Legal support demands during large-scale combat operations

Potential Demands for Legal Support		
Main and Tactical Command Post		
The MDMP	Mission analysis (order review) Mission analysis brief COA development meeting COA analysis (wargame meeting)	COA comparison (evaluation meeting) COA approval (CMD's brief) Orders production
Targeting process	Protection WG (meeting) Information operations WG (meeting) Cyberspace and EW WG (meeting)	Targeting WG (daily meeting) Targeting board (daily meeting and brief) Assessment WG (meeting)
Battle rhythm events	Shift change briefing (daily) Operational update brief and assessment (daily)	Operational synchronization meeting (daily) Logistics synchronization meeting (daily)
Current Operations Integration Cell (24-hour operations)		
Cell integration (24 hours)	Intelligence Fires	Protection and detainee operations
CP operations support	Site security detail (infrequent) Access control point detail (infrequent) Meal service detail (infrequent)	CP tear down tasks (tent, equipment, communications) (infrequent) CP setup tasks (tent, equipment, communications) (infrequent)
Operational	ICRC coordination and escort Foreign claims mission Convening authority legal meeting Command investigation support	Detention site inspections ROE, RUF, LOAC, Code of Conduct training Legal engagements
Court-martial	Force cap planning for court-martial personnel Resourcing courtrooms Expert witness travel Witness interviews	Investigations Trial counsel and TDS resourcing Military judge resourcing

CMD	commander	MDMP	military decision-making process
COA	course of action	ROE	rules of engagement
CP	command post	RUF	rules for the use of force
EW	electronic warfare	TDS	Trial Defense Services
ICRC	International Committee of the Red Cross	WG	working group
LOAC	law of armed conflict		

THE JUDGE ADVOCATE GENERAL'S CORPS' MATERIEL REQUIREMENTS

3-69. The ability to communicate—sending and receiving information—represents JAG Corps personnel's primary materiel requirements to deliver timely legal support in garrison and the deployed environment. Legal personnel must be adequately resourced to effectively perform their mission in support of the command. Communication, legal automation, and mobility are the most critical capability requirements. Additionally, the area of operations may necessitate other requirements to best support the command. Those requirements can include the need for legal personnel to have the proper levels of security clearance, security containers, and secure safes, and the ability to provide an area for confidential, privileged communications among legal personnel and clients, investigating officers, commanders, and others as the situation requires. Early planning for security clearances is critical, as certain legal support positions in a multidomain operation environment, especially to sensitive activity planning, will require TS and SCI clearances and that personnel are fully read-on to the required compartments and activities.

COMMUNICATIONS

3-70. Operations often occur in fluid, chaotic, and dangerous environments in which mobility is constrained. Legal advice is usually time-sensitive and often critical. JAG Corps personnel require access to communications that link them with the commander, subordinate commanders, the staff, and OSJAs at higher echelons. JAG Corps personnel often require legal assets and legal research resources located outside their supported unit's area of operations. Dedicated Non-classified Internet Protocol Router Network (known as NIPRNET) and SECRET Internet Protocol Router Network (known as SIPRNET) access are a priority capability requirement for judge advocates, paralegal NCOs, and legal administrators. When operational requirements dictate, JAG Corps personnel should have access to the Joint Worldwide Intelligence Communications System (known as JWICS). Additionally, when available, access to commercial, unclassified, and classified telephone and video conferencing systems are a priority requirement for legal personnel. JAG Corps personnel use communications available within their commands, including the Army Battle Command Systems (known as ABCS), combat net radios, common-user networks, the Army Data Distribution System equipment, and broadcast system equipment. In addition, JAG Corps personnel must have a dedicated digital sender on both NIPRNET and SIPRNET to scan and transmit critical, time-sensitive documents to any location. Scanners and cameras are alternatives to digital senders to capture images. When working in a coalition, JAG Corps personnel must have access to communications systems that enable them to communicate with allies and partners.

AUTOMATION

3-71. Judge advocates and paralegals require automation to provide responsive legal services at all echelons of command. Practitioners require access to multiple online platforms to enhance technical reach back capability, such as the JAG Corps network (known as JAGCNet) and the Center for Law and Military Operations (known as CLAMO).

MOBILITY

3-72. Major movement of legal personnel and equipment relies on the units to which they are assigned or attached for transportation. Sufficient vehicles are required for legal personnel, such as the OSJA or brigade legal section, military judges, and defense counsel. The number and type of vehicles will depend on the mission requirements. In addition to a modified table of organization and equipment (known as MTOE) authorized tactical wheeled vehicle assets, a division or corps OSJA may require additional tactical vehicles. OSJA or brigade legal sections typically require the use of one high mobility multi-purpose wheeled vehicle or joint light tactical vehicle and one cargo trailer. Additionally, military judges and trial defense personnel in the theater of operations might also require tactical vehicles. Mobility serves three distinct functions:

- Control of legal assets.
- Effective delivery of national security law and personnel service support.
- Service to geographic areas.

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Chapter 4
Legal Support to the Army

This chapter provides a detailed description of the four legal functions supporting the Army as an institution. They include administrative and civil law, contract and fiscal law, military justice, and national security law.

LEGAL FUNCTION: ADMINISTRATIVE AND CIVIL LAW

4-1. Administrative and civil law is that body of law containing the statutes, regulations, and judicial decisions that govern the establishment, functioning, and command of military organizations and the duties of military organizations and installations with regard to civil authorities. Availability of personnel, resources, and office space often affects how a legal office covers this core function. Larger legal offices often separate administrative law and civil law into separate branches within the office

ADMINISTRATIVE LAW

4-2. Several DOD and Army regulations govern and regulate military command policies and decisions. Generally, the practice of administrative law involves legal support to commanders in various specialized areas concerning DOD and Army regulations. These specialized areas include general statutory, regulatory, and policy compliance; government ethics and standards of conduct; investigations; and Army claims.

4-3. Administrative law attorneys perform multiple tasks in support of operations. These tasks include—

- Providing legal support to administrative investigations.
- Providing legal support to theater specific personal conduct policies.
- Providing legal support to Freedom of Information Act (known as FOIA), Privacy Act, and Health Insurance Portability Accountability Act (known as HIPAA) compliance.
- Providing legal support to public affairs and command messaging.
- Administering deployment claims and advise on solatia.
- Providing advice and administering the DOD ethics program at the unit level according to DODD 5500.07.
- Providing general administrative law support to include—
  - Advice to boards and preliminary hearing officers.
  - Advice to sexual harassment and assault response and prevention and equal opportunity programs.
  - Legal reviews of command policies, scope of command authority, and effect of laws, regulations, and policy on operations, and those required by regulations and the UCMJ.
  - Military property transition and disposal.

4-4. Administrative law support is typically provided at brigade headquarters, main and tactical CPs in the divisions and corps, theater sustainment command (TSC) headquarters, ASCCs, installation OSJAs, and each joint and multinational headquarters. Administrative law attorneys require robust legal research capabilities and technical support structure to provide specialized legal knowledge and retain flexibility to solve different problems as an operation progresses.

4-5. Administrative law attorneys invest considerable time and effort on command investigations, as these may significantly impact the unit and mission. In accordance with AR 15-6, command investigations may be conducted as preliminary inquiries, administrative investigations, or as a board of officers. Administrative law attorneys advise commanders to consider the purpose of the inquiry, seriousness of the subject matter,

complexity of the issues involved, need for documentation, and desirability of providing a hearing for persons whose conduct is being investigated when deciding which type of investigation to conduct. They also advise on the release of information pertaining to safety or mishap investigations in accordance with AR 385-10.

4-6. Administrative law attorneys are sometimes appointed in writing to perform duties as ethics advisors to assist in implementing and administering the command's or organization's ethics program. This includes filing financial disclosure forms, even in a deployed environment. They also provide ethics advice in accordance with DODD 5500.07.

4-7. Paralegal NCOs, Soldiers, and civilian paraprofessionals support judge advocates and civilian attorneys in reviewing documents, to include AR 735-5 financial liability assessments, AR 15-6 investigations, and other administrative law matters. Additionally, they prepare necessary documentation related to these and other matters. Paralegal NCOs and Soldiers ensure that all actions are tracked, processed, and filed to ensure the prompt and efficient delivery of services to the commander and staff.

CIVIL LAW

4-8. The practice of civil law includes specialized areas of the law that are concerned with statutes and regulations that apply across all agencies of the Federal government and are not simply internal to the Army or DOD. The practice of civil law also includes matters that are subject to civil litigation in various forums. Some specific areas of the law that fall into this category include environmental law, the law of federal employment, federal litigation, and intellectual property law. Civil law attorneys provide legal advice on non-uniformed personnel supporting military operations, labor law, civilian personnel law, real property use and disputes, and environmental law. Paralegal NCOs and Soldiers support judge advocates and civilian attorneys in the review of documents, including Freedom of Information Act requests, subpoenas, other documents related to civil litigation, and documents processed for release to ensure compliance with the Privacy Act. Additionally, they track, process, and file all actions to ensure the prompt and efficient delivery of services to the commander and staff.

ARMY INSTITUTIONAL CLAIMS

4-9. Although the legal function of Soldier and Family legal services includes personnel claims or claims by Soldiers and Department of the Army (DA) Civilians, claims by third parties against the Army or affirmative claims, now called Army institutional claims, belong to the core competency of legal support to the Army. The division of claims between two legal functions is necessary under the core competency construct, but the actual work of processing and adjudicating Army institutional claims is executed by the same division of the OSJA in garrison. During large-scale combat operations, the administrative law legal function includes performance of foreign claims to support operations. (See Chapter 5 for more information on legal support to Soldiers and Families.)

4-10. The Army claims program investigates, processes, adjudicates, and settles certain claims worldwide on behalf of and against the United States. This program works under the authority conferred by statutes, regulations, international, and interagency agreements, and DOD directives. The Army claims program supports commanders by facilitating successful operations and promoting good will with local populations. In short, this program provides compensation for personal injury, wrongful death, or property damage caused by Army or DOD personnel.

4-11. Army institutional claims fall into three categories: torts alleged against Army or DOD personnel, claims for personal injury or property damage caused by noncombat military operations, and claims by the United States for injury of Army personnel or their dependents or for the damage or destruction of Army property.

4-12. TJAG supervises the Army claims program and settles claims in accordance with delegated authority from the Secretary of the Army. The United States Army Claims Service (USARCS) administers the Army claims program and designates area claims offices, claims processing offices, claims attorneys, and foreign claims commissions. SJAs and other supervisory judge advocates operate each command's claims program, and they supervise the area claims office or claims processing office designated by USARCS for the command. Area claims offices and claims processing offices are the claims offices at Army installations that normally investigate, process, adjudicate, and settle claims against the United States. These offices also

identify, investigate, and assert claims on behalf of the United States. Claims attorneys at each level settle claims within delegated authority, and they forward claims exceeding that authority to the appropriate settlement authority.

4-13. Foreign claims are investigated and paid outside the United States, in operational or other areas. In multinational operations, unless otherwise specified in applicable agreements, a troop-contributing nation is generally responsible for resolving claims arising from its own operations. Foreign claims against the United States will normally be resolved by the Service that is assigned single-service tort claims responsibility for the area. Claims attorneys should consult DODI 5515.08. Normally the parent Service resolves U.S. personnel claims. Army claims services are normally provided in the main and tactical CPs in the modular divisions and corps, TSC headquarters, and theater army headquarters. Commanders normally appoint unit claims officers prior to deployments. Unit claims officers investigate, document, and report incidents to claims offices that might result in a claim by or against the United States.

4-14. During operations, claims personnel establish claims operations and perform claims services. Because security is always a primary concern, the senior claims attorney is responsible for coordinating resources to ensure safety throughout all claims-related activities. The senior claims attorney also informs host-nation authorities how to process claims, provides information to the local population about claims procedures, and obtains translation services and local legal advice. It is critical for claims personnel and unit claims officers to document the existing condition of base camps, unit locations, or transportation routes when establishing claims operations. Good documentation at the beginning of an operation enables accurate payment of legitimate claims and prevents payment of fraudulent or inflated claims. When performing claims services, the senior claims attorney coordinates with unit claims officers to assist them with claims investigations. The senior claims attorney coordinates with the civil affairs staff to facilitate liaison with local officials, learn about local customs, and provide civil affairs and finance and comptroller personnel information about claims procedures. The senior claims attorney coordinates with military police and military intelligence personnel to share information. Throughout an operation, claims personnel travel throughout the operational area to receive, investigate, and pay claims.

4-15. Legal administrators may perform claims-related duties while in a deployed environment. These duties include coordinating with USARCS to establish foreign claims commissions, serving as claims investigating officers and foreign claims commissions, and processing claims in their unit's operational area. Legal administrators may also serve as pay agents for foreign claims.

4-16. Paralegal NCOs' and Soldiers' duties include claims intake, investigation, and adjudication. In the deployed environment, paralegal NCOs and Soldiers often conduct claims missions or run claim offices where they receive foreign claims from foreign nationals, investigate and adjudicate claims, and serve as claims paying agents.

LEGAL FUNCTION: CONTRACT, FISCAL, AND ACQUISITION LAW

4-17. Contract, fiscal, and acquisition law is the body of law that governs the funding and procurement of services, supplies, and construction in support of military operations. Paragraphs 4-18 through 4-24 discuss this body of law.

FISCAL LAW

4-18. Fiscal law pertains to the use of appropriated and non-appropriated funds to pay for obligations incurred by the government. The OSJA's fiscal law responsibilities include furnishing legal advice on the proper use of funds in operations and training, interagency acquisitions, funding security assistance, funding contingency construction, and funding support to nonfederal agencies and organizations. Usually, OSJAs provide fiscal law support at the main and tactical CPs in divisions and corps, TSC headquarters, theater army headquarters, and each joint and multinational headquarters. At the multinational command headquarters, experts may also be required to provide advice concerning international support agreements. BJAs may provide fiscal law support at the brigade level.

CONTRACT LAW

4-19. Contract law governs the formation and administration of government contracts. The OSJA's contract law responsibilities include furnishing legal advice and assistance to commanders and procurement officials during all phases of the contracting planning process and overseeing an effective procurement integrity program. The responsibilities also include providing legal advice to the command concerning requirement scoping, battlefield acquisition, contingency contracting, bid protest and contract dispute litigation, use of Logistics Civil Augmentation Program (known as LOGCAP), acquisition and cross-servicing agreements, and real estate and construction outside the United States.

4-20. Legal personnel participate in the contract process by involving themselves early in acquisition planning, communicating closely with procurement officials and contract lawyers in the technical supervision chain, and providing legal and business advice as part of the contract management team. To accomplish these actions, OSJAs usually provide contract law support at the main and tactical CPs in the modular divisions and corps, TSC headquarters, theater army headquarters, and each joint and multinational headquarters.

4-21. Contract law advice may also be required at brigade or battalion headquarters. At those levels, judge advocates primarily encounter issues related to simplified acquisitions, contract performance, contract terminations, follow-on contracting, emergency acquisition flexibilities, requirements definitions, and the use of already existing contracting methods (for example, the Logistics Civil Augmentation Program). OSJAs should deploy a contract law attorney with early entry CPs. Judge advocates assigned to sustainment brigades, contract support brigades, TSCs, and expeditionary sustainment commands should be trained in government contract law and fiscal law. Expertise may be required at the multinational command headquarters to give advice concerning international acquisition agreements.

4-22. Contract lawyers assist operational contract support planning by identifying the legal authorities for contracting, obtaining relevant acquisition agreements or requesting their negotiation, helping the requiring activity define requirements, helping the contracting officer establish procurement procedures for the operation, forecasting intellectual property issues, opining on contract claims, working with contracting activities and program offices, the vendor threat mitigation and operation contract support integration cells, coordinating with procurement fraud division and contract fiscal law division as necessary, and reviewing the contract support integration plan for legal sufficiency. Fiscal lawyers assist operational contract support planning by identifying funding authorities supporting the mission. In preparation for deployment, these judge advocates or civilian attorneys marshal resources and assist the early entry CP's final coordination, including the identification of funding sources and other legal requirements. They also establish liaison with the contracting support brigade or joint theater support contracting command, and the Department of State country team in the theater of operations. Upon arrival in the theater of operations, the contract and fiscal lawyers support the early entry CP missions of facilitating the deployment and entry of forces.

4-23. As operations progress contract and fiscal issues will increase in number and complexity. Because of this, SJAs should plan for additional contract and fiscal law support to include the creation of joint contracting centers. SJAs encourage the use of acquisition review boards because they promote prudent management of resources and proactive resolution of logistic support issues.

ACQUISITION LAW

4-24. Acquisition law governs the Army requirements process from initial requirement development to contract close out and final fund disbursement. The Army's requirements process also follows and is nested within the DOD's acquisition system found in DODD 5000.01 and DODI 5000.02. Practitioners of acquisition law ensure that all acquisition and procurements by the Army are consistent with all applicable laws and regulations. Acquisition law also encompasses legal considerations in the overall acquisition strategies for the modernization efforts of the Army, such as programming, budgeting, and execution. An important part of acquisition law is the Army urgent-operational-needs process and other quick-reaction capabilities that are means to support operational Army commanders in current or imminent contingency operations with the capabilities urgently needed to achieve mission success and reduce risk of casualties that other standard Army processes or procedures are unable to provide.

LEGAL FUNCTION: MILITARY JUSTICE

4-25. Military justice is the administration of the commander's disciplinary authority. The purpose of military justice, as a part of military law, is to promote justice, to assist in maintaining good order and discipline in the armed forces, to promote efficiency and effectiveness in the military establishment, and thereby to strengthen the national security of the United States. TJAG is responsible for the overall supervision and administration of military justice within the Army. Commanders oversee the administration of military justice in their units and communicate directly with SJAs about military justice matters. Currently, three independent organizational components of military justice exist within the JAG Corps: the SJAs, TDS, and the Trial Judiciary.

Note. This publication does not address the Office of the Special Trial Counsel. See Section 824a, Title 10, United States Code, signed into law 27 December 2021, creating the position of Special Trial Counsel, and effective on 27 December 2023 for more information on the Office of the Special Trial Counsel.

4-26. The SJA is responsible for military justice advice and services to the command. The SJA advises commanders concerning administrative boards, the administration of justice, the disposition of alleged offenses, appeals of nonjudicial punishment, and action on courts-martial findings and sentences. The SJA supervises the administration and prosecution of courts-martial, preparation of records of trial, the victim-witness assistance program, and military justice training.

Note. Use of the term "SJA" in this chapter denotes the SJA or legal advisor at the appropriate level of command.

4-27. SJAs should discuss deployed military justice with commanders to determine commanders' priorities and commitment to resourcing. The decision whether to conduct courts-martial in a deployed environment should be an informed, deliberate, staffed decision.

4-28. Military justice services are centralized to facilitate timely and efficient delivery. Normally, courts-martial are processed at theater army, corps, division, TSC, or other headquarters commanded by an officer who is a GCMCA. Litigation will be centralized at the GCMCA level. Army brigade and battalion commanders, and joint task force commanders, have special and summary court-martial convening authority and may require support to conduct courts-martial.

4-29. The chief, military justice, is the officer-in-charge of the military justice section within the OSJA. Chiefs of military justice research jurisdiction agreements to engage with non-U.S. military entities who exercise concurrent or exclusive jurisdiction with the military on-post or in surrounding off-post areas—state, federal, tribal, or foreign governments. A special victim prosecutor, in coordination with the Trial Counsel Assistance Program, normally leads the special-victim team. Generally, the special victim prosecutor will oversee the investigation and prosecution of all special-victim offenses and will train trial counsel in the handling and disposition of special-victim cases. An SJA may not designate an officer a special victim prosecutor without first coordinating with Trial Counsel Assistance Program.

4-30. Trial counsel will be assigned to the OSJA, will report to the chief, military justice, and will litigate at courts-martial on behalf of the GCMCA. The OSJA may designate a trial counsel as either a special victim trial counsel or general crimes trial counsel. SJAs have the discretion to assign or detail any trial counsel to any case as circumstances require. If an officer is assigned to lead the general crimes team, that officer is designated the General Crimes Prosecutor. The MJA is generally responsible for advising commanders on issues pertaining to military justice and adverse administrative actions, including nonjudicial punishment, search and seizure, pretrial confinement hearings, and overseeing and conducting administrative separations boards. The MJA will be assigned either to a brigade or to the OJSA, depending on the number of commanders and units the MJA advises, and will be supervised by the BJA or the chief of justice.

4-31. In multinational organizations, each troop-contributing nation is responsible for the discipline of its military personnel. Accordingly, the U.S. element of the multinational organization will require military justice support.

4-32. Legal administrators resource military justice operations in both garrison and deployed environments. They serve as the technical experts for military justice applications and processes. They are directly responsible for planning, resourcing, sustaining, and securing courtroom systems and facilities. Legal administrators facilitate the travel of witnesses, experts, counsel, and members of judicial and administrative proceedings. They are responsible for initiating, coordinating, and overseeing contracts in support of military justice operations. They ensure network services are available to facilitate the use of Military Justice Online and other network platforms.

4-33. Paralegal NCOs and Soldiers interview witnesses, prepare courts-martial documents, draft charges and specifications, and record and transcribe judicial and administrative proceedings and investigations. They prepare and manage records of nonjudicial punishment, memoranda of reprimand, and officer elimination and enlisted administrative separation documents. They facilitate witness and court member appearances. They also coordinate and support logistics for all legal proceedings and hearings from administrative separation boards to general courts-martial. Senior paralegal NCOs-in-charge of military justice and criminal law sections review all legal documentation prepared by paralegals.

4-34. Paralegal NCOs and Soldiers with additional skill identifier C5 are court reporters. Properly trained civilians may also serve as court reporters. Their duties include recording, transcribing, and certifying verbatim records of courts-martial, administrative proceedings, tribunals under Article 5 of the Geneva Convention Relative to the Treatment of Prisoners of War, and other proceedings required by law or regulation.

4-35. Many military justice tasks are performed in preparation for deployment. A sample of some include—

- Align the convening authority structure for the deployment theater and home station.
- Ensure that units and personnel are assigned or attached to the appropriate organization for the administration of military justice.
- Request or accomplish required designations of home-station convening authorities.
- Transfer individual cases to new convening authorities when necessary.
- Publish a general order for the operation when not withheld by higher echelon headquarters.
- Mission training including briefings to deploying and home-station commanders concerning military justice operations and briefings to deploying Soldiers concerning the terms of the general order for the operation.
- Plan for prosecution of courts-martial in a deployed environment.

4-36. Although TDS is separated as an independent legal function under the legal competency of legal support to Soldiers and Families, TDS's mission is essential to the overall functioning of the military justice system. As discussed in Chapter 3, leaders ensure a strong and healthy relationship between TDS and government representatives in terms of the management of services and support, while never sacrificing the ability for TDS personnel to zealously advocate for their clients. (See Chapter 5 for more information on TDS support to Soldiers and Families.)

4-37. The Chief Trial Judge, United States Army Trial Judiciary, and the Commander, Legal Operational Detachment-Judicial, provide military judges for general and special courts-martial, supervise judges, promulgate rules of court, and supervise the military magistrate program. Military judges are not within the local chain of command or the technical chain of the SJA. However, their legal tasks provide support to the Army as an organization. Military judges are normally co-located with the OSJA at a command headquarters, or they travel into the area of operations for periodic trial terms, depending upon judicial workloads and the nature of the area of operations. Military judges preside at general and special courts-martial; maintain judicial independence and impartiality; perform or supervise military magistrate functions; review and act upon pre-referral requests for subpoenas, warrants, and search authorizations; and may be detailed to preside over military commissions. Military magistrate functions include the review of pretrial confinement and confinement pending the outcome of foreign criminal charges; the issuance of search, seizure, or apprehension authorizations; and, when authorized, presiding over special courts-martial referred under Article 16(c)(2)(A), UCMJ.

LEGAL FUNCTION: NATIONAL SECURITY LAW

4-38. National security law is the application of U.S., foreign, and international law to military operations and activities. National security law practitioners rely on these areas of law and their legal tasks: constitutional law, cyberspace law, intelligence law, international law, operational law, and space operations law.

CONSTITUTIONAL LAW

4-39. Fundamental questions about the authorities to use military force and other operational activities are often questions of constitutional law. Judge advocates should be familiar with this area of law to understand the domestic legal basis for U.S. military operations and legal authorities, including the application of war powers, an authorization for the use of military force passed by Congress, or the President's authorities under Article II of the Constitution.

CYBERSPACE LAW

4-40. Cyberspace law generally is not the practice of a unique body of law but rather the application of the other national security law disciplines to cyberspace operations and cyberspace-enabled activities. Due to the complex nature of cyberspace operations, the potential for political implications, and highly classified tools and capabilities, approval and oversight requirements for cyberspace operations often remain at the most senior leadership levels. Generally subject to classified directives and guidance, cyberspace operations often raise unique and complex factual issues that make the application of the existing national security law challenging. When analyzing legal issues raised by cyberspace operations, judge advocates first need to determine whether the activity is a cyberspace operation or whether it is a cyberspace-enabled activity. Cyberspace operations are the employment of cyberspace capabilities where the primary purpose is to achieve objectives in or through cyberspace.

4-41. Cyberspace operations includes three cyberspace missions: offensive cyberspace operations (known as OCO), defensive cyberspace operations (known as DCO), and DOD information network (known as DODIN) operations. Unlike cyberspace operations, cyberspace-enabled activities use cyberspace to enable other types of activities or employ cyberspace capabilities to complete tasks, but they are not undertaken as part of one of the three cyberspace operations missions. Information operations can be a category of cyberspace-enabled operations when they include the integrated employment of electronic warfare, computer network operations, psychological operations, military deception, and operations security, in concert with specified supporting and related capabilities, to influence, disrupt, corrupt, or usurp adversarial human and automated decision making while protecting friendly decision making. Once judge advocates determine whether the activity is cyberspace operations or a cyberspace-enabled activity, they will be better prepared to determine the relevant legal authorities governing the activity. Practitioners require a basic understanding of cyber technology and capabilities in addition to a knowledge of constitutional, domestic, international, operational, and intelligence law.

4-42. Given the structure of the internet and the potential for affecting third party systems, cyberspace operations often raise challenging international law issues. Judge advocates must analyze whether a proposed operation would constitute a use of force or be a prohibited intervention into a State's domestic affairs. Additionally, cyberspace operations often raise issues related to neutrality and sovereignty. While many cyberspace operations occur outside of armed conflict, the law of armed conflict applies to those that occur in an armed conflict or rise to the level of a use of force or an armed attack.

INTELLIGENCE LAW

4-43. Because intelligence activities are some of the most sensitive activities conducted by military forces, they are subject to classified directives and guidance. As such, they are highly regulated and subject to intense scrutiny and oversight both within the DOD and by Congressional oversight committees. This is specifically applicable when information regarding U.S. persons is being collected, stored, disseminated, and analyzed. Judge advocates play a key role in the oversight of intelligence activities, and they are often seen as subject matter experts. It is imperative that judge advocates practicing in this area are knowledgeable not only on the approval authorities to conduct intelligence activities but also on the reporting requirements for questionable

intelligence activities and significant or highly sensitive matters. (See DODM 5240.01 and AR 381-10 for more information on laws regarding intelligence activities.)

4-44. A complicating factor in the practice of intelligence law is that many operational activities use similar means and methods to those employed for intelligence activities. This is particularly the case in the use of publicly available information and operational preparation of the environment, both of which are operational activities but have significant similarities to open-source intelligence and human intelligence activities respectively. While these operational activities are conducted pursuant to different authority and with a different reporting and oversight process, they raise many of the same sensitive issues as the similar intelligence activities. Thus, judge advocates not assigned to intelligence units must also be familiar with intelligence authorities and oversight requirements to ensure activities are accurately identified, distinguished, conducted, and reported, in accordance with the relevant requirements. Similarly, judge advocates assigned to intelligence units must also understand this distinction to ensure that operational activities are not misidentified and misanalysed, but rather are approved and conducted pursuant to the appropriate authorities.

INTERNATIONAL LAW

4-45. Within the Army, the practice of international law includes the interpretation and application of international agreements to which the United States is a party and applicable customary international law recognized by the United States. The practice of international law may also include the application of foreign law and comparative law. International law responsibilities include—

- Implementing the DOD Law of War Program, which includes law of armed conflict training, advice concerning the application of the law of armed conflict to military operations, the implementation of law of armed conflict standards, reporting of incidents, and reviews of incidents.
- Assisting with international legal issues relating to deployed U.S. forces, including the legal basis for conducting operations, status-of-forces and other international agreements, and the impact of foreign law on Army activities, contractors, and dependents.
- Monitoring foreign trials and confinement of Army military and civilian personnel and their dependents.
- Advising the command concerning the authority to negotiate and execute international agreements.
- Serving as legal liaison with host-nation or multinational legal authorities.

4-46. International law support is normally provided at the main and tactical CPs in divisions and higher echelon headquarters; however, international law support may be required below the division echelon in some circumstances. International law tasks vary from one level of command to the next and by phase, but they are designed to ensure operational capability and support international legitimacy through all phases of an operation.

4-47. International law attorneys understand military plans and ensure they comply with international legal obligations, including obligations to noncombatants. International law planning objectives include informing the commander and staff of the international legal obligations on the use of force, minimizing adverse effects of the use of force, protecting the legal status of unit personnel, ensuring rights of transit, and providing responsive and economical host-nation support.

4-48. Depending on the level of command, international law attorneys have close working relationships with the Department of State country team for the operational area, legal officials in the host-nation and coalition forces, and other government, nongovernmental, and international organizations—such as the International Committee of the Red Cross (ICRC)—as directed by the commander. These relationships help sustain the operation, ensure compliance with international legal requirements, coordinate the legal aspects of the deployment and entry, and confirm understanding of agreements concerning status of forces, rights of transit, basing, and host-nation support.

4-49. Advice to the commander may involve the law of armed conflict, implementing the DOD Detainee Program; interpretation of international agreements; treatment of civilians or foreign diplomats; assistance to international, U.S., or host-nation governmental or nongovernmental organizations; and other international

legal matters. Legal processes include the investigation and trial of war crimes, tribunals under Article 5 of the Geneva Convention Relative to the Treatment of Prisoners of War, due process procedures for detainees, foreign criminal trials of U.S. personnel, foreign civil or administrative proceedings, and proceedings conducted under occupation or martial law. (See DODD 2310.01E for more information on the DOD Detainee Program.)

OPERATIONAL LAW

4-50. Operational law encompasses the totality of military law that affects the conduct of operations. This includes an understanding of the domestic and international legal basis for operations, the authorities available to each level of command, any weapons or force restrictions, application and interpreting of the standing ROE and mission-specific ROE, interoperability with allied forces, information operations, the application of fiscal law to military operations, and the application of various DOD or other executive branch policies to military operations. Judge advocates provide operational law support in all military operations. The national security law judge advocate supports the MDMP by preparing legal estimates, designing the operational legal support architecture, writing legal annexes, assisting in developing and training of ROE, and reviewing plans and orders. The operational law judge advocate supports the conduct of operations by maintaining situational awareness and advising and assisting with lethal and nonlethal targeting, with particular emphasis on LOAC compliance, ROE implementation, and detainee operations. In stability operations, judge advocates perform activities to establish civil security, civil control, essential services, economic and infrastructure development, and governance. To perform these functions, the legal advisor must have a dedicated seat in the operations center.

4-51. The practice of operational law further includes the Army's need to sustain, secure and protect U.S. forces. Judge advocates are called upon to advise and assist in the effort to maintain a ready force through training and education policy, readiness and mobilization, force generation and management, and force protection. Force protection, both at home and abroad, contains multiple lines of effort, including counterterrorism and antiterrorism, emergency and critical infrastructure management, cybersecurity and information assurance, physical security, and counter-insider threat efforts. Like much of national security law, each area requires an integration of a variety of complex legal areas, and each requires the judge advocate to maintain constant awareness to ensure the appropriate balance between sustainment and protection efforts and the need to preserve the civil liberties of Soldiers, DA Civilians, and citizens in general.

LEGAL SUPPORT TO SPACE OPERATIONS

4-52. Legal support to space operations requires practitioners to understand and apply international and operational law. Space operations typically involve activities in and through the electromagnetic spectrum with effects in or through outer space. This requires analyzing specialized legal issues from various bodies of law including the Outer Space Treaty and the International Telecommunications Union in addition to the LOAC. The analysis may include evaluating multiple international legal regimes, making a core understanding of international law vital. Space activities and the electromagnetic spectrum are heavily regulated, so legal advisors must also consider domestic or host-nation laws and regulations that may be implicated in operations.

4-53. Space operations can be considered sensitive and are governed by distinct policies. Authorities, processes, and coordination requirements must be thoroughly reviewed prior to conducting training or operations in or through the space domain. Legal advisors should review JP 3-14 to understand doctrinal underpinnings of space operations. Many key policy terms are defined and explained in JP 3-14.

LEGAL SUPPORT TO DOMESTIC OPERATIONS

4-54. Legal advisors must be able to advise the commander of the application, limitations, and exceptions inherent in operations conducted inside the United States. In these operations, legal advisors consider the Posse Comitatus Act, fiscal law associated with disaster and emergency relief, the dual status of command authorities, the standing rules for the use of force, the use of unmanned aircraft system and counter-unmanned aircraft system operations, and social media monitoring operations.

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Chapter 5
Legal Support to Soldiers and Families

This chapter discusses the core legal competency of providing legal support to Soldiers and Families and its subordinate legal functions and tasks. This chapter covers these topics with a focus on legal support during large-scale combat operations, rear detachment operations, and maintaining installation services.

LEGAL FUNCTION: SOLDIER AND FAMILY LEGAL SERVICES

5-1. The legal function of Soldier and Family legal services includes these legal tasks: claims by Soldiers and DA Civilians, medical evaluation and disability law, Soldier and Family legal assistance, and special victim counsel services. Each of these legal tasks centers on service to individuals as opposed to service to the institution.

CLAIMS BY SOLDIERS AND DEPARTMENT OF THE ARMY CIVILIANS

5-2. The Army claims program investigates, processes, adjudicates, and settles certain claims on behalf of and against the United States worldwide. This program works under the authority conferred by statutes, regulations, international and interagency agreements, and DOD directives. The Army claims program supports commanders, promoting the morale of Army personnel by compensating them for property damage suffered incident to service.

5-3. Adjudicating claims for property damage of Soldiers and other employees arising incident to service is a legal task under the legal function Soldier and Family legal services. This process is supervised by TJAG under the authority of the Secretary of the Army. Most claims by Soldiers and DA Civilians arise incident to household goods moves at government expense and are covered by the Personnel Claims Act. These claims are first filed directly with the carrier by the Soldier or DA Civilian. If the Soldier or DA Civilian does not receive adequate resolution with the carrier, the local claims processing office will assist with forwarding the claim to the Center for Personnel Claims Support at Fort Knox. (See AR 27-20 for further details on processing personnel claims.)

5-4. There are several other claims cognizable under federal law for harm, damage, or destruction to person or property resulting incident to service that Soldiers and DA Civilians may file with the unit legal office. Claims may be processed under the Military Claims Act, National Guard Claims Act, international agreements, Maritime Claims Act, Non-Scope Claims Act, and Article 139, UCMJ. Brigade legal sections and OSJAs in the deployed environment must be prepared to process claims with the appropriate area claims office. Judge advocates at all echelons need to understand and advise commanders on the requirements to report and investigate claims under Chapter 2, AR 27-20. Additionally, JALS personnel must be familiar with claims processing, investigative procedures, and command claims service responsibilities and contact information.

MEDICAL EVALUATION AND DISABILITY LAW

5-5. Soldiers undergoing evaluation in the Army's Disability Evaluation System (DES) are entitled to legal representation from the Office of Soldiers' Counsel. The Office of Soldiers' Counsel includes Soldiers' Medical Evaluation Board Counsel (SMEBC) and Soldiers' Physical Evaluation Board Counsel (SPEBC) who provide case-specific legal advice and advocacy tailored to the Soldier's goals regarding their ultimate outcome from the DES. The SMEBC and SPEBC advise Soldiers on submitting materials at various stages

of the DES, making timely elections on how to proceed in the DES, preparing rebuttals, and representing Soldiers before the formal physical evaluation board.

Role of the Soldiers' Medical Evaluation Board Counsel

5-6. Upon initiation of a medical evaluation board, the SMEBC provides a legal briefing highlighting the services provided by the Office of Soldiers' Counsel and the Soldier's rights throughout the DES process. The SMEBC advises Soldiers through the medical evaluation board and informal physical evaluation board phases. SMEBCs are located at most medical treatment facilities where there is an Army medical evaluation board.

Role of the Soldiers' Physical Evaluation Board Counsel

5-7. The SPEBC provides legal advice and representation to Soldiers who appeal the results from an informal physical evaluation board to a formal physical evaluation board. If a Soldier is not satisfied with the results of the formal physical evaluation board, the SPEBC assists the Soldier in appealing to the United States Army Physical Disability Agency. Soldiers' physical evaluation board counsel are currently located at Fort Belvoir, Virginia; Joint Base San Antonio, Texas; and Joint Base Lewis-McChord, Washington.

5-8. Only attorneys assigned to Office of Soldiers' Counsel are authorized to represent an individual undergoing evaluation in the DES. Nevertheless, command legal advisors should be familiar with the DES process because it affects Soldier availability for deployment and individual and unit readiness. Judge advocates assigned to legal assistance, special victim counsel, trial defense services, administrative law, and brigade legal team billets should be familiar with the DES process as it may affect individual clients in other actions.

Legal Assistance Provided to Soldiers and Families

5-9. Soldier and Family legal assistance is a provision of personal civil legal services provided to Soldiers, their dependents, and other eligible personnel. The mission of the Army Legal Assistance Program is to assist clients with their personal legal affairs quickly and professionally whenever possible. The legal assistance mission ensures that Soldiers have their personal legal affairs in order before deploying. (See AR 27-3 for more information on the Army Legal Assistance Program.)

5-10. JAG Corps legal assistance attorneys, and paralegals working under their supervision, provide legal assistance in many settings—combat readiness exercises, predeployment preparation, Soldier readiness processing, and operational or deployed settings. Regular Soldier readiness processing ensures that Soldiers and emergency-essential civilian employees have their legal affairs in order and are ready to deploy.

5-11. Legal assistance attorneys provide extensive legal services, including ministerial and notary services, legal counseling, legal correspondence, negotiation, legal document preparation and filing, limited in-court representation, legal referrals, and mediation. They handle many legal issues, including family law, estates, real property, personal property, financial, civilian and military administrative matters, immigration and naturalization matters, and taxes.

5-12. Paralegal Soldier and civilian paraprofessionals legal assistance duties include interviewing and screening clients, coordinating and administering the legal portion of Soldier readiness and predeployment processing, maintaining the client records database, and preparing powers of attorney and other legal documents. Under the supervision of a judge advocate, they may provide income tax assistance, manage electronic filing of income tax returns, provide notary services, and assist with will preparation. All paralegal and paraprofessionals maintain the confidentiality of legal assistance clients and client information.

5-13. SJAs are prepared to resolve the full range of legal assistance cases in garrison and in the operational area. Due to the special attorney-client relationship and the possibility of conflicting interests between commanders and Soldiers, the SJA generally designates specific judge advocates as legal assistance attorneys. Because of the increased demand for legal assistance services during deployments, the SJA may assign judge advocates who normally do not provide these duties as legal assistance attorneys. Likewise, BJAs and Command Judge Advocates face the possibility of conflicting interests between commanders and Soldiers while providing legal assistance. BJAs and Command Judge Advocates are responsible for ensuring

that deployed Soldiers receive legal assistance while simultaneously ensuring that providing such support does not conflict with their duty to provide legal support to the brigade.

5-14. Given the likelihood that conflicts will arise between the interests of Soldiers and their commanders, judge advocates responsible for providing legal assistance need to plan carefully for this mission. They may seek working arrangements with the legal offices of different commands for mutual support. They might rely on Reserve Component legal units and attached personnel for legal assistance augmentation in support of a deployment. The senior defense counsel, who may assign trial defense counsel to provide legal assistance consistent with the trial defense mission and policies, may also provide support. The garrison or higher headquarters' legal assistance office may also serve as a resource for deployed legal assistance attorneys.

SPECIAL VICTIM COUNSEL PROGRAM

5-15. Among the Army's efforts to combat sexual assault in the ranks, the Special Victim Counsel Program was developed to strengthen support to victims of sex-related offenses and enhance their rights within the military justice system, while neither causing unreasonable delay nor infringing upon the rights of an accused. The role of a special victim counsel (SVC) is to zealously represent the client's expressed interests throughout the military justice process.

5-16. SVCs are usually legal assistance attorneys, and they are specially trained and certified by TJAG to serve as an SVC. An SVC provides zealous representation to client victims of sex-related offenses and under certain circumstances domestic violence offenses. Constrained only by ethical limits, SVCs represent the expressed interests of their clients as appropriate even when their client's interest do not align with those of the United States. SVCs' primary duty is to their client and no other person, organization, or entity.

5-17. SVCs are attached to the servicing unit's OSJA, typically the garrison, division, or corps, regardless of their assignment. SVCs are supervised, managed, and rated within their OSJA. SJA and installation support SVCs, regardless of the Table of Distribution and Allowance or modified table of organization and equipment paragraph and line number that the individual SVC occupies. Commanders of the unit to which an SVC is attached exercise UCMJ and administrative authority and other command functions over the SVC to the same extent as any other member of the command. Local units and OSJAs are responsible for funding office supplies and any resources needed for SVCs to accomplish their daily mission. SVCs, through their OSJA, may request additional funding for equipment and resources not funded by their OSJA to the Special Victim Counsel Office of the Program Manager.

5-18. The SVC Program is divided into five geographic regions, with each region having an assigned SVC Regional Manager (SVCRM). SVCRMs are mid-level managers in the technical chain. They assist SVCs in their region by providing technical advice and professional responsibility supervision. They also detail clients to outside SVCs when the local office is precluded from representation due to a conflict. Regional managers also coordinate annual training for SVCs in their region and collect and analyze statistical information for their region.

5-19. The Special Victim Counsel Office of the Program Manager (SVCOPM) reports to the Director, Soldier and Family Life Services of the Office of the Judge Advocate General (known as OTJAG) and works closely with the Legal Assistance Policy Division. The United States Army Legal Services Agency (known as USALSA), a field operating agency supporting TJAG, provides manpower, budgetary, and administrative support to the SVCOPM. The SVCOPM provides technical and policy oversight of the SVC program and SVCs serving in the field. It is the intent that implementation of the SVC program is uniform across the Army. Therefore, any local policies that impact SVCs must be coordinated through the SVCRMs with the SVCOPM. In situations where the interests of the victim do not align with the government, the SVCRM, Chief of Legal Assistance, and the SVCOPM will provide technical advice and professional responsibility supervision in accordance with AR 27-26. Technical chain supervision provided by the SVCRM and SVCOPM is protected communication. Travel and training related to SVC duties are funded by the SVCOPM.

5-20. SVC duties may be full-time or part-time. When performing SVC duties, SVC are legal assistance attorneys and, as such, the SJA, through the Chief of Legal Assistance, provides oversight of SVCs. As the SVC's direct supervisor, the Chief of Legal Assistance is responsible for the continuing education of the SVCs at the installation level. SJAs and DSJAs ensure that all supervisors of part-time SVCs are aware of

the demands of SVC duties, effectively distribute workload, and are not penalized for prioritizing SVC duties. SVCs meeting with victims of sexual assault do so in individual, private offices with full floor-to-ceiling walls and closable doors to safeguard the confidentiality of consultations with clients. OSJAs should provide each of their SVCs with a cellular telephone and a laptop with virtual private network (known as VPN) capabilities. OSJAs may request funding from the SVC program office for these expenses. The SVC program office will provide cellular telephones for judge advocates assigned to full-time SVC billets.

LEGAL FUNCTION: TRIAL DEFENSE SERVICE

5-21. The provision of criminal defense services to Soldiers stands as a hallmark of American and military jurisprudence. It ensures that Soldiers enjoy the constitutional and legal protections that they swear to support and defend for others. Members of TDS, and those who support the TDS mission, provide defense legal services to Soldiers facing adverse actions taken against them by the Army. Trial defense counsel represent Soldiers at general and special courts-martial, Article 32 hearings, pre-trial confinement hearings, and before administrative separation boards. They counsel Soldiers suspected of criminal offenses, pending non-judicial punishment, and at summary courts-martial. Additionally, trial defense counsel may provide limited legal counsel and representation to Soldiers facing minor disciplinary actions, adverse administrative action, or in need of other legal assistance services depending on resources.

5-22. All Army personnel must understand the TDS mission. Counseling and representing Soldiers suspected of committing misconduct may be improperly perceived as at odds with the mission of the unit from which the Soldier comes or even as actions that are contrary to the interests of the Army. Such perceptions have no merit. Any actions or comments that impede the lawful, professional, moral, and ethical responsibilities of TDS personnel are inconsistent with the mission, duties, and responsibilities of the JAG Corps and the Army, and run contrary to American systems of justice.

5-23. TDS provides services through regional, senior, and field trial defense teams. The ranks of personnel assigned to individual billets may vary subject to the discretion of the Chief, TDS, and the needs of the Army. Usually, a regional trial defense team comprises a regional defense counsel (usually an O-5), a senior defense counsel (usually an O-4), a paralegal NCO (usually an E-6), and a paralegal Soldier. A senior trial defense team comprises a senior defense counsel, a defense counsel (usually an O-3), and a paralegal NCO (usually an E-6. A field trial defense team comprises a defense counsel (usually an O-3) and a paralegal Soldier (usually an E-4). The regional trial defense team provides operational control, training, and technical supervision for as many as four trial defense teams. The regional trial defense team assigns cases and trains, supervises, and assists trial defense counsel in counseling clients and preparing actions.

5-24. Local commanders and their respective OSJAs provide trial defense teams with administrative, logistics, and paralegal support in accordance with AR 27-10. Trial defense teams receive all other support from U.S. Army Legal Services Agency. The Chief, TDS, exercises independent supervision, control, and direction over the defense counsel and the TDS mission. The Commander, the Judge Advocate General's Legal Center and School, supervises and provides technical guidance to TDS, in accordance with AR 27-1.

5-25. The TDS provides services on an area basis under the independent supervision and control of the TDS. The Chief, TDS, supervises defense teams and is solely responsible for determining their places of duty and caseloads. Under the direction of the regional and senior defense counsel, trial defense counsel travel as far forward as required. Prior planning, mission training, staff augmentation, and the provision of sufficient paralegal assets and logistic support to defense counsel are critical to success.

5-26. While in reserve status, Army Reserve trial defense personnel are assigned to trial defense teams and regional trial defense teams, under the command and control of the headquarters, legal operations detachment-trial defense (LOD-TD). These teams operate under the technical supervision of the Chief, TDS, through legal support organization commanders. Similarly, while functioning under the authority of Title 32, United States Code, Army National Guard (ARNG) regional and trial defense teams are assigned to their respective states, and they operate under the technical supervision of Chief, TDS, through the Chief, ARNG Trial Defense Service. Upon mobilization, both United States Army Reserve and ARNG trial defense personnel fall under the operational control of TDS.

5-27. JAG Corps personnel providing military defense services to Soldiers carry significant responsibilities to conduct their affairs in accordance with AR 27-26. Judge advocates and paralegals charged with the TDS

mission provide counsel and representation to Soldiers who have little or no familiarity with the military justice system. Judge advocates and paralegal Soldiers conduct themselves and their affairs to instill in Soldiers a high degree of confidence in the individuals who represent them, and in the military justice system overall. Judge advocates assigned to TDS act independently of any other branch and the local OSJA to which they are otherwise attached or affiliated. Paralegal Soldiers and NCOs likewise conduct themselves in accordance with the responsibilities of non-lawyer assistants set forth in AR 27-26.

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Appendix A

Army Reserve Legal Structure and Organization

This appendix discusses the structure and organization of legal support within the United States Army Reserve.

OVERVIEW

A-1. JAG Corps personnel in the Regular Army and Reserve Components train and operate to achieve one integrated corps. United States Army Reserve (USAR) judge advocates train with the expectation of deployment. They provide legal services in the JAG Corps core competencies on active duty, in areas of operations, and in reserve status. Legal support to operations includes the civilian legal skills that Army Reserve judge advocates bring to operations that include diverse areas such as finance, interagency government operations, civilian law enforcement, courthouse operations, and municipal law. These skills, among others, enable USAR judge advocates to provide effective support to all types of operations. Planners consider and integrate these skills into planning legal support for all phases of military operations.

UNITED STATES ARMY RESERVE LEGAL COMMAND

A-2. The USAR Legal Command exercises command and control for Army Reserve legal units when they are not mobilized. This command provides both individual personnel fill capabilities and deployable unit structure. The management of deployable unit structure as an operational force requires the integration of the USAR JALS into standard Army processes for the deployment of units and the use of unit personnel to fill individual mobilization requirements. The following principles guide the standardization of mobilization and training processes and procedures for Army Reserve legal units:

- TJAG or the Commander, Legal Command (USAR) receives and validates all taskings for judge advocates and other legal personnel requirements for unit or individual mobilizations.
- The USAR Legal Command uses established unit rotation methods to source validated requirements, consistent with the unit rotation methods in use by the Army Reserve G-3, in support of the overall Army G-3 unit rotation plan.
- TJAG or Commander, Legal Command (USAR) retains approval authority, under the provisions of Section 806, Title 10, United States Code, and Section 7037(c)(2), Title 10, United States Code, for personnel assignment actions related to filling judge advocate mobilization requirements.
- Where possible, training opportunities for Army Reserve judge advocates should be coordinated with the Regular Army unit to which the judge advocate personnel will likely mobilize. Such coordination promotes habitual relationships and enhances familiarity and integration of the Army Reserve personnel into their projected active-duty unit and mission.

LEGAL OPERATIONS DETACHMENTS AND TEAMS

A-3. The legal operations detachment–multifunctional (LOD-M) provides a package of modular, mission-tailorable, individually deployable judge advocate teams that provide legal capabilities in support of modular units. LOD-M subordinate team capabilities support military operations, including support to joint, interagency, intergovernmental, and multinational operations. The subordinate elements of the LOD-M are the headquarters, the legal operations team–general (LOT-G) and the legal operations team–special (LOT-S). The LOT-S and LOT-G mobilize and deploy in conjunction with the headquarters, LOD-M, or individually, depending upon the operational need.

A-4. Headquarters, LOD-M, may be deployed worldwide. They provide legal support or direct augmentation, as required, in the six core disciplines, and emerging legal areas, to commands and units of all Services and components in support of mobilization and military operations.

A-5. LOT-S units provide specialized legal services to U.S. and Allied forces joint operations. Mission-focused areas for the LOT-S include specialized applications of core legal capabilities in emerging areas of judge advocate practice. These areas can include, but are not limited to, rule of law, security force assistance, occupation law, governance issues, detainee and internment operations, legal support to military information support operations, cyberspace law, space operations law, and intelligence law.

A-6. LOT-G units provide legal services in theater or in the United States. LOT-G missions vary in length from single day events in the United States to lengthy overseas deployments. LOT-G operations focus on both core legal competencies discussed in this field manual: legal support to the Army, and legal support to Soldiers and Families.

A-7. The LOD-TD supplements TDS assets as described in this field manual. The LOD-TD consists of regional trial defense teams and trial defense teams. The LOD-TD and its subordinate teams are deployable assets.

A-8. The legal operations detachment–judicial (LOD-J) provides worldwide judicial services to commanders and Soldiers in support of mobilization and military operations, as directed by the Chief Judge, United States Trial Judiciary. Judicial unit assets preside at general and special courts-martial, perform duties as military magistrates, and serve in various other judicial capacities. LOD-J assets have a secondary capability set of providing legal support to joint, interagency, intergovernmental, and multinational operations. The LOD-J and its subordinate components are deployable assets.

A-9. The legal operations detachment–individual augmentees provides mission-tailored packages of deployable senior judge advocates to provide legal capabilities in joint, interagency, intergovernmental, and multinational environments. Members mobilize and deploy to fill specific capabilities requests. While not mobilized, members of this detachment support diverse and geographically distinct Army activities.

Appendix B

National Guard Legal Structure and Organization

This appendix describes legal support to the operational Army within the Army National Guard.

OVERVIEW

B-1. Legal support in the ARNG is primarily embedded in ARNG divisions and brigades, and in the state joint forces headquarters. Each state commands and controls its ARNG units. When these units are ordered to active duty or called into federal service and while in the United States, they fall under the command and control of the relevant United States Army component command. The command's SJA and subordinate command SJAs exercise technical supervision of these federalized National Guard judge advocates and paralegals. When ARNG units are assigned, attached, or under the operational control of other commands, the SJA of the gaining command exercises technical supervision over the assigned JAG Corps personnel.

B-2. The National Guard Bureau, while not in the chain of command, serves as the channel of communication between the state National Guards and federal entities, and it formulates and administers programs to ensure the development and maintenance of ARNG units. With the exception of the selection and assignment of regional and senior defense counsel, each state selects, appoints, and assigns its officers, NCOs, and enlisted personnel. Regional and senior defense counsel are selected through a nomination process originating in the state, then sent through the Chief, ARNG TDS to the Chief, TDS. Notwithstanding the state's broad appointment authority, TJAG authorizes appointments to the JAG Corps, and TJAG ensures that judge advocates in the ARNG are subject to the same training, educational standards, and supervision as other members of the JAG Corps.

B-3. Each of the fifty states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands has an adjutant general (commanding general in the District of Columbia) who is appointed (or elected in the State of Vermont) by competent authority, and who serves as the commander of its joint forces' headquarters, and who oversees the state's Army and Air National Guard units. The adjutant general of each state selects a senior judge advocate of either the Air National Guard or ARNG to serve as the state judge advocate. ARNG units are structured like regular Army units. The major ARNG units are divisions, BCT, and supporting functional and multifunctional brigades. The mission of the OSJA in ARNG units is the same as that of an OSJA in its regular Army counterpart. ARNG BCTs are the principal reserve component ground combat maneuver forces of the Army. The brigade legal section of a BCT is modeled on—and has the mission of—the brigade legal section of a BCT in the regular Army.

B-4. Members of the JAG Corps in the National Guard hold dual membership. They are members of the reserve component of the Army through the National Guard Bureau and members of the federally recognized militia of their state, the ARNG. ARNG judge advocates support the state mission and the state's federal mission. The state mission is to provide trained and disciplined forces for domestic emergencies, or as otherwise required by the governor. The state's federal mission is to maintain properly trained, equipped, and disciplined units available for prompt mobilization.

ARMY NATIONAL GUARD TRIAL DEFENSE SERVICE

B-5. The ANRG TDS consists of the Office of the Chief, which is Title 10, United States Code, personnel at the National Guard Bureau; the Full-Time Support (FTS) Program, which consists of Title 10, United States Code, ARNG U.S. personnel on orders throughout the United States; and Title 32, United States Code, personnel located throughout the United States, including the territories and District of Columbia.

B-6. The Chief, ARNG TDS is a senior judge advocate nominated by the National Guard Bureau and appointed by TJAG. The Chief, ARNG TDS provides the technical supervision, management, direction, and legal defense training for all members of ARNG TDS while in Title 32, United States Code, status consistent with professional responsibility and state ethics limitations. State Adjutants General retain operational authority over their respective regional trial defense teams (RTDTs) and trial defense teams for non-TDS missions during state or national emergencies. The Chief, ARNG TDS shall have staff officers and paralegals assigned as necessary.

B-7. The field trial defense team (FTDT) provides trial defense services for State courts-martial, administrative boards, investigations, non-judicial punishment, or other adverse administrative actions. An FTDT consists of two trial defense counsels and one paralegal specialist. Trial defense counsels provide legal representation to National Guard members facing adverse action from the command—representation which includes counseling clients and preparing actions for state courts-martial, administrative boards, investigations, non-judicial punishment, or other adverse administrative actions.

B-8. The RTDTs provide the technical supervision, performance oversight, legal defense training, and management of assigned defense teams. The RTDT consists of a regional defense counsel, a deputy regional defense counsel, a paralegal NCO, and a paralegal Soldier. The regional defense counsel, along with senior defense counsel, assigns cases, provides training and general supervision, and assists trial defense counsel in counseling clients and preparing actions for state courts-martial, administrative boards, investigations, nonjudicial punishment, or other adverse administrative actions.

B-9. The senior trial defense team (STDT) consists of a senior defense counsel, a trial defense counsel, and a paralegal NCO. The STDT provides oversight and assistance to the FTDTs, in addition to defense services for state courts-martial, administrative boards, investigations, non-judicial punishment, or other adverse administrative actions.

B-10. When not mobilized, FTDTs, RTDTs, and STDTs are assigned to their respective states and perform their TDS mission under the technical supervision of the Chief, TDS through the Chief, ARNG TDS. Upon mobilization, FTDTs, RTDTs, and STDTs come under operational control of the TDS.

B-11. The FTS program provides attorneys and paralegals to alleviate the administrative and time burdens on the Title 32, United States Code, ARNG TDS personnel and support the Title 32, United States Code, ARNG TDS force and regional defense counsels. The FTS program provides case intake for ARNG TDS and provides limited scope of representation and defense services to Title 32, United States Code, National Guard personnel when the corresponding Title 32, United States Code, ARNG personnel are not in a duty status.

FULL-TIME SUPPORT ATTORNEY

B-12. FTS attorneys provide initial client defense support, including initial rights warnings, initial representation, preliminary legal advice, coordination with the assigned regional defense counsel for case transfer to detailed defense counsel, and professional communication with appropriate state contacts and commander. The FTS attorneys also serve as staff officers for ARNG TDS with duties that include limited evaluation management, case management, and assistance with ARNG TDS operations, training, projects, and initiatives. Additionally, FTS attorneys may also be certified as defense investigators to assist with cases in their regions as needed. The FTS attorney will serve as the supervising attorney for the assigned regional full-time support paralegal.

FULL-TIME SUPPORT PARALEGAL

B-13. The FTS paralegal manages daily operations, including conducting client intake and interviews, prepares client's legal proceedings, prepares draft personnel evaluations, maintains national personnel roster, updates in- and out-processing forms, tracks and processes awards, assists regional paralegals with the TDS case reporting system on JAGCNet, and manages the request, distribution, updating, and accountability of regional automation equipment. The FTS paralegals also serve as action officers for all travelers in their region. They may also be certified as defense investigators to assist with cases in their region as needed.

DEFENSE INVESTIGATOR PROGRAM

B-14. Defense investigators assist detailed TDS attorneys by conducting a thorough, detailed analysis of the evidence produced by the government, and the discovery of evidence through independent investigation. Defense investigators serve under the supervision of detailed military counsel, and their primary responsibilities are to review and analyze cases based on discovery provided by the government; to visit relevant physical locations; to collect background information on alleged victims, witnesses, and TDS clients; to locate and interview witnesses; and to provide testimony and evidence at hearings, boards, and trials.

ARMY NATIONAL GUARD JUDICIARY

B-15. While in state status, an ARNG military judge may, when authorized by applicable state law, preside over courts-martial convened under state law. When federalized, an ARNG military judge, trained and certified by TJAG, will be assigned to the Army Trial Judiciary and may conduct judicial duties as assigned by the Chief Trial Judge.

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Appendix C

Legal Annex

This appendix provides a format for Tab C (Legal Support), Appendix 2 (Personnel Service Support), to Annex F (Sustainment) for Army operation orders (OPORDs).

C-1. Tab C to Appendix 2 to Annex F to Army OPORDs is commonly called the Legal Annex. The Army uses standardized formats for orders production to ensure efficiency of communication at all levels of command. Figure C-1 is a template for an OPORD. It is provided as a reference, but JAG Corps personnel consider modifications and additions based on mission requirements. (See FM 6-0 for more information on OPORD annexes.)

[CLASSIFICATION]

TAB C (LEGAL SUPPORT) TO APPENDIX 2 (PERSONNEL SERVICE SUPPORT) TO ANNEX F (SUSTAINMENT) TO OPORD XX-XX (NAME) UNIT [number] [(code name)]—[issuing headquarters] [(classification of title)]

(U) References:

(a) *DOD Law of War Manual*

(b) JP 3-84, *Legal Support*

(c) FM 3-84, *Legal Support to Operations*

(d) AR 27-10, *Military Justice*

(e) AR 27-20, *Claims*

(U) Time Zone Used Throughout the Order:

1. (U) Situation. No change.

2. (U) Mission. *State the mission of sustainment in support of the base plan or order.*

3. (U) Execution.

a. (U) Scheme of Sustainment Support.

(1) Legal Basis for the Operation.

(2) Concept of Legal Support.

(a) Authority of Staff Judge Advocate (SJA) Over Legal Assets.

(b) Legal Support to the Army.

(c) Legal Support to Soldiers and Families.

b. (U) Tasks to Subordinate Units.

c. (U) Coordinating Instructions.

(1) (U) Legal Battle Rhythm Events (meetings).

(2) (U) Legal Reports (format and submission method and timeline).

F-2-C-2
[CLASSIFICATION]

Figure C-1. Sample Annex F (Sustainment) format

[CLASSIFICATION]

TAB C (LEGAL SUPPORT) TO APPENDIX 2 (PERSONNEL SERVICE SUPPORT) TO ANNEX F (SUSTAINMENT) TO OPERATION ORDER (OPORD) XX-XX (NAME) UNIT [number] [(code name)]—[issuing headquarters] [(classification of title)]

4. (U) Sustainment.

a. (U) Materiel and Services. No change.

b. (U) Personnel.

(1) (U) Human Resources Support. No change

(2) (U) Finance and Comptroller. No change.

(3) (U) Legal Support.

(a) To the Army.

1. National Security Law Considerations.

a. Application of law of armed conflict.

b. Legal review of targeting decisions and plans.

c. Legal review of concept of operations, orders, plans, and rules of engagement (ROE).

d. Detainee, prisoners of war (POWs), civilians.

(1) Detainee and POW status determination.

(2) Treatment of detained persons.

(3) Civilian asylum and refuge policy.

(4) Interaction with International Committee of the Red Cross.

e. Supplemental ROE requests.

f. Status of forces, jurisdiction, and international agreements.

g. Acquisitions during combat.

(1) Battlefield trophies and confiscated enemy weapons and equipment.

(2) Search and confiscation of property based on military necessity.

2. Military Justice.

a. General court-martial convening authority and jurisdiction alignment.

b. Civilian personnel, Military Extraterritorial Jurisdiction Act, Uniform Code of Military Justice.

3. Administrative and Civil Law considerations.

a. Investigations.

(1) Standards and minimal content.

(2) Timelines and submission procedures.

b. Environmental considerations.

F-2-C-2
[CLASSIFICATION]

Figure C-1. Sample Annex F (Sustainment) format (*continued*)

[CLASSIFICATION]

TAB C (LEGAL SUPPORT) TO APPENDIX 2 (PERSONNEL SERVICE SUPPORT) TO ANNEX F (SUSTAINMENT) TO OPORD XX-XX (NAME) UNIT [number] [(code name)]—[issuing headquarters] [(classification of title)]

5. (U) Command and Signal. Location of SJA and Office of the Staff Judge Advocate leaders.

ACKNOWLEDGE:

COMMANDER'S NAME

RANK

OFFICIAL:

SJA INITIALS

SJA

ATTACHMENTS:

Exhibit 1 – Legal – Legal Situation Report

Exhibit 2 – Legal – Legal Serious Incident Report

Exhibit 3 – Legal – Investigations Matrix

F-2-C-2

[CLASSIFICATION]

Figure C-1. Sample Annex F (Sustainment) format (*continued*)

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Appendix D

Legal Running Estimate

D-1. Running estimates are the continuous assessment of the current situation used to determine if the current operation is proceeding according to the commander's intent and if planned future operations are supportable. Running estimates include facts and assumptions, mission readiness, goals and requirements, and other information that impacts current and future operations. JAG Corps elements maintain a running estimate to monitor and evaluate the effectiveness of current legal support and the status of legal risks, constraints, assumptions, and issues. The legal running estimate will vary depending on the supported unit task organization and operations. The template in figure D-1 is provided as a reference, but JAG Corps personnel should consider modifications and additions based on the client (the commander or operations cell for example) or the specific mission requirements. (See figure D-1 on page D-2 for an example legal running estimate.)

Legal Running Estimate

OPERATION:	UNCLASSIFIED	DATE: 07/11/2023

FACTS:

Key Authorities:
1. Legal basis for operation: UNSCR? AUMF?
2. International agreements: SOFA? ASCA?
3. Command relationships.
4. Detainee operations.
5. Intelligence collection.
6. Fiscal and procurement authorities.

Legal Support:
1. BLS provides legal support for which core competencies?
2. BLS provides legal support by consolidated or dispersed? TOC, TAC, CUOPS, ALOC?
3. BLS resources include personnel and equipment?

Last 24 Hours:
- Key SIGACTS and legal reviews.
- Status of Projects − ROE training; claims mission.

Next 24 Hours:
- Events: Key leader engagements and working groups.

ASSUMPTIONS:
- MOU between X and Y will be signed.
- ACSA will be negotiated by COCOM.

TASKS (Specified, Implied, and Essential):

Specified:
1. ROE training.
2. Review all operations.
3. Report key legal events.
4. Manage investigations.

Implied:
1. Advise fires on targeting.
2. Assist PMO with detainee operations.
3. Process claims.
4. Provide legal assistance.
5. Advise S-2 for intelligence oversight.

Essential
1. Manage investigations.
2. Track and report significant legal events.

CONSTRAINTS (Limited, Restrictions): Legal Parameters of Conflict
1. What limitations and restrictions exist given the authorities outlined in facts?
2. Key ROE limitations.
3. No strike entities.
4. Lack of fiscal authorities.

Investigations

Events	< 24	Total	Investigate		Analysis
			Open	Closed	
CIVCAS	0	0	0	0	N/A
FRAT	0	0	0	0	N/A
RC	0	0	0	0	N/A
EOF	0	0	0	0	N/A
NDs	0	0	0	0	N/A
UCMJ	0	0	0	0	N/A
Other	0	0	0	0	N/A

Legal Data

Detainees	Claims	ROE Modifications	Fiscal or Ethics
0	0	0	0
0	0	0	0
0	0	0	0

Brigade Orders

Number	Date Published	Legal Review: (yes or no)	Legal Objections?
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

SAMPLE

ACSA	acquisition and cross servicing agreement
ALOC	Administrative and Logistics Operations Center
AUMF	authorization for the use of military force
BLS	brigade legal support
CIVCAS	civilian casualties
COCOM	combatant command
CUOPS	current operations
EOF	escalation of force
FRAT	fratricide
MOU	memorandum of understanding
N/A	not applicable
ND	negligent discharge
PMO	Provost Marshall Office
ROE	rules of engagement
S-2	battalion or brigade intelligence staff officer
SIGACT	significant activity
SOFA	status of forces agreement
TAC	tactical action center
TOC	tactical operations center
UCMJ	Uniform Code of Military Justice
UNSCR	United Nations Security Council Resolution

Figure D-1. Sample legal running estimate

Appendix E

Rules of Allocation

E-1. Rules of allocation are force management tools that allow JAG Corps planners to determine the staffing levels required to provide necessary legal support to the Army. These rules are also used in the Total Army Analysis System to model operational requirements, and they may change based on factors such as geography, the availability of local and higher echelon headquarters legal support, and workload shifts. Paragraphs E-2 through E-6 discuss the current rules of allocation for JAG Corps organizations by alphanumerical standard requirements codes which are variable based on phases of operations.

E-2. These units augment existing legal resources at the division through theater levels:

- 27523KA00: Headquarters, LOD-M (one per any combination of two through twelve LOT-S or LOT-G).
- 27523KB00: LOT-S (two teams per senior Army headquarters; one team per theater internment facility; one team per sixteen thousand Soldiers; and one team per two BCTs performing stability operations).
- 27523KC00: LOT-G (one team per theater-level confinement facility for U.S. military prisoners; one team per signal brigade; one team per eight thousand Soldiers; one team per BCT, maneuver enhancement brigade, or expeditionary military intelligence brigade).

E-3. These units provide military justice teams (MJTs) based on theater population:

- 27563KA00: headquarters, LOD-J (one per any combination of ten through twenty senior MJTs, MJT-A, MJT-B, and MJT-C).
- 27563KB00: Senior MJT (one team per sixty thousand Soldiers; additional teams at one per 120 thousand Soldiers).
- 27563KC00: MJT-A (1 team at first twelve thousand troops; one additional team at seventy-two thousand troops for Army support to other services; provide judicial support to other services as required; add one team per task force exceeding five thousand but less than ten thousand troops with a rule of law mission, to act as mentors and trainers for judges, court, and corrections personnel; decreased by one team when troop strength drops below seventy-two thousand troops; further decreased by one team when troop strength drops below twelve thousand).
- 27563KD00: MJT-B (one team at first twenty-four thousand troops; one additional team at eighty-four thousand troops for Army support to other services to provide judicial support to other services as required; decreased by one team when troop strength drops below eighty-four thousand troops; further decreased by one team when troop strength drops below twenty-four thousand).
- 27563KE00: MJT-C (1 team at first thirty-six thousand troops; one additional team at ninety-six thousand troops; provide judicial support to other services as required; decreased by one team when troop strength drops below ninety-six thousand troops; further decreased by one team when troop strength drops below thirty-six thousand).

E-4. These units augment existing legal resources at the division through theater army levels:

- 27573KA00: Headquarters, LOD-expert (one per one through forty combined legal operations teams—expert [teams A and B] LOT-expert [A] and LOT-expert [B]).
- 27573KB00: Legal operations team—expert (team A) (one team per senior army headquarters).
- 27573KC00: Legal operations team—expert (team B) (one team per corps headquarters; one team per division headquarters; one team per TSC).

E-5. 4. These units augment existing legal resources at the division through theater army levels:

- 27543KA00: Headquarters, LOD-TD (one per two through five RTDTs).
- 27583KA00: RTDT (one team per two to four STDTs).

- 27583KB00: STDT (one team per six thousand Soldiers*).
- 27583KC00: FTDT (one team per six thousand Soldiers*).

Note. *Individual defense counsel capability has long been established at one defense counsel per three thousand Soldiers. Deputy Commander, Combined Arms Center approved a July 2022 update to the rules of allocation for senior (27583KB00) and field (27583KC00) trial defense teams to correctly reflect one two-attorney team's capability to support six thousand Soldiers vice the prior erroneous allocation of one of each team per twelve thousand Soldiers.

E-6. 5. These units provide SVC teams based on theater population:

- 27473K000: Senior SVC team (one team per two through four field SVC teams).
- 27773K000: Field SVC team (one team per twelve thousand Soldiers).

Glossary

The glossary lists acronyms and terms with Army or joint definitions. Where Army and joint definitions differ, (Army) precedes the definition. The proponent publication for terms is listed in parentheses after the definition.

SECTION I – ACRONYMS AND ABBREVIATIONS

ADCON	administrative control
ADP	Army doctrine publication
AR	Army regulation
ARNG	Army National Guard
ASCC	Army Service component command
ATP	Army techniques publication
BCT	brigade combat team
BJA	brigade judge advocate
CDE	collateral damage estimation
CCMD	combatant command
CJCSI	Chairman of the Joint Chiefs of Staff instruction
CP	command post
DA	Department of the Army
DES	Disability Evaluation System
DOD	Department of Defense
DODD	Department of Defense directive
DODI	Department of Defense instruction
DODM	Department of Defense manual
DSJA	deputy staff judge advocate
FM	field manual
FTDT	field trial defense team
FTS	Full-Time Support
G-3	assistant chief of staff, operations
GCMCA	general court-martial convening authority
ICRC	International Committee of the Red Cross
J-3	operations directorate of a joint staff
JAG	judge advocate general
JALS	judge advocate legal services
JP	joint publication
LOAC	law of armed conflict
LOD	legal operations detachment

LOD-J	legal operations detachment–judicial
LOD-M	legal operations detachment–multifunctional
LOD-TD	legal operations detachment–trial defense
LOT-G	legal operations team–general
LOT-S	legal operations team–special
MCTP	Marine Corps training publication
MDMP	military decision-making process
MJA	military justice advisor
MJT	military justice team
NCO	noncommissioned officer
OPORD	operation order
OSJA	Office of the Staff Judge Advocate
PACE	primary, alternate, contingency, and emergency
ROE	rules of engagement
RTDT	regional trial defense team
S-1	battalion or brigade personnel staff officer
S-3	battalion or brigade operations staff officer
SJA	staff judge advocate
SMEBC	Soldiers' Medical Evaluation Board Counsel
SOP	standard operating procedure
SPEBC	Soldiers' Physical Evaluation Board Counsel
STDT	senior trial defense team
SVC	special victim counsel
SVCOPM	Special Victim Counsel Office of the Program Manager
SVCRM	Special Victim Counsel Regional Manager
TDS	trial defense service
TJAG	The Judge Advocate General
TSC	theater sustainment command
UCMJ	Uniform Code of Military Justice
USAR	United States Army Reserve
USARCS	United States Army Claims Service

SECTION II – TERMS

administrative control

The direction or exercise of authority over subordinate or other organizations in respect to administration and support. (JP 1, Volume 2)

agility

The ability to move forces and adjust their dispositions and activities more rapidly than the enemy. (FM 3-0)

ARFOR

The Army component and senior Army headquarters of all forces assigned or attached to a combatant command, subordinate joint force, joint functional command, or multinational command. (FM 3-94)

Army design methodology

A methodology for applying critical and creative thinking to understand, visualize, and describe problems and approaches to solving them. (ADP 5-0)

attach

The placement of units or personnel in an organization where such placement is relatively temporary. (JP 3-0)

close operations

Tactical actions of subordinate maneuver forces and the forces providing immediate support to them, whose purpose is to employ maneuver and fires to close with and destroy enemy forces. (FM 3-0)

combat power

(DOD) The total means of destructive and disruptive force that a military unit/formation can apply against an enemy at a given time. (JP 3-0)

constraint

(Army)A restriction placed on the command by a higher command or authority. A constraint dictates an action or inaction, thus restricting freedom of action of a subordinate commander. (FM 5-0)

convergence

An outcome created by the concerted employment of capabilities from multiple domains and echelons against combinations of decisive points in any domain to create effects against a system, formation, decision maker, or in a specific geographic area. (FM 3-0)

core competency

An essential and enduring capability that a branch or an organization provides to Army operations. (ADP 1-01)

deep operations

Tactical actions against enemy forces, typically out of direct contact with friendly forces, intended to shape future close operations and protect rear operations. (FM 3-0)

depth

The extension of operations in time, space, or purpose to achieve definitive results. (ADP 3-0)

direct support

(Army) A support relationship requiring a force to support another specific force and authorizing it to answer directly to the supported force's request for assistance. (FM 3-0)

endurance

The ability to persevere over time throughout the depth of an operational environment. (FM 3-0)

function

The broad, general, and enduring role for which an organization is designed, equipped, and trained. (JP 1, Volume 1)

general support

Support given to the supported force as a whole and not to any particular subdivision thereof. (JP 3-09.3)

general support-reinforcing

(Army) A support relationship assigned to a unit to support the force as a whole and to reinforce another similar type of unit. (FM 3-0)

interoperability

The ability to act together coherently, effectively, and efficiently to achieve tactical, operational, and strategic objectives. (JP 3-0)

military decision-making process

An iterative planning methodology to understand the situation and mission, develop a course of action, and produce an operation plan or order. (ADP 5-0)

multidomain operations

The combined arms employment of joint and Army capabilities to create and exploit relative advantages to achieve objectives, defeat enemy forces, and consolidate gains on behalf of joint force commanders. (FM 3-0)

operational approach

A broad description of the mission, operational concepts, tasks, and actions required to accomplish the mission. (JP 5-0)

operational control

The authority to perform functions of command over subordinate forces involving organizing and employing commands and forces, assigning tasks, designating objectives, and giving authoritative direction necessary to accomplish the mission. (JP 1, Volume 2)

operational environment

The aggregate of the conditions, circumstances, and influences that affect the employment of capabilities and bear on the decisions of the commander. (JP 3-0)

operational framework

A cognitive tool used to assist commanders and staffs in clearly visualizing and describing the application of combat power in time, space, purpose, and resources in the concept of operations. (ADP 1-01)

operations process

The major command and control activities performed during operations: planning, preparing, executing, and continuously assessing the operation. (ADP 5-0)

rear operations

Tactical actions behind major subordinate maneuver forces that facilitate movement, extend operational reach, and maintain desired tempo. (FM 3-0)

reinforcing

A support relationship requiring a force to support another supporting unit. (FM 3-0)

risk

Probability and severity driven chance of loss, caused by threat or other hazards. (ATP 5-19)

role

The broad and enduring purpose for which the organization or branch was established. (ADP 1-01)

running estimate

The continuous assessment of the current situation used to determine if the current operation is proceeding according to the commander's intent and if planned future operations are supportable. (ADP 5-0)

support area operations

Tactical actions securing lines of communications, bases, and base clusters that enable an echelon's sustainment and command and control. (FM 3-0)

tactical control

The authority over forces that is limited to the detailed direction and control of movements and maneuvers within the operational area necessary to accomplish mission or tasks assigned. (JP 1, Volume 2)

targeting

The process of selecting and prioritizing targets and matching the appropriate response to them, considering operational requirements and capabilities. (JP 3-0)

troop leading procedures

A dynamic process used by small-unit leaders to analyze a mission, develop a plan, and prepare for an operation. (ADP 5-0)

warfighting function

A group of tasks and systems united by a common purpose that commanders use to accomplish the mission and training objectives. (ADP 3-0)

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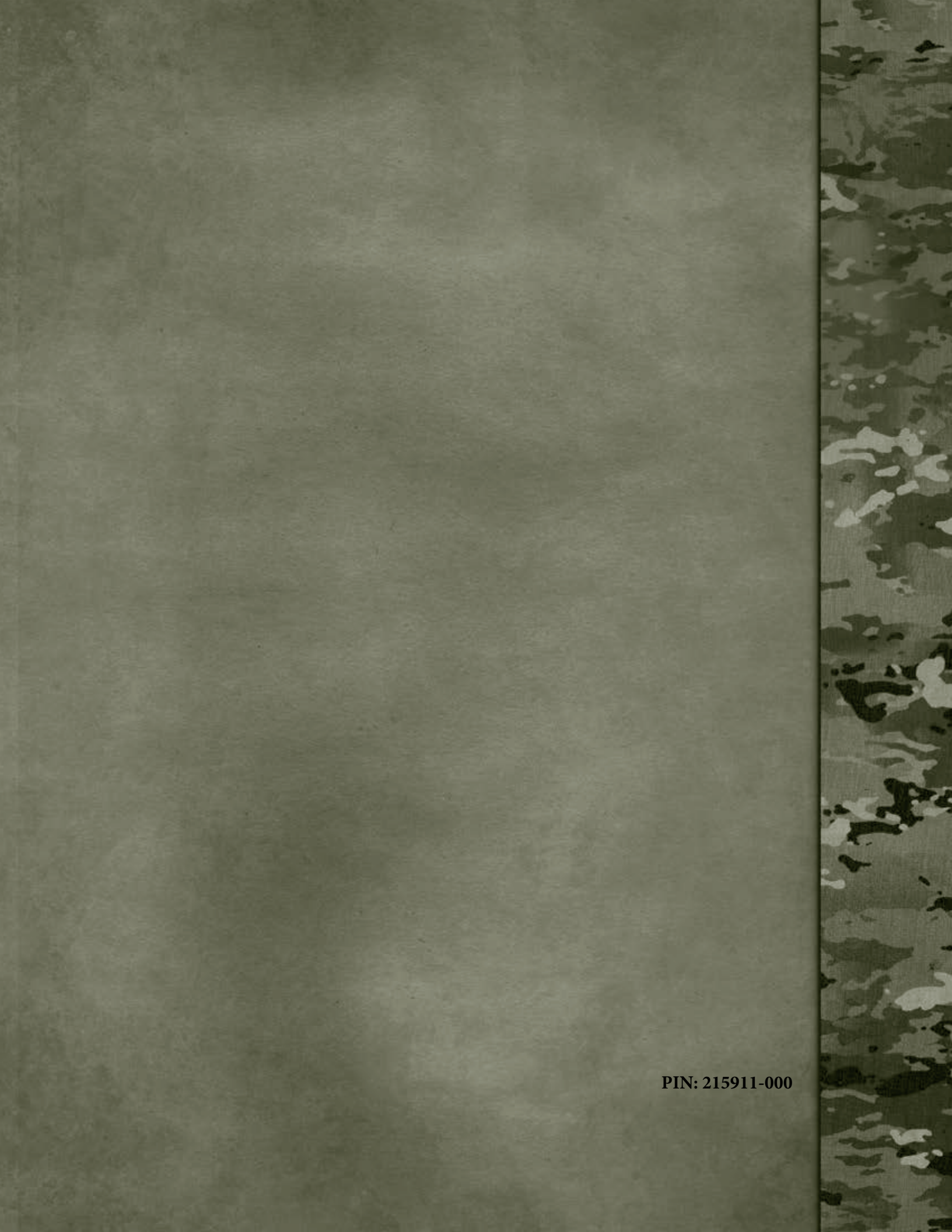
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