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Paralegal Journeyman



Volume 1. The Judge Advocate General's Corps and Foundational Paralegal Skills

The Judge Advocate General's School

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THE FOUR VOLUMES in this 5J051 5-skill level career development course (CDC), *Paralegal Journeyman*, will extend your knowledge of the paralegal career field. We have included a general overview of information in the preface of each volume, since some of you may not have worked in all major areas of our career field.

Volume 1 discusses The Judge Advocate General's (TJAG) Corps and foundational paralegal skills. In Volume 2, we introduce you to civil law. Volume 3 covers Air Force claims. Your course concludes with Volume 4, which covers military justice.

In this first volume, Unit 1 includes information about TJAG's history, the paralegal career field, duties and responsibilities of TJAG's Corps, and TJAG awards and recognition.

Unit 2 discusses managing people, training, and additional responsibilities. The management topic includes planning work assignments, the use of the data management tool "Roster," and the Air Reserve Component paralegal program. The training segment includes the career field's training plan, job qualification standards, and a discussion of an effective training program. The unit finishes with a discussion in additional management responsibilities, which include maintaining a law library, Article 6 inspections, and the Article 137 Uniform Code of Military Justice (UCMJ) briefing.

Unit 3 addresses the importance of ethics, distinguishes between some of the duties of attorneys and paralegals, and the professional responsibilities involved.

Finally, Unit 4 concludes the volume with the topics of performing manual and computerized legal research, as well as writing legal reviews.

A glossary is included for your use.

Code numbers on figures are for preparing agency identification only.

The use of a name of any specific manufacturer, commercial product, commodity, or service in this publication does not imply endorsement by the Air Force.

To get a response to your questions concerning subject matter in this course, or to point out technical errors in the text, unit review exercises, or course examination, e-mail Mr Gordon Morrison at afjags.registrar@us.af.mil. Be sure your request includes your name, address, and course/volume number and the course edit code.

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Student Notes

Unit 1. Introduction to the Paralegal Career Field

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GENERAL THOMAS D. WHITE, while Chief of Staff of the Air Force, said in 1959, “The United States Air Force must provide the best military aerospace power for the security of our Nation and the promotion of world peace.” General White went on to say, “Every Air Force member has a vital role to play in achieving the aerospace power our nation must have.” Though the General’s words were directed toward a flying activity, they apply to all Air Force members. Trained, skilled, and dedicated individuals are essential throughout the Air Force. As a paralegal, it is imperative that you constantly train and improve yourself in order to adequately perform your part of the Air Force’s mission. This unit introduces your career field and provides you with an overview of The Judge Advocate General’s (TJAG) duties and responsibilities. What you’ll learn in this unit will provide a foundation for your training.

001. History of The Judge Advocate General's Corps

On 18 September 1947, the National Security Act created the Department of Defense and established the Air Force as an independent service, coequal with the Army and Navy. On 25 June 1948, Congress established the Air Force’s Office of TJAG, directing that it be held by an officer in the rank of major general for a four-year term. On 28 January 2008, this was changed by the National Defense Authorization Act of 2008 to the grade of lieutenant general. TJAG was charged with supervising the Air Force’s administration of military justice and performing other legal duties as directed by the Secretary of the Air Force. In July 2003, The Judge Advocate General’s Department became The Judge Advocate General’s Corps (TJAGC).

Judge Advocate General

Colonel Reginald C. Harmon was selected as the first Air Force Judge Advocate General and sworn in on 8 September 1948, rising from the rank of colonel to major general that same day. The Air Force Chief of Staff established The Judge Advocate General’s Department under General Order No. 7 on 25 January 1949.

In January 1951, the first Judge Advocate General Staff Officer Course (JASOC) was offered to Air Force lawyers, at the Air Force Judge Advocate General School (AFJAGS), Maxwell Air Force Base (AFB), Alabama. The AFJAG School closed at the end of the Korean War in 1955. It was reopened in 1968.

A significant historical event for paralegals occurred on 1 May 1955—we received a distinct Air Force specialty code (AFSC), 705X0, with the title of Legal Services Specialist. Before this, we were classified as administrative specialists, with special codes denoting a legal specialist shredout. On 24 June 2005, the TJAG’s Corps celebrated the Air Force (AF) Paralegal’s 50th Anniversary.

Special Assistant to TJAG for Legal Airman Affairs

During his tenure as TJAG, Major General James S. Cheney determined that he needed a senior enlisted advisor on his staff. On 3 September 1970, the position of Special Assistant to TJAG for Legal Airman Affairs was established. General Cheney appointed Chief Master Sergeant (CMSgt) Steve Swigonski as the first chief to fill this position. Since that significant milestone in paralegal history, we have enjoyed many advancements over the years; some of which will be covered in this lesson.

Chief Swigonski made several noteworthy contributions to TJAG’s Corps that helped the paralegal career field, not the least of which was his perseverance in gaining approval for establishing our

paralegal school. Shortly after being appointed by General Cheney, Chief Swigonski aggressively explored ways to improve the paralegal career field; especially education and training. Between 1954 and 1972, paralegals received their initial training at the Naval Justice School at Newport, Rhode Island. Because of the Navy focus of that training, Chief Swigonski determined that a curriculum unique to Air Force needs was required.

Chief Swigonski relentlessly pursued gaining approval for our own school. After numerous trips to the Operations and Personnel Department at the Pentagon, Washington DC, Air Training Command (today's Air Education and Training Command [AETC]), Randolph AFB, Texas, and Keesler AFB, Mississippi, his efforts were rewarded when classroom facilities were provided at Keesler AFB, Mississippi. The paralegal apprentice course began at Keesler on 5 January 1972. The school remained at Keesler until July 1993, when it relocated to the Air Force Judge Advocate General's School (JAGS), Maxwell AFB, Alabama. The move to Maxwell made it possible for paralegals to train with judge advocates as an integral part of an Air Force legal team.

Since September 1970, a chief master sergeant has served as an advisor to TJAG on enlisted affairs. The position's title, which began as Special Assistant to TJAG for Legal Airman Affairs, has changed over the course of the years and is now the Senior Paralegal Manager to The Judge Advocate General. While the title may change, the duties remain as intensive as ever. TJAG personally selects the person who holds this advisor's position.

The Senior Paralegal Manager to TJAG is highly visible within the career field as well as in the rest of the Air Force. The Chief serves as the senior advisor to TJAG on enlisted matters within the TJAG's Corps. The Chief advises the TJAG on all issues regarding the quality of life, morale, health, and welfare as a member of the TJAG Corp's Strategic Planning Committee and the JAGS Advisory Board. The Senior Paralegal Manager establishes policy and training requirements for all enlisted paralegals and ensures the professional development and training met American Bar Association and the Community College of the Air Force requirements. The paragraphs in the following table provide biographical excerpts for the 18 paralegals that have held the position, including CMSgt Ralph E. Oliver Jr, our current Senior Paralegal Manager to TJAG.


Paralegal Chiefs	
	<p>Chief Swigonski enlisted in the Air Force in February 1948 from Benton, Illinois. After completion of basic training, his assignments included tours at the Office of the Inspector General, Colorado Springs, CO; Manston Air Base (AB), United Kingdom; Sewart AFB, TN; HQ 12th Air Force, Waco AFB, TX; HQ USAFE, Wiesbaden AB, Germany; Davis-Monthan AFB, AZ. Among the Chief's many accomplishments was preparing the first promotion study guide for Legal Service Specialist/Technicians. He is also hailed as being instrumental in establishing the Legal Services Specialists Course (3-skill level, or apprentice, school). Chief Swigonski was the first to assume the position of Special Assistant to The Judge Advocate General in September 1970 and served in that position until his retirement in 1972.</p>

Figure 1-1. CMSgt Steve Swigonski.
1st Special Assistant to TJAG (1970 – 1972).

Paralegal Chiefs



Figure 1-2. CMSgt Billy G. Miller.
2nd Special Assistant to TJAG (1972 – 1977).

Chief Miller enlisted in the Air Force in August 1951 from Chipley, Florida. After completing basic training, he was assigned to the intelligence career field at Kelly AFB, TX. Within a year Chief Miller was transferred to Tyndall AFB, FL and assigned to work in the base legal office. Chief Miller holds a Bachelor of Science degree in Education, Social Studies, and History and a Master's of Science Degree in Education. Among the Chief's many accomplishments was the establishment of the first Legal Services Advanced Course for Noncommissioned Officers (NCO) held at the Air Force Judge Advocate General (JAG) School, Maxwell AFB, AL. He also established the one-time oath for court reporters and renamed the annual Legal Services Specialists Award in honor of Chief Swigonski. Chief Miller served as the Special Assistant to The Judge Advocate General from October 1972 until his retirement in 1977.



Figure 1-3. CMSgt Thomas R. Castleman.
3rd Senior Enlisted Advisor to TJAG (1977-1983).

Chief Castleman enlisted in the Air Force in June 1951 from Harriman, Tennessee. He was among the first group of NCOs to enter the legal career field and be sworn under the new Uniform Code of Military Justice adopted in 1951. After completing basic training, Chief Castleman attended a specialized course in stenography and business administration, conducted at the University of Alabama. Among the Chief's many accomplishments was the foundation for future JAG department manpower standards. Chief Castleman served as the Senior Enlisted Advisor to The Judge Advocate General from June 1977 until his retirement in 1983.



Figure 1-4. CMSgt Jerry L. Becker.
4th Senior Enlisted Advisor to TJAG (1983-1986).

Chief Becker enlisted in the Air Force in December 1961 from Billings, Montana. He received a Bachelor of Science Degree in Education from Southern Illinois University in June 1979. Chief Becker was selected as the Senior Enlisted Advisor to The Judge Advocate General in 1983 and held that position until his retirement in 1986.

Paralegal Chiefs



Figure 1-5. CMSgt George K. Moffett.
5th Senior Paralegal Manager to TJAG (1986-1991).

Chief Moffett enlisted in the Air Force in April 1962 from New York City, New York. He attended St. Bonaventure University where he majored in Business Administration. Chief Moffett served as the Command Paralegal Manager at Headquarters Pacific Air Forces, Hickam AFB, HI. Some of the Chief's many accomplishments were changing the AFSC designation from 705 to 881, and renaming the career field from Legal Services to Paralegal. Chief Moffett was selected as the Senior Paralegal Manager to The Judge Advocate General in 1986 and held that position until his retirement in 1991.

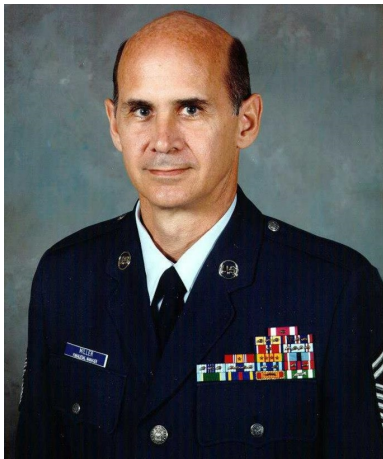


Figure 1-6. CMSgt Kerry L. Miller.
Sixth Senior Paralegal Manager to TJAG (1991-1993).

Chief Miller enlisted in the Air Force in June 1962 from Portland, Oregon. He began his career as a Morse Intercept Operator and retrained into the Legal Career field in 1967. Chief Miller served as the Paralegal Manager at Headquarters Strategic Air Command, Offutt AFB, NE. Chief Miller was selected as the Senior Paralegal Manager to The Judge Advocate General in 1991 and served in that position until his retirement in 1993.



Figure 1-7. CMSgt Dennis P. Spitz.
7th Senior Paralegal Manager to TJAG (1993-1996).

Chief Spitz began his military career with the U.S. Marine Corps in April 1968 from Jamestown, New York. He served as a Legal Clerk with the Marine Corps until enlisting in the Air Force in June 1971. Chief Spitz received an Associate Degree in General Studies as well as an Associate Degree in Paralegal Studies. In 1991, Chief Spitz served as the Command Paralegal Manager for Headquarters Tactical Air Command and Headquarters Air Combat Command at Langley AFB, VA. Among the Chief's many accomplishments were the transfer of the Paralegal Apprentice Course from Keesler AFB, MS to the Air Force Judge Advocate General's School at Maxwell AFB, AL and the creation of the current Paralegal Craftsman Course. Chief Spitz was selected as the Senior Paralegal Manager to The Judge Advocate General in 1993 and served in that position until his retirement in 1996.

Paralegal Chiefs



Figure 1-8. CMSgt Karen E. Yates-Popwell.
8th Senior Paralegal Manager to TJAG (1996-1998).

Chief Yates-Popwell enlisted in the Air Force in November 1972, from Mesa, Washington. Chief Yates-Popwell attended Kennewick Business College, WA and later received an Associate Degree from Weber State College, UT. Chief Yates-Popwell entered into the Paralegal career field as a pipeline student. Chief Yates-Popwell served as the Command Paralegal Manager for Headquarters Air Mobility Command at Scott AFB, IL. Chief Yates-Popwell was the first female to be selected as the Senior Paralegal Manager to The Judge Advocate General in 1996 and served in that position until her retirement in 1998. After Chief Yates-Popwell's retirement, the TJAG Corps honored her for her demonstrated excellence, superior initiative, leadership, management skills, and professionalism by naming the Corps Outstanding Paralegal Senior NCO of the Year Award after her; the "Karen Yates-Popwell Award."



Figure 1-9. CMSgt David A. Haskins.
9th Senior Paralegal Manager to TJAG (1998-2000).

Chief Haskins enlisted in the Air Force in August 1976 from Roanoke, Virginia. He began his military career as a Medical Administration Specialist, Wilford Hall USAF Medical Center, Lackland AFB, TX. He retrained into the Legal Services career field in 1980. Chief Haskins served as the Command Paralegal Manager at Headquarters Air Force Space Command at Peterson AFB, CO. Chief Haskins obtained an Associate Degree in Paralegal Studies from the Community College of the Air Force, a Bachelor of Arts and Criminology degree, and a Master's Degree in Public Administration. Chief Haskins was the first African-American to be selected as the Senior Paralegal Manager to The Judge Advocate General in 1998 and served in that position until his retirement in 2000.



Figure 1-10. CMSgt Clemencia G. Jemison.
10th Senior Paralegal Manager to TJAG (2000-2004).

Chief Jemison enlisted in the Air Force in July 1972 from Pasadena, California. She began her military career as an Administrative Specialist and retrained into the Legal Services career field in 1981. Chief Jemison served as Command Paralegal Manager for Headquarters Air Force Materiel Command at Wright-Patterson AFB, OH and Headquarters United States Air Forces Europe, Ramstein AB, Germany. Chief Jemison obtained a Bachelor of Arts in Political Science from California State University, Los Angeles in 1981. One of Chief Jemison's many accomplishments was the authorization for non-prior service trainees, direct from basic training, to enter into the paralegal career field. Chief Jemison was selected as the Senior Paralegal Manager to The Judge Advocate General in 2000 and held that position until her retirement in 2004.

Paralegal Chiefs



Figure 1-11. CMSgt Avis R. Dillard-Bullock.
11th Senior Paralegal Manager to TJAG (2004–2007).

Chief Dillard-Bullock entered active duty in November 1979 from St. Louis, Missouri. She began her career as a Law Enforcement Specialist and retrained into the Paralegal career field in 1985. Chief Dillard-Bullock holds a Bachelor of Science Degree in Business and Management. Chief Dillard-Bullock served in a number of positions at base level to include claims, military justice, civil law, and law officer manager. She served as a superintendent at the numbered Air Force (NAF) level and as the Command Paralegal Manager at Headquarters United States Air Forces Europe, Ramstein AB, Germany. In addition, she served in Operations Provide Comfort, Joint Guard, and Allied Force. Her leadership drove the approval and certification of the Community College of the Air Force Paralegal Studies Degree by the American Bar Association. Chief Dillard-Bullock was selected as the Senior Paralegal Manager to The Judge Advocate General in 2004 and held that position until her retirement in 2007.



Figure 1-12. CMSgt Ann D. Stocks.
12th Senior Paralegal Manager to TJAG (2007–2010).

Chief Stocks entered active duty in April 1980 from Boston, Massachusetts. She began her career as a Photo Systems Specialist. In 1986, she retrained into the Paralegal career field. Chief Stocks holds an Associate of Science Degree in Paralegal Studies and was a Distinguished Graduate at each level of Professional Military Education. The Chief served in a number of positions at base level to include claims, military justice, civil law, and law office manager. She also served as a superintendent at the NAF level, as well as a three-time Command Paralegal Manager. During her tenure, she implemented electronic training records career-field wide, vastly improving training and education of the entire paralegal force. She chartered the first-ever Paralegal Utilization Horizons session, providing valuable feedback for the future of the paralegal career field. Her leadership led to a significant increase in integration of training between judge advocates and paralegals at the Judge Advocate General's School. She was the 1989 recipient of the Air Force Outstanding Paralegal of the Year Award. Chief Stocks was selected as the Senior Paralegal Manager to The Judge Advocate General in 2007, and held that position until her retirement in 2010.

Paralegal Chiefs



Figure 1–13. CMSgt John P. Vassallo.
13th Senior Paralegal Manager to TJAG (2010–2012).

Chief Vassallo entered active duty in February 1982 from Houston, Texas. He began his career as an Automatic Flight Control Systems specialist, and retrained into the Paralegal career field in 1993. Chief Vassallo holds an Associate of Science Degree in Paralegal Studies, Avionics Systems Technology, and a Bachelor of Science degree in Liberal Arts. Chief Vassallo served in positions at base, wing, NAF and major command levels. His assignments included Texas, Florida, Alaska, Korea, Missouri, Wyoming, Colorado and Washington, D.C. Chief Vassallo was selected by The Judge Advocate General as the 13th Senior Paralegal Manager to The Judge Advocate General in 2010 and held that position until his retirement in 2012.



Figure 1–14. CMSgt Steven L. Wallace.
14th Senior Paralegal Manager to TJAG (2012–2014).

Chief Wallace entered active duty in August 1985 as an Aircraft Maintainer. He retrained into the Paralegal career field in 1996. Chief Wallace holds an Associate of Science degree in both Paralegal Studies and Avionic Systems Technology. He also holds a Bachelor of Science degree in Computer Studies. He served in positions at base, wing, NAF and major command levels. His assignments included Illinois, North Carolina, Guam, New Jersey, Korea, Japan, Germany, South Carolina, Ohio, Washington, D.C. and was forward deployed to Saudi Arabia. Chief Wallace was selected by The Judge Advocate General as the 14th Senior Paralegal Manager to The Judge Advocate General in 2012 and held that position until his retirement in 2014.



Figure 1–15. CMSgt Larry G. Tolliver.
15th Senior Paralegal Manager to TJAG (2014–2016).

Chief Tolliver entered active duty in February 1987 from Detroit, Michigan. He began his career as an Air Traffic Control Radar Maintenance technician and retrained into the Paralegal career field in 1996. Chief Tolliver holds Associate of Science degrees in both Paralegal Studies and Electronic Systems Technology. He also holds a Bachelor of Science degree in Business Management and a Master's of Business Administration/Human Resource Management. He served in positions at base, wing, NAF, and major command levels. Chief Tolliver was selected by The Judge Advocate General as the 15th Senior Paralegal Manager to The Judge Advocate General in 2014 and held that position until his retirement in 2016.

Paralegal Chiefs



Figure 1-16. CMSgt Bo C. Stout.
16th Senior Paralegal Manager to TJAG (2016–2018).

Chief Stout entered active duty in June 1992 as an Aircraft Armament Systems Specialist. He retrained into the Paralegal career field in May 1999. He holds an Associate of Science degree in Paralegal Studies, Armaments Systems and a Bachelor of Science degree in Homeland Security and Criminal Justice. Chief Stout has held various paralegal duties at the unit, numbered Air Force and major command levels. His assignments include bases in Arizona, Missouri, Arkansas, Florida and the Pentagon. He has also served overseas in Korea, Hawaii & Germany, as well as deploying to Cuba, Afghanistan and Iraq. Chief Stout was selected by The Judge Advocate General as the 16th Senior Paralegal Manager to The Judge Advocate General in 2016 and held that position until his retirement in 2018.



Figure 1-17. CMSgt Sherry A. Bowes.
17th Senior Paralegal Manager to TJAG (2018–2020).

Chief Bowes entered active duty in August of 1990 as a Security Specialist. She retrained into the Paralegal career field in March of 1994. She has an Associate of Science in Paralegal Studies, Police Science, and Instructor of Technology and Military Science. Chief Bowes has held various paralegal duties at the unit, numbered Air Force, and major command levels. Her assignments include bases in South Dakota, Texas, Alabama, Florida, Mississippi, Ohio, and the Pentagon. She has served overseas in Panama and Hawaii as well as deploying to Iraq. Chief Bowes was selected by The Judge Advocate General as the 17th Senior Paralegal Manager to The Judge Advocate General in 2018 and held that position until her retirement in 2020.



Figure 1-18. CMSgt Ralph E. Oliver Jr.
18th Senior Paralegal Manager to TJAG (2020–Present).

Chief Oliver is the current Senior Paralegal Manager to The Judge Advocate General. He entered active duty in June 1996 as a Heavy Equipment Operator. Chief Oliver retrained into the Paralegal career field in September 2006. He holds an Associate of Science degree in Paralegal Studies, Construction Technology, Human Resource Management and a Bachelor of Arts degree in Organizational Management. He also completed the Coast Guard Chief Petty Officer Academy and the Naval War College, Primary Enlisted PME course. Chief Oliver has held various paralegal duties at the unit, numbered Air Force and major command levels. His assignments include bases in Oklahoma, Virginia, Nevada, the Pentagon and overseas in Guam, Germany, and the United Kingdom, as well as deploying to Bosnia, Qatar, Iraq, and Kuwait. Chief Oliver was selected by The Judge Advocate General as the 18th Senior Paralegal Manager to The Judge Advocate General in 2020.

Area Defense Counsel

The area defense counsel (ADC) program went into effect worldwide on 1 July 1974. The ADC program created a law office separate from the base legal office. The attorney assigned as the base ADC works exclusively in defense-related activities. Previously, an Airman or officer accused of a Uniform Code of Military Justice (UCMJ) violation was appointed an attorney from the base legal office that was assigned defense-related duties. Under the new program, a defense counsel assigned under the USAF judiciary, and not in the same chain of command as the base staff judge advocate (SJA) or the installation commander, represents the member. This program improved the negative perception military members had regarding an accused individual's representation by a military lawyer. The ADC attorney was assisted by a paralegal known as an area defense administrator (ADA).

ADAs—called defense paralegals (DP) today—are a vital part of the defense team. Interviewing witnesses, gathering evidence, assisting clients in preparing responses to adverse actions, performing legal research, and general office management are just a few of the duties DPs are assigned on a daily basis. Paralegals selected to be DPs and new defense attorneys are required to attend a five-day Defense Orientation Course at AFJAGS. This course introduces DPs and ADCs to the practical aspects of day-to-day defense office operation.

Courses

The Legal Services Noncommissioned Officer in Charge (NCOIC) and Paralegal Craftsman courses, designed specifically for enlisted personnel within the Paralegal career field are covered below:

Legal Services Noncommissioned Officer in Charge Course

In August 1974 the AFJAG School offered a pilot course—the Legal Services NCOIC Course—designed to educate and refine NCOIC legal administration and office managerial skills. The course targeted office NCOICs (known today as law office superintendents/NCOICs), and was rated outstanding by the Air University Institute for Professional Development. Headquarters (HQ) USAF subsequently granted approval to continue the course. The course—renamed the Legal Services Advanced Course (LSAC)—was offered in June 1975 as well. LSAC evolved from a one-week course to a two-week course, and was subsequently renamed the Law Office Manager's Course. To comply with Air Force guidance on the enlisted force structure, this course was again renamed and is now the Law Office Management Course (LOMC).

Paralegal Craftsman Course

The Paralegal Craftsman Course (PCC) was first taught in 1995 and is divided into six curriculum areas:

1. Legal research and writing.
2. General law and claims.
3. Military justice.
4. Operations and international law.
5. Law office administration.
6. Ethics and professional responsibility.

Paralegal and attorney faculty members of the AFJAGS teach PCC.

Over the years, paralegals have made quite an evolution moving from duties restricted to only administrative tasks, to performing legal research, writing legal reviews, and interviewing witnesses. In 1995, after a two-year test/evaluation period, during which paralegals attended traditional attorney courses, TJAG decided to authorize specialized paralegal education in areas previously open to only judge advocates. As a direct result, our roles are expanding into specialized legal areas (e.g., contract law, operations law, environmental law, and labor law).

Today, TJAGC is a dynamic law firm of nearly 4,500 active duty, reserve, and Air National Guard (ANG) personnel assigned around the world. Judge advocates and paralegals have deployed with forces in support of the Vietnam War, Operation Just Cause, Operation Desert Shield/Desert Storm, and more recently in support of Operation Enduring Freedom, and Operation Iraqi Freedom.

	Active Duty	Reserve	Guard	Total
Officers (attorneys)	1327	599	347	2273
Enlisted (paralegals)	924	202	202	1328
Civilians				1161
			Total	4762

For over 50 years, paralegals have been the backbone of the JAG Corps, assisting in virtually every area of jurisprudence. In fact, our paralegals have contributed directly to the successes now enjoyed by all members of TJAG's Corps.

002. Structure and responsibilities of The Judge Advocate General's Corps

TJAG's Department (Corps) was established by Air Force General Order 7, dated 25 January 1949, and was amended by Air Force General Order 17, dated 15 March 1949. Air Force General Order 49, 13 July 1949, established The Judge Advocate General's Department Reserve, now known as The Judge Advocate General's Corps Reserve (TJAGCR). TJAGCR includes judge advocates and paralegals in the Air Reserve Components (ARC), composed of the ANG and the Air Force Reserve Command (AFRC).

Shortly after assuming office in 2001, General Counsel of the Air Force, Ms. Mary Walker, expressed reservations about the term "department" when applied to our legal professionals. In her view, the term "department" was potentially confusing by creating the appearance of an independent entity within the Department of the Air Force. Secretary of the Air Force James Roche concurred. In the discussions about what our new name should be, he agreed that it was appropriate to use the term "corps" to parallel the Army and Navy Judge Advocate (JA) organizations that had assumed that name under statutory authority that permitted them to do so. By order of the Secretary of the Air Force, effective 1 July 2003, "The Judge Advocate General's Department" became "The Judge Advocate General's Corps."

The Secretary of the Air Force's order effected a change in title only, and did not alter the duties and responsibilities of TJAGC, nor did it affect personnel status, promotion status, or career management of JAGs. Since the establishment of TJAG's Corps, the approximate number of personnel assigned has climbed to nearly 4,500. This includes officers, enlisted, and civilians assigned to the many functions throughout the legal community.

The Judge Advocate General's Corps

Under the direction and supervision of TJAG, TJAG's Corps provides professional legal services needed to accomplish the mission of the US Air Force and maintain the highest degree of effectiveness and readiness as directed by Title 10 U.S. Code (U.S.C.) § 8037, *Judge Advocate General, Deputy Judge Advocate General: Appointment; Duties*.

Responsibilities of TJAG

TJAG performs duties required by law, directed by the Secretary of the Air Force or the Air Force Chief of Staff, or as necessary to provide legal services to the Air Force. TJAG has the following responsibilities:

- Supervise the administration of military justice throughout the Air Force under Title 10 U.S.C. § 806(a), referenced in AFI 51-101, *The Air Force Judge Advocate General's Corps*

(AFJAGC) Operations, Accessions, and Professional Development, and AFI 51-109, *The Article 6 Inspection Process*.

- Furnish legal services required by the Chief of Staff, Air Staff, and Air Force commanders.
- Supervise Air Force programs dealing with international law, including foreign criminal and civil litigation, the law of armed conflict and space law; supervise the Standards of Conduct Program; and supervise writing draft legislation, analyze legislative proposals and coordinate Air Staff legislative positions.
- Designate and certify judge advocates in accordance with Title 10 U.S.C. § 8067(g), referenced in AFI 51-101.
- Supervise the Air Force Legal Operations Agency (AFLOA).

Staff Judge Advocate

Unless otherwise specified by TJAG, the senior judge advocate on the commander's staff serves as the commander's SJA. SJAs must advise their convening authority of the statutory duty under Title 10 U.S.C. § 806(b), referenced in AFI 51-101, to at all times communicate directly with their SJA in matters relating to administering military justice.

An SJA is responsible for the following:

- Provide legal services required by commanders and staff agencies.
- Advise commanders on disciplinary matters, prepare charge sheets, and assist in preparing nonjudicial punishment actions; provide legal advice and assistance to Security Forces and Air Force Office of Special Investigations (AFOSI) personnel; and provide advice to commanders and investigating officers on all investigations conducted under a commander's inherent authority or under regulation.
- Provide legal advice and reviews actions for legal sufficiency.
- Act as an AF liaison with the US Attorney and other federal, state, and local legal departments, administrative agencies, and judicial bodies; represent AF interests in utility rate matters; supports command; and represent AF interests in environmental and civilian labor matters.
- Provide briefings required by law, directive, instruction, or policy.

Draft and review operation and exercise plans for compliance with the law of armed conflict; provide advice to commanders and staffs on international law matters, including foreign criminal jurisdiction, host country law, civil litigation, negotiations, and treaty and agreement interpretation; and provide advice and counsel to participants in mobility and contingency operations.

Organization

TJAG's office, located at the Pentagon, Washington DC, falls under the USAF Chief of Staff and the Air Staff. The following directorates fall under TJAG's office: Administrative Law, Strategic Plans and Programs, Air Force Court of Criminal Appeals, Training and Readiness, Operations and International Law, Commercial Law and Litigation, Air Force Trial Judiciary, Professional Development, and the Senior Paralegal Manager (fig. 1-19).

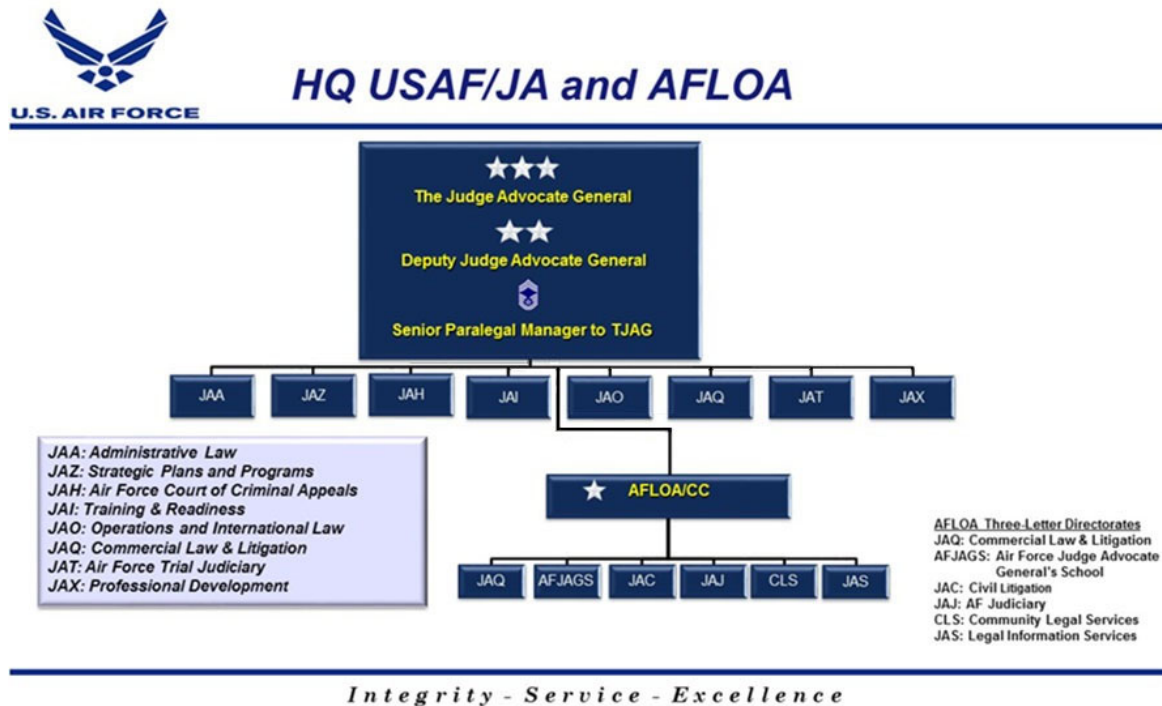


Figure 1-19. AF/JA Organizational Chart.

The Air Force Legal Operations Agency is a field operating agency (FOA). It directs and supervises the following directorates:

- The Judge Advocate General's School.
- Civil Litigation.
- USAF Judiciary.
- Commercial Law and Litigation.
- Community Legal Services
- Legal Information Services.

Composition of TJAG's Corps

The following table lists the individuals making up TJAG's Corps and briefly describes their duties and qualifications. Some pertinent facts are mentioned for each, but do not cover their specific duties. A more complete description can be found in AFI 51-101.

Composition of TJAG's Corps	
Individual	Duties/Qualifications
The Judge Advocate General	TJAG, USAF, is in the rank of lieutenant general and is appointed by the President with the advice and consent of the Senate. The appointment is for a term of four years. The selectee must be a lawyer and a member of a bar of a Federal court or the highest court of a State or Territory, and have at least eight years of experience in legal duties as a commissioned officer.
The Deputy Judge Advocate General (TDJAG)	The TDJAG acts both as ambassador for TJAG's Corps and as TJAG (assumes the duties) when TJAG is absent.
Senior Paralegal Manager to TJAG	The position of Senior Paralegal Manager to TJAG is filled by a chief master sergeant selected by TJAG. Selected from the paralegal career field, this individual's primary role is to advise TJAG on all paralegal

Composition of TJAG's Corps	
Individual	Duties/Qualifications
	enlisted matters.
Staff Judge Advocates	SJAs are assigned at the major command (MAJCOM), general court-martial (GCM) convening authority, or base-level legal offices. The SJA is responsible directly to the commander for legal services rendered to the command and to the commander's staff. Convening authorities shall at all times communicate directly with their SJAs or legal officers in matters relating to the administration of military justice as provided by Title 10 U.S.C. § 806(b).
Assistant Staff Judge Advocates Airmen (grades E-1 thru E-9) Civilians employed by the Corps	These individuals are assigned at all levels throughout the Corps. Their duties include Military Justice, Civil Law, Labor Law, Contract Law, Environmental Law and Claims to name just a few. They also perform any and all duties prescribed in the Career Field Education & Training Plan.

Air Reserve Component Structure

The ARC consists of the ANG, Air Force Reserve (AFR) Category (CAT) A and AFR Cat B. The following paragraphs provide a brief description of each component to help you understand the program. As a supervisor of ARC personnel, knowing the different reserve programs will help you gain a better understanding of the issues your reserve personnel face. You can find more information in the following publications:

- Air Force Manual (AFMAN) 36-2136, *Reserve Personnel Participation*.
- Air Force Policy Directive (AFPD) 51-1, *The Air Force Judge Advocate General's Corps*.
- AFI 51-101, *The Air Force Judge Advocate General's Corps (AFJAGC) Operations, Accessions, and Professional Development*.

Air National Guard

The ANG is a component of the National Guard structure and is also a Reserve component of the USAF. Because of its unique origins, the ANG has both a state and a federal mission. The ANG unit legal offices generally consist of an SJA, a deputy SJA, and two paralegals. Nearly all of the 136 ANG JA offices are comprised of "traditional Guardsmen;" meaning they drill one weekend each month and complete a 15-day annual tour each fiscal year. Nearly all Guardsmen are in Title 32 status unless they are deployed overseas—then they are in Title 10 status. For the continental United States (CONUS), the National Guard is the First Defender and First Responder for all natural disasters, civil disturbances, and acts of war.

Category A reservists

The Cat A reservists participate in Reserve units. Reserve unit legal offices generally consist of an SJA, a deputy SJA, and two or more paralegals. Minimum participation is one weekend each month and a 14-day annual tour each fiscal year. Cat A reservists are often referred to as "traditional reservists."

Category B reservists

The Cat B reservists are often referred to as individual mobilization augmentees (IMA). Unlike Cat A reservists, IMAs train with the active duty Air Force. The IMA's role is to individually augment and support active duty forces. Minimum participation is defined as 24 inactive duty training (IDT) periods (12 full 8-hour IDT days) and an annual tour (AT) consisting of 12 days of active duty training each fiscal year.

In addition to the above individuals, the ARC officers identified or recognized as judge advocates and ARC enlisted personnel as paralegals are also components of TJAG's Corps. We have only scratched

the surface of the functions of each of these individuals and the breakdown of TJAG's Corps. Reading AFI 51-101 will provide much more information on your part of "the legal team."

003. The Judge Advocate General's awards and recognition

The Air Force has numerous awards to recognize its people for the many personal and professional sacrifices they make to ensure the Air Force completes its mission, and is a respected part of our society.

Awards

Although there are several AF awards, the JAG Corps has awards specifically designed to recognize JAG personnel for outstanding service or contributions they have made to TJAG's Corps. While there are 13 total awards, the following table lists 10 awards, each beginning with the word "Outstanding", with the remainder of this lesson presenting the other three.

JAG Awards	
Award	Description
Outstanding Young Judge Advocate of the Year Award. (Albert M. Kuhfeld Award)	This award is in honor of the late Major General Kuhfeld, a former AF TJAG. The annual winner is an active duty officer selected as the most outstanding young judge advocate based on demonstrated excellence, initiative, leadership, attorney/paralegal partnerships, external collaboration, and devotion to duty. Eligibility for the award is restricted to active duty judge advocates serving in the rank of captain or major as of 31 December of the year for which the award is given.
Outstanding Air Reserve Component Judge Advocate of the Year Award. (Reginald C. Harmon Award)	This award honors Major General Reginald C. Harmon, the first AF TJAG. The annual winner is an officer selected as the most outstanding ARC judge advocate, based on training accomplishments or contribution to mission support; exhibition of leadership in contributing to civic, cultural, or professional activities in the military or civilian community; attorney/paralegal partnerships, external collaboration; and enrollment in off-duty programs of professional self-improvement. Eligible candidates are ARC judge advocates in the grade of lieutenant colonel or below as of 31 December of the year for which the award is given.
Outstanding Civilian Attorney of the Year Award. (James O. Wrightson, Jr., Award)	This award was established in memory of Mr. James O. Wrightson, Jr., former Chief, Military Affairs Division, Office of The Judge Advocate General, USAF. The annual winner is a civilian attorney employed by or serving with TJAG's Corps who has been selected as the most outstanding civilian attorney of the year based upon demonstrated excellence, initiative, attorney/paralegal partnerships, external collaboration, and devotion to duty.
Outstanding Paralegal Senior NCO of the Year Award. (Karen Yates-Popwell Award)	This award honors Chief Master Sergeant Karen E. Yates-Popwell, the first female Senior Paralegal Manager to TJAG, USAF. The annual winner is an active duty senior NCO selected as the most outstanding paralegal senior NCO of the year based on demonstrated excellence, superior initiative, leadership, attorney/paralegal partnerships, external collaboration, and management skills. Eligible candidates are paralegals who are serving in the grade of senior master sergeant or master sergeant as of 31 December of the year for which the award is given.
Outstanding Noncommissioned Officer Paralegal of the Year Award. (Steve Swigonski Award)	This award honors Chief Master Sergeant Steve Swigonski, the first Special Assistant for Legal Airman Affairs to TJAG, USAF. The annual winner is an active duty noncommissioned officer paralegal selected as the most outstanding paralegal of the year based on demonstrated excellence, superior initiative, leadership ability, attorney/paralegal teaming partnerships, external collaboration, technical skill, and devotion to duty. Eligible candidates are paralegals who have obtained, at a minimum, their five skill level

JAG Awards	
Award	Description
	and are in the grade of technical sergeant or staff sergeant as of 31 December of the calendar year for which the award is given.
Outstanding Paralegal Airman of the Year Award. (Thomas Castleman Award)	This award honors Chief Master Sergeant Thomas Castleman, the third Senior Paralegal Manager to TJAG and the only Senior Paralegal Manager to serve in the position for more than five years. The annual winner is an active duty airman selected as the most outstanding paralegal airman of the year based upon demonstrated excellence, initiative, attorney/paralegal partnerships, external collaboration, devotion to duty, and technical skill. Eligible candidates are paralegals who have obtained their five skill level and are in the grade of senior airman or below as of 31 December of the calendar year for which the award is given.
Outstanding Air Reserve Component Noncommissioned Officer Paralegal of the Year Award. (David Westbrook Award)	This award honors Chief Master Sergeant David Westbrook, Retired, a former USAF Reserve (USAFR) senior individual mobilization augmentee. It is presented annually to the Noncommissioned Officer of the Air Reserve Component selected as the most outstanding paralegal of the year based on demonstrated superior initiative; technical skill; training accomplishments or contribution to mission support; exhibition of leadership qualities in contributing to civic, cultural, or professional activities in the military or civilian community; attorney/paralegal partnerships, external collaboration, and enrollment in off-duty programs of professional self-improvement. Eligible candidates are ARC paralegals in the grade of technical sergeant and below not otherwise serving on an Active Guard Reserve tour during the year for which the award is given.
Outstanding Air Reserve Component Senior Noncommissioned Officer Paralegal of the Year Award. (Andrew Stadler Award)	This award honors Chief Master Sergeant Andrew Stadler, a former Air National Guard Paralegal Career Field Manager. Its presentation is based upon training accomplishments or contributions to mission support, exhibition of leadership in contributing to civic, cultural, or professional activities in the military or civilian community, attorney/paralegal partnerships, external collaboration, management skills, and enrollment in off-duty programs of professional self-improvement. Eligible candidates are ARC paralegals in the grade of senior master sergeant or master sergeant who have not served on an Active Guard Reserve (AGR) tour during the calendar year for which the award is given.
Outstanding Legal Service Civilian of the Year Award. (Harold R. Vague Award)	This award honors Major General Harold R. Vague, a former Air Force TJAG. The award is presented annually to a civilian employee (excluding attorneys) employed by or serving with TJAG's Corps and providing legal and/or administrative support to Corps legal offices who is selected as the most outstanding civilian. The award is based on demonstrated excellence, initiative, attorney/paralegal partnerships, external collaboration, and devotion to duty; and gives special consideration to individuals who develop or improve systems, programs, or procedures that improve management efficiency or cost-effectiveness for AF legal programs.
Outstanding Senior Attorney Award. (Stuart R. Reichart Award)	This award honors Mr. Stuart R. Reichart, a former General Counsel of the Air Force. It is presented annually by the Air Force Association and recognizes the outstanding legal achievements of a senior Air Force attorney. The award honors demonstrated excellence, initiative, leadership, management skills, and professionalism in the practice of law. Eligible candidates are military or civilian attorneys with at least 14 years of service with the Department of Defense, with the most recent 7 years as a

JAG Awards	
Award	Description
	judge advocate (active duty (AD) or ARC) or civilian attorney or both for the Air Force. The last day for meeting the eligibility requirements is 31 December of the year for which the award is being given. Although the nominator should cite specific examples of outstanding service, the award is for continuous contributions throughout a career of federal service, not a single achievement.
NOTE: Recipients of all awards listed above are displayed on a plaque at TJAGS. Each recipient receives an award certificate and plaque, and is authorized to wear the Air Force Recognition Ribbon (military) or the Air Force Recognition Lapel Pin (civilian).	

Special Service Award

This award recognizes exceptionally worthy performance by members in the legal community or outstanding contributions to TJAG's Corps. The award may be presented to a member of the corps, a military member, or civilian government employee outside the corps, or a member of the civilian community. Candidates should be nominated within 90 days of their outstanding contribution to the Corps. The selected individual receives an award certificate.

Unsung Hero Award

This award honors Brigadier General Olan G. Waldrop, Jr., a former Staff Judge Advocate, Air Force Materiel Command. This award recognizes individuals who demonstrate selfless devotion to duty, support others, and dedication to the Judge Advocate General's Corps. Nominations may be submitted anytime throughout the year. Submit nominations directly to the Office of The Judge Advocate General (AF/JA). TJAG will personally select any recipients.

Joy Dunlap Family Service Award

This award honors Mrs. Joy Dunlap's service to the TJAGC family. Mrs. Dunlap's spouse, Major General Charles J. Dunlap, Jr., formerly held the position of TDJAG. It recognizes a TJAGC family member who, through contribution of his or her time and talent, has made a significant contribution to the strength, health and welfare of the TJAGC family. The suspense for all nominations is 1 April annually. TJAG will select any recipient.

The nomination process

MAJCOMs and the AFLOA will establish their own procedures to select command/organizational nominees. Each may submit one nomination per award category, except the Reichart Award. There is no limit on the number of Reichart Award nominations that may be submitted—all Reichart Award nominations shall be forwarded to the Professional Development Directorate, Office of The Judge Advocate General (AF/JAX) to be considered at the TJAG annual awards boards.

All other field operating agencies, other direct reporting units (DRU), and all other organizations not specified above shall submit their nominations to AF/JAX to compete at the Headquarters Centralized Board. The centralized board will meet prior to the TJAG annual awards boards and will forward one nomination per category, except for the Reichart Award, for which all nominations will be considered at the TJAG annual award boards. The selected nominations for the Headquarters Centralized Board will compete at the TJAG annual awards boards against the nominations submitted by each MAJCOM and AFLOA.

Each nomination package forwarded to AF/JAX must include the following:

- The nomination using the AF Form 1206, Nomination for Award.
- Submit AF Form 1206 using Adobe PDF software, in bullet format, not more than one page in length (front side only). Only the nominations for the Reichart Award may utilize the front and reverse sides.

- A biographical sketch, not to exceed one page, in narrative format. Do not submit “official” Air Force biographies.
- For the Reichart Award only, in addition to the documents above, submit all Officer Performance Reports or Civilian Performance Appraisals.

Forward the nomination package to AF/JAX, 1420 Air Force Pentagon Washington, DC 20330–1420. The suspense for nominations is 1 April annually; if 1 April falls on a weekend, the first duty day thereafter.

MAJCOM, AFLOA, and the Headquarters Centralized Board nominees must forward an official, military photograph to AF/JAX by 15 April annually or, if 15 April falls on a weekend, the first duty day thereafter.

As a paralegal, you may one day find yourself receiving the Thomas Castleman Award, Steve Swigonski Award, or the Karen Yates-Popwell Award if you are on active duty; the Andrew Stadler Award or the David Westbrook Award if you are a reservist. Paralegals are an elite team of professionals, supporting the Air Force’s mission through legal services. Knowing the types of awards we may receive will ensure the most deserving personnel are nominated and selected for the appropriate recognition.

Self-Test Questions

After you complete these questions, you may check your answers at the end of the unit.

001. History of The Judge Advocate General’s Corps

1. Who was the first Judge Advocate General of the Air Force?
2. When did paralegals receive a separate and distinct AFSC?
3. Who is credited with obtaining approval for establishment of the first AF paralegal apprentice school?
4. Who was responsible for the creation of the current Paralegal Craftsman Course?
5. List some of the duties of a defense paralegal (DP).
6. What curriculum areas are the Paralegal Craftsman Course broken into?

002. Structure and responsibilities of TJAG’s Corps

1. Under the direction and supervision of TJAG, what does TJAG’s Corps provide?

2. List the responsibilities of the TJAG.
3. Where would you go to find more information on the duties of the individuals that make up the TJAG's Corps?
4. Identify the duties of each individual in column B by placing the correct letter in the space provided in column A. The items in column B may be used more than once or not at all.

Column A

Column B

- | | |
|--|--------------------------------------|
| ____ (1) Must have at least eight years of experience in legal duties as a commissioned officer to be appointed. | a. TJAG. |
| ____ (2) Directly responsible to the commander and staff for legal services. | b. TDJAG. |
| ____ (3) Advise TJAG on all paralegal enlisted matters. | c. SJA. |
| ____ (4) When TJAG is absent, assumes those duties. | d. Senior Paralegal Manager to TJAG. |

5. At what level or levels in the military structure are SJAs assigned?
6. A civilian attorney may be used at what level within TJAG's Corps?
7. Who makes up a typical ANG unit's legal office?
8. Who augments and supports active duty forces?

003. The Judge Advocate General's awards and recognition

1. What are the 13 awards that may be presented to TJAG Corps personnel?
2. Which TJAG award is designed to recognize active duty SSgts or TSgts for their demonstrated excellence, superior initiative, technical skill, leadership ability, attorney/paralegal teaming, external collaboration, and devotion to duty?
3. What agencies establish their own procedures for selection of command/organizational nominees for TJAG annual awards?

4. Where are TJAG award nominations sent for consideration?

Answers to Self-Test Questions

001

1. Major General Reginald C. Harmon.
2. 1 May 1955.
3. CMSgt Steve Swigonski.
4. CMSgt Dennis Spitz
5. Interview witnesses, gather evidence, assist clients in preparing responses of adverse actions, performing legal research, and general office management.
6. Legal research and writing, general law and claims, military justice, operations and international law, law office administration, and ethics and professional responsibility.

002

1. Professional legal services needed to accomplish the mission of the US Air Force and maintain the highest degree of effectiveness and readiness as directed by Title 10 U.S.C. § 8037.
2. Supervise the administration of military justice throughout the AF, Furnish legal services required by the Chief of Staff, Air Staff, and AF commanders, supervise AF programs dealing with international law, including foreign criminal and civil litigation, the law of armed conflict and space law; supervise the Standards of Conduct Program; and supervise writing draft legislation, analyze legislative proposals and coordinate Air Staff legislative positions, Designate and certify judge advocates, and supervise the AF Legal Operations Agency.
3. AFI 51-101.
4. (1) a.
(2) c.
(3) d.
(4) b.
5. At MAJCOM, GCM, and base-level legal offices.
6. At all levels throughout the corps.
7. An SJA, deputy SJA, and two paralegals.
8. Cat B reservists also known as individual mobilization augmentees (IMA).

003

1. (1) Albert M. Kuhfeld Award (Outstanding Young Judge Advocate of the Year Award).
(2) Reginald C. Harmon Award (Outstanding Air Reserve Component Judge Advocate of the Year Award).
(3) James O. Wrightson, Jr., Award (Outstanding Civilian Attorney of the Year Award).
(4) Karen Yates-Popwell Award (Outstanding Paralegal Senior NCO of the Year Award).
(5) Steve Swigonski Award (Outstanding Noncommissioned Officer Paralegal of the Year Award).
(6) Thomas Castleman Award (Outstanding Paralegal Airman of the Year Award).
(7) David Westbrook Award (Outstanding Air Reserve Component Noncommissioned Officer Paralegal of the Year Award).
(8) Andrew Stadler Award (Outstanding Air Reserve Component Senior Noncommissioned Officer Paralegal of the Year Award).
(9) Harold R. Vague Award (Outstanding Legal Service Civilian of the Year Award).
(10) Stuart R. Reichart Award (Outstanding Senior Attorney Award).

- (11) Special Service Award.
- (12) Unsung Hero Award.
- (13) Joy Dunlap Family Service Award.
- 2. The Steve Swigonski Award (Outstanding Noncommissioned Officer Paralegal of the Year Award).
- 3. MAJCOMs and AFLOA.
- 4. The Professional Development Directorate, Office of The Judge Advocate General (AF/JAX).

Unit 2. Law Office Administration

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BEFORE ENTERING 5-skill level upgrade training, you probably did not have to concentrate on management and training. However, if you retrained, your previous career field may have given you some exposure to both of these activities. Your previous training was geared more toward becoming proficient in your primary duties. This is by design. You must first master the career field's fundamental skills and knowledge before engaging in the advanced training that builds the tools you need to pass on that skill and knowledge, as well as deal with day-to-day management and training concerns. As a new legal office supervisor and/or manager, you can make an immediate impact developing relationships and contacts that extend to the top of your organization. This ability is an important part of any management team. However, management involves more than human resources; it involves all resources required for mission accomplishment. As you are aware, the legal office has many administrative and management functions. This unit offers guidance on how to effectively manage some of these areas.

This unit has been divided into sections covering some broad—though related—topics. The first section focuses on managing and supervising people. The next area covers training and training plans to insure your people are properly trained to do the job. The unit then focuses on law library management. Here we introduce you to the requirements for establishing and maintaining a law library. The final section covers the Article 137 UCMJ briefing your office will be required to give all military members at critical points in their Air Force career.

2-1. Managing People

The best way to determine what is expected of you in terms of management and supervision is to check the specialty description of the AFSC that you are training toward—paralegal journeyman. As you study this description, you gain a better understanding of your leadership role in the paralegal community. With leadership comes corresponding managerial responsibilities. At present, your responsibilities may be limited to your job. However, when you attain journeyman status, you take on a management or supervisory role. In this capacity you are responsible for all that you supervise—people, methods, equipment, and mission. The lessons that follow are designed to help you understand these new responsibilities.

004. Planning work assignments

For successful mission accomplishment, the people you supervise must produce high-quality work in a timely manner. Good supervisory practices assist in achieving the greatest degree of efficiency. A supervisor advises, consults, coordinates, inspects, improves, reviews, instructs, recommends,

implements, inventories, directs, approves, assigns, initiates, observes, plans, schedules, and resolves. There is more to supervising than just knowing how to do a job well: supervision is also a key management ingredient. In fact, the relationship between supervision and management may be stated as an equation: supervision + job proficiency + leadership = good management.

Principles of supervision

The Air Force has long recognized that mission accomplishment depends upon the judicious application of leadership and management principles. The Air Force needs supervisors—not just bosses or chiefs. As you read this you're probably thinking, "What does it take to become a good supervisor?" One way to answer this question is to ask yourself, "What do I want my supervisor to be like?" No doubt you'll expect these qualities:

- Knowing the job and realizing the scope of yours.
- Making prompt decisions that you can depend on.
- Giving clear, concise oral and written instructions.
- Being impartial, and having a single set of rules that everyone is expected to follow.
- Being interested in his/her subordinate welfare, career advancement, promotions, personal life and affairs to the extent that the supervisor is aware of his/her effect on morale and productivity.
- Being a good teacher, and knowing how to organize a program that will train all personnel properly.
- Having a good education—and the initiative to constantly keep abreast of developments affecting your career field.
- Understanding the responsibility that comes with his/her rank and acting accordingly.

You can probably add many other items to this list. Keep them in mind and you won't be surprised to learn that they are the traits and qualities your subordinates expect to find in you as well! When supervising personnel, you must set specific goals and check to see they are achieved on schedule. You also must check subordinates' work periodically to make sure they're meeting or exceeding the expected work standard. You must also be prepared to take corrective action if standards are not being met.

Another important part of being a good supervisor is recognizing when those around you may be struggling. The nature of legal work necessitates deep involvement in cases that may disclose a myriad of issues, such as violence, injury, theft, etc. Not only do legal personnel listen to clients describe what could be devastating life experiences, but we must also likely ask them to relive these experiences multiple times over. It is not unlikely for legal personnel to become affected by this exposure, sometimes even unknowingly. Being traumatized by what we see and observe is known as vicarious trauma and, as a supervisor, you will be required to recognize signs of vicarious trauma, such as missed deadlines, abnormally argumentative behavior, or productivity loss, to name just a few. If you notice this behavior, it is important to address it appropriately.

Priorities

A manager is someone who makes things happen by organizing the efforts of others. The manager's primary concern is obtaining results. When you become a supervisor in the Air Force, you also become a manager. The two go hand in hand. As a supervisor, you will be judged in terms of how well you meet the requirements, as well as by the volume and quality of production achieved within the established time limits.

The key to attaining maximum efficiency and production from your personnel is prioritizing, planning, and scheduling work assignments. As a supervisor, you are responsible for ensuring that jobs are completed according to their assigned priority. As you can see, this area of your responsibilities can mean the difference between success and failure. Setting job priorities involves

knowing what to do, and when to do it. This is one area where your background and job-related experience is invaluable. When you initially receive a task, prioritize it against other tasks in order of importance. There are several ways to do this, such as using a timeline or labeling tasks as “urgent and important,” “important, but not urgent,” or “urgent, but not important.” Once you have done this, you will begin to see which of these tasks you will need to accomplish yourself and which of them you can delegate to others. If you are unclear of the level of a task’s importance or which tasks should take precedence, you may need to ask the task originator. Once you have determined which tasks can be delegated, it is important to relay this information at the time of delegation, along with details of the task itself. This way, those to whom you assign or delegate tasks will best know which items you need completed quickly, and which can wait.

Newly assigned personnel

The stage you set for newly assigned personnel can make a lasting impression. Whether they are returning from overseas, retraining from another AFSC, or graduating from a technical school, you want this first meeting to be a pleasant encounter.

The first thing to do when newly assigned personnel report for duty is to help ensure they find a comfortable place to live and in-process the base. Offering your assistance with any problems they may encounter helps establish good rapport. Take the individuals on a tour of the base, and highlight the activities in which they’ll be participating. Walk them through the office and introduce them to everyone.

After the new arrival has taken care of immediate personal needs related to the transition, it’s time for a workcenter orientation. You need to discuss your work center’s policies and procedures, and ensure the new arrival understands what he/she will be doing. Make sure duty hours, breaks, uniform standards, and other activities of his/her new work environment are clear and understood. In addition, be sure to cover all training requirements for upgrade and/or qualification training and any safety requirements. Finally, explain to him/her the responsibilities as a trainee, trainer, task certifier, and supervisor, as applicable. Be direct and tell him/her what you expect from him/her. Be sure he/she has a clear understanding of all of these requirements. Encouraging questions at this point can ensure good communication and help clarify any potential misunderstandings. As you are well aware, a good initial in-brief can prevent potential problems, and your subordinates will know what to expect when it comes to carrying out their duties.

Keep in mind, base policies are usually covered when individuals report in. Know if your base, like many bases, hands out brochures explaining policies and procedures during in-processing briefings. Be familiar with the information and be sure your new people have a chance to review them. Make sure you clear up any questions they may have about the information in the brochure or assist them in getting their questions answered. This will get everyone off to a good start.

005. Roster

The Web Federal Legal Information Through Electronics (WebFLITE) Roster or just “Roster” has become the linchpin connecting our legal professionals with vast amounts of personnel information and with the data management programs that are streamlining processes throughout the Corps. Keeping personal information updated in Roster is mandatory; management of all JAG offices and personnel is accomplished through Roster. TJAG uses Roster to download biographies and photos prior to Article 6 visits—to put a face to a name when he/she arrives. MAJCOM and NAF offices use it for many functions, such as the following:

- Determine the number of personnel assigned to an office.
- Know how many are deployed.
- View biographies and photos.
- As well as managing legal offices and SAVs.

It is also used to check duty titles against what sections personnel are assigned to, skill levels, and current e-mail addresses. Base level offices use Roster as a resource to identify people they may need to ask assistance from for a variety of tasks, or sponsors who are preparing to welcome incoming personnel. ARC personnel use it to keep in touch with each other, and to find people who live close to a certain location to fill in for deployed personnel.

As you can see, Roster is an amazing resource for offices at all levels in the Corps. Suppose you work in the Air Force Claims Service Center (AFCSC) and you need an inspection for a claim submitted by a member at Offutt AFB, Nebraska. Using Roster is the fastest way to find the phone number for Offutt's legal office. While you are getting that information, you could also find out who Offutt's NCOIC of general law is and what that person looks like. Roster is a tool that is always at your fingertips. Like the many different levels of information available in Roster, there are different levels of responsibilities for Roster users as well.

This page contains dynamic content -- Highest Possible Classification is UNCLASSIFIED//FOR OFFICIAL USE ONLY

UNITED STATES AIR FORCE
JUDGE ADVOCATE GENERAL'S CORPS

ROSTER

V2.06

Office WebDocs
TJAG Home
ROSTER Home

Welcome, Gordon MORRISON (gmorriso) [Log Off](#)

- [Office Overview](#)
- [Update Personal Data](#)
- [Roster Reports](#)
- [Upload Photo/Bio](#)

Last Name / Person Fltld
First Name
Location / Office Fltld
[Search](#) [Reset](#)
[Advanced Search](#)

[Crisis Action Team](#)
[Virtual MPF](#)
[User Manual](#)
[Office Manual](#)

Warning: ROSTER contains Privacy Act information. Click on [Privacy Act Statement](#) to view the full notice.
The information accessed through this system is FOR OFFICIAL USE ONLY and must be protected in accordance with the Privacy Act and AFI 33-332.

MESSAGE CENTER

- ▶ 01-JUL-20 Do not make changes to your office if your office is involved in the AF and AFLOA Command Change Until Further Notice **NEW**
- ▶ 01-JUL-20 Extended Deployment End Dates During COVID-19 **NEW**

Figure 2-1. Roster's home page.

Individual responsibilities

Your first interaction with Roster is usually at the individual level. It is imperative all users keep their information current. Simply put, no one knows more about you than you do; and you're the best source of that information. To access Roster to update your personal information:

1. Log into the TJAG Corps Internet home web page at <https://aflsa.jag.af.mil>.
2. Next, select the "People" pull-down menu and click on "JAG ROSTER." This takes you to Roster's home page (Fig 2-1).
3. Click the "Upload Photo/Bio" link on the left to upload your photo and biography. Roster provides detailed instructions on how to do this.
4. Now verify your personal data is correct. To do this, go back to Roster's home page and click the "Update Personal Data" link on the top left of the sidebar menu. This takes you to the page with all your personal information displayed in the main part of the screen. You can use the sidebar menu on the left side of the screen or the small pencil icon in each section to edit your information. Once you've reviewed and updated your information, the final step is to certify the information you entered is correct.

5. To certify your information, click the CERTIFICATION button at the bottom of the sidebar menu on the left of your screen. This opens a new screen showing all of your basic information. This data is essential and it is mandatory to keep it updated and correct at all times. To correct any of the information, click on the menu button above the incorrect information to make corrections. Any missing required information is indicated by red text. *This information must be corrected (entered) before you can complete the certification process.* Once all blanks are filled and everything is correct, click the CERTIFY DATA button. This brings up the certification statement. Click the CERTIFY DATA button at the bottom. When all of the required information is present, you see “certification update was successful!” If certification is not successful, repeat the review process and make sure the missing information is provided; then use the CERTIFY DATA button to complete the process.

Do not forget; you must *certify your information in Roster annually*. This can only be done by you, as no one else can access it. You cannot rely on your law office superintendent/manager or NCOIC to do it for you. Their responsibilities are different.

Note: On the Roster Home page, if you need help, you will find a link on the left side to a very comprehensive User’s Manual that will guide you through each and every action you can perform in Roster.

Law office superintendent/manager responsibilities

Law office superintendents/managers (LOS/LOM) use the Roster as an office management tool. Similar to the individual level, they are provided with a link to a very comprehensive user’s manual for their responsibilities called “Roster Office User Manual.” They also have a different logon method. As LOS/LOMs, they have the option to logon as the JAG office rather than logging into his or her individual account.

Clicking the LOGON AS [YOUR OFFICE] button opens a new screen. This has a different left sidebar menu designed for managing the office. This area of Roster provides access to many management functions. From this area, you use Roster to bring new personnel into the office, move them from one duty section to another, manage positions within each section, assign new user accounts, and match unit personnel management roster (UPMR) position numbers for your personnel. It is also how you keep the office contact information current, update inspection ratings, update special court-martial (SPCM) and GCM commanders, and your office hours.

The law office superintendent/manager is responsible for ensuring the information for the office and its personnel is kept accurate and up-to-date. This includes paralegals, attorneys, and civilians. It is extremely important this is correct; we cannot stress enough the importance of having the proper position number assigned to the proper personnel. You must also ensure you contact the military personnel section (MPS) to update the correct position numbers—Roster alone is not enough. To ensure they are correct, formal manpower actions are based on Air Force Manpower databases, not Roster. TJAG, MAJCOM, and NAF offices review this information very frequently. If any of your information—about your personnel or your office itself—is not correct, you could be doing your office, and your people, an injustice if you do not take action to correct it.

006. Air Reserve Component paralegal program

In addition to the active duty (AD) paralegals assigned to your office, you may also have paralegals that are ARC members. Because there are differences between the AD and ARC programs, it is important you understand the ARC paralegal program. You may be supervising ARC members and need to know the differences between Cat A, Cat B (also referred to as IMAs), and ANG programs, ratings, and evaluations. We will identify basic facts in the differences and similarities in each component. Let’s look at the reservists first.

Category A reservists

As you will recall from Unit 1, Cat A reservists participate in reserve units and are not assigned to a base office. You will need to understand their enlisted performance report (EPR) system and the Paralegal Enlisted Development Board (PEDB).

Cat A reservists' EPRs are written every two years, instead of every year for AD personnel. They are written the same as AD EPRs, with the same content requirements. A reservist's first EPR is due after 20 months or more time in service (based on the Date Initial Entry Uniformed Services date) and the member has not had a report before. This is for the rank of SrA or below. If already an NCO when joining, two years after accession into the reserves.

Category B reservists

Cat B reservists are also referred to as IMAs, and are assigned to a base-level legal office close to their home of record. An easy way to remember IMAs are Category B reservists is the phrase "I aM A Bee."

Enlisted performance reports

A biennial (every two years) EPR is required for SSgts and above who have accumulated at least 16 points. A change of reporting official (CRO) report is required when the rater or ratee departs permanent change of station (PCS), the IMA unit of attachment changes, or the IMA is being released for an active duty assignment (AD or extended AD [EAD]/ AGR), *and* has earned at least 16 points since the last rating. A commander (wing, group or higher level), MAJCOM/central IMA program manager, Headquarters Air Force Personnel Center (HQ AFPC) Headquarters Air Reserve Personnel Center (HQ ARPC) may also direct a special report. All periods of supervision and point requirements are waived for this type of EPR. An EPR shell is obtained from the IMA's unit of attachment MPS. The forms used are the same as for active duty.

LOEs are required for AD tours at a legal office *other* than the member's unit of attachment. The LOE should be sent to the member's rater at his/her base of assignment. The information from LOEs should be incorporated into the next required EPR. LOEs should be maintained in the participation folder until the EPR is completed.

Paralegal Enlisted Development Board

The PEDB has the same rules and regulations for a Cat A or Cat B reservist. PEDBs are convened each year (normally in May) at the direction of TJAG. The PEDB is a qualitative evaluation of all Cat A and Cat B paralegals and embraces the "whole person" concept. Information from the PEDB is used to determine retention in current position, as well as quality review of the Reserve paralegal program and personnel; selection for special duties; command assignments, attachments, etc.; and career counseling and feedback, upon request. It is also used to identify the most qualified paralegal for reassignment to higher graded positions for those that meet promotion eligibility requirements. In addition, the board is used as an administrative tool for promotion selections; however, the PEDB is not a promotion board.

Each record reviewed consists of the Unit Personnel Record Group (UPRG) in Personnel Records Display Application (PRDA) which is the official record maintained at HQ ARPC and contains the following:

- Personnel records review and point summary.
- Reserve Enlisted Development Plan (R-EDP) on the virtual MPF.
- Point summary/participation.
- Military and civilian education.

The R-EDP is completed by the ARC member and is submitted to the supervisor for concurrence/nonconcurrence and comments the supervisor deems necessary for the board members to

consider when scoring and vectoring the individual. The R-EDP is then routed by the supervisor back to the member and the member must then route it to their senior MAJCOM or NAF paralegal manager for their concurrence/nonconcurrence and comments they wish the board to consider.

Air Reserve Component tours

ARC tours are the means by which our ARC members complete their required training and to support short-term needs of the active duty force. They consist of the following:

- Military personnel appropriation (MPA) days.
- Quadrennial tour/home station support.
- Annual tour.
- Inactive duty training.
- Seasoning training.
- Unit Training Assembly Participation System (UTAPS).

These days are offered at the convenience of the government and when there is a temporary need for personnel with unique skills or resources that cannot be economically met in the active force.

Regardless of which training days are utilized by an ARC member, all judge advocates and paralegals must report and track all workload. Let's look at the first way that ARC members can train.

Military personnel appropriation days

MPA days are used to support the active duty component missions. Each MAJCOM is responsible for allocating MPA days to the regular component organizations. The regular component organization is responsible for managing and validating MPA man-day requests, requirements, forecasts, and usage.

Quadrennial tour/home station support

An ARC paralegal must perform at least two consecutive weeks of training at an active duty installation-level office every four years. As a reservist, you will not arrange your own quadrennial tour. The reserve member must work through the home station support coordinator. Their contact information can be found on TJAG home page under the ARC/ANG tab to schedule the dates and location of the tour. Failure to complete a quadrennial tour could ultimately subject the member to removal from the paralegal career field.

Annual tour

The annual tour is the minimal period of active duty training Cat B reserve members must perform each fiscal year to satisfy the training requirements associated with their assignment. The primary purpose of an annual tour is to provide individual and/or unit readiness training, but may support active duty missions and requirements. IMA reservists may perform 12 to 14 days of annual tour days each fiscal year.

Inactive duty training

Individual reservist can only earn IDT points for activities preparing them for full-time utilization or mobilization. An IDT is a minimum of 4-hour period of training, duty, or instruction for which a reservist will receive 1 point. An ARC paralegal may work up to two blocks of IDTs in one day for an 8-hour minimum work day. However, a member may be required by their duty location to work up to a 12-hour shift in one work day and will only be credited with the two points per day maximum.

Seasoning training

The seasoning training program is a training incentive program. The program allows recent 3-skill level paralegals and officer initial skills formal school graduates to voluntarily remain on active duty for training (ADT) orders until they have been trained via on-the-job training (OJT). The number of days allowed to participate is stipulated by each ARC functional manager. The program works similarly for ANG, but is called mission essential skills training.

Unit Training Assembly Participation System

The program most familiar to Guard and Reserve Airmen is the traditional unit, UTAPS. This program requires one weekend of inactive duty training every month, referred to as unit training assembly (UTA), and two weeks AD (annual training). Cat A reservists who complete all required UTAs receive 48 points (one point per four-hour training period). In addition, one point is received for each day of active-duty training. These points are used towards retirement.

Air Reserve Component Statistical Reporting System

Air Reserve Component Statistical Reporting System (ARCStaRS) is a computerized tool used to track the workload of Reserve Component judge advocates and paralegals. ARCStaRS compiles information including dates or work performed, types of work performed, and duty location. All Reserve Component judge advocates and paralegals are required to use ARCStaRS to document the performance of duties during a duty period including performance of duties in a non-pay status. ANG judge advocates and paralegals are not required to make inputs to ARCStaRS.

Air National Guard

Working with and supervising ANG members is alike to include participation folders and their contents. ANG members are also required to work in AD offices for at least two weeks every four years; more is desirable. Once their time in the active duty office is done, an LOE is completed and forwarded to the ANG member's home unit staff judge advocate.

Self-Test Questions

After you complete these questions, you may check your answers at the end of the unit.

004. Planning work assignments

1. When managing people, how can you achieve the greatest degree of efficiency?
2. What is a key ingredient to good management?
3. The Air Force has long recognized that mission accomplishment depends on the judicious application of what two principles?
4. When supervising personnel, what must you set?
5. Why should you check subordinates' work from time to time?
6. What is a manager's primary concern?

7. How will your efforts as a supervisor be judged?
8. In what order should work assignments be completed?
9. What is important about the first meeting with newly assigned personnel?
10. When a newly assigned individual reports to your work center, what should be your first item of business?
11. What are some of the things you should include in the orientation of newly assigned personnel?
12. How do bases normally provide information on policies and procedures to newly assigned personnel?

005. Roster

1. Why is it important to keep your personal information up-to-date in Roster?
2. Why is it important to have up-to-date bios and photos uploaded in Roster at all times?
3. How often is recertification of your personal information required?
4. Who is responsible for the yearly certification of your roster information?
5. What does a law office superintendent/manager use Roster for?

6. To ensure they are correct, what should personnel position numbers in Roster be compared against?

006. Air Reserve Component paralegal program

1. What are the three components of ARC?
2. How often are EPRs required on Cat A and Cat B reservists?
3. What is a PEDB for?
4. What are six methods for ARC members to complete training and support short-term needs of the active duty AF?
5. Who is eligible for seasoning training?

2-2. Training

This section is intended to help you gain a better understanding of the training programs you will be responsible for in your job. Administering and managing training are key ingredients for successful training programs. Training programs provide a solid roadmap for navigating through the life-cycle education and training requirements, and they are pivotal to mission accomplishment. If personnel are not adequately trained in all AFSC tasks and duties, and if that training is not properly documented, the unit could fail in mission execution.

007. Development

A key component to the success of any career field is its ability to efficiently and effectively develop and train its people to achieve mission success. In essence, the career field must have a solid plan to carry out the mission. The Air Force career field manager (AFCFM) uses the utilization and training workshop (U&TW) as a forum and quality control tool to determine and manage career field education and training requirements as they apply to mission needs. The major benefits from the U&TW process are the participation and input from the field. Normally, developed from the U&TW, the CFETP establishes the framework for managing a career field's education and training direction; that is, the CFETP specifies the what, when, where, and how to progress.

The utilization and training workshop

The U&TW has a wide range of uses, but specifically it serves as a quality control tool and as a forum to determine education and training requirements for the career field. As a quality control tool, the U&TW helps to ensure accuracy and viability to the Air Force specialty's (AFS) training, and allows career fields to determine training requirements and formal course constraints.

As a forum, the U&TW is used to determine education and training requirements for the AFS. The AFCFM brings together the expertise necessary to establish the most effective and efficient mix of formal and OJT for each skill level of our specialty. This "expertise" includes and depends on the attendance of MAJCOM functional managers. During the workshop, the MAJCOM functional managers review all functional area job tasks and match them to the applicable skill level. Functional area job tasks are obtained through a process called the Occupational Survey Report (OSR). During this process, the Air Force Occupational Measurement Squadron produces a career field task listing with the associated frequency attributes and who performs the tasks based on the field results of the survey. The functional managers frequently bring along subject matter experts (SME) to provide input on the tasks being discussed. After each task is discussed, the AFCFM will call for the functional managers to vote. The vote is to include it in the CFETP, if training takes place, where, and at what level. The outcome of the U&TW is a completed CFETP document. This document will guide the career field's training efforts toward a comprehensive and cohesive training program to form well-rounded, effective personnel. Unless otherwise requested, the Air Force JAG School hosts the 5J0X1 U&TW.

Career Field Education and Training Plan

In accordance with AFI 36-2651, *Air Force Training Program*, the Career Field Education and Training Plan (CFETP) is the primary document used to identify life-cycle education and training requirements. This very important tool will guide you through career progression, outline requirements that must be satisfied at appropriate points throughout your career path, specify the mandatory task qualification requirements for award and maintenance of an AFSC, and identify deployment/unit type code (UTC) task requirements to assist commanders in prioritizing training. As you can see, the CFETP is a comprehensive education and training document that will assist you in planning, conducting, evaluating, and documenting training. The CFETP consists of two parts:

1. Part I provides information necessary for the overall management of the specialty and is divided into five sections.
2. Part II is commonly known as the specialty training standard or STS. Part II details the training requirements and is divided into five sections.

Both Part I and II are explained in the following table:

Career Field Education and Training Plan		
Section	Part I	Part II
A	Explains how everyone will use the plan.	Identifies the STS and includes duties, tasks, technical references to support training, Air Force Legal Operations Agency conducted training, wartime courses, core tasks, and correspondence course requirements. NOTE: STSs are explained in more detail in the next paragraph.
B	Identifies career progression information, duties, responsibilities, training decisions, career field path, and Community College of the Air Force (CCAF) degree requirements. NOTE: Pursuing a degree is not mandatory for career progression.	A list of training objectives to be trained in the formal school. This is an important tool supervisors use to determine if airmen satisfy training requirements.
C	Associates each skill level with specialty qualifications (knowledge, education, training, and other requirements) for entry, award, and retention of each skill level.	Identifies available support materials used to support proficiency training.
D	Indicates resource constraints like funds, manpower, equipment, and facilities.	Contains a training course index that lists courses mandatory to career progression and may also include optional courses to further a member's career path.
E	Transition Training Guide. NOTE: This section is used only if two or more specialties are merging.	Is reserved for MAJCOM-unique requirements.

The STS is a major part of the CFETP and the OJT record. It identifies the most common tasks of an enlisted Air Force specialty (AFS) that requires training. An STS helps standardize the formal training of airmen to make sure that all user-command, mission-related training requirements are identified. The STS lists tasks and knowledge required for upgrade and qualification training. It identifies the level of training given airmen in basic, advanced, lateral, and other enlisted AFSC-awarding courses. The STS also lists career development course (CDC) requirements or references to be studied if a CDC is not available.

008. Job qualification standards

There are other training standards that can be included as part of the OJT record. An STS becomes a job qualification standard (JQS) when used to record the qualification(s) of a specific individual. Air Force JQSs are used when more detailed information than the STS must be provided. The Air Force Job Qualification Standard (AFJQS) is a comprehensive task list that functional managers prepare to describe a particular job type or duty position (e.g., a JQS for defense paralegals, enlisted court reporters, or field support center [FSC] paralegals). The command job qualification standard (CJQS) may supplement an STS or AFJQS when it is necessary to specify command-specific qualification requirements (e.g., a NAF paralegal's duties or MAJCOM paralegal's duties).

At times, you will need to prepare and use an AF Form 797, Job Qualification Standard Continuation/Command JQS. The purpose of AF Form 797 is to add duty section tasks that need to be trained, but are not included in the STS or in an established JQS. The duty section supervisor determines what needs to be added. This job qualification standard continuation sheet identifies qualification requirements and standards that are specific to a certain unit, work center, or duty position. The supervisor completes the AF Form 797 in the same manner as the STS—numbering the tasks in the same format as the CFETP, and identifying the core or critical tasks. If the supervisor

develops an all-inclusive JQS for the duty section, then only the tasks specific to the person performing those duties are circled. Circling task numbers in training records or training plans is the most common method of identifying training requirements for individuals or work centers, and is often done using a pencil. When an AF Form 797 is used, a copy should be placed in the master training plan, which is covered later in this lesson.

Training records

OJT records must be kept current. The Air Force requires an AF Form 623, Individual Training Record Folder (or other approved training records), be maintained for each airman officially entered into upgrade training. It also must be maintained for each individual in the grades airman basic through technical sergeant and for senior noncommissioned officers (SNCO)(E7 through E9), who are in retraining status, or as directed by Air Force career field managers. Immediate supervisors and trainers use this form to maintain a cumulative record of an airman's training progress.

The following is a list of documents that *must* be contained in the AF Form 623; in addition to any locally determined requirements:

- CFETP.
- STS or AFJQS (if applicable).
- AF Form 797 (if applicable).
- CDC enrollment card, answer score sheets, and scorecards (if enrolled in CDCs).
- AETC Form 156, Student Training Report.
- AF Form 2096, Classification/On-The-Job Training Action.

The following is a list of documents that *may* be contained in the AF Form 623, if applicable:

- AF Form 803, Report of Task Evaluations.
- AF Form 1098, Special Task Certification and Recurring Training.
- Automated products and other suitable non form substitutes are authorized in lieu of all other training documents, *except* the STS.

In very rare instances where records are not maintained electronically, all entries on AF Form 623, including entries to the CFETP, are made in pencil. Entries that are not likely to change—the front cover of the AF Form 623, the signatures, and AF Form 623A—are in black or blue ink unless automated training forms are used. When the trainee achieves the job proficiency level required by the training standard, the supervisor dates and initials the item to indicate completion. By doing this, the supervisor certifies the trainee meets this level of proficiency. Then the trainee must initial each completed item. You need to maintain the AF Form 623 at the lowest level of supervision having facilities for storage and maintenance of forms. Usually, this is in the immediate work area. When an airman is transferred, his/her AF Form 623, with all appropriate data inserted, is hand-carried to the next assignment. If training records are automated, ensure proper transfer procedures occur; hand-carrying is not necessary. The airman's training is continued at the new duty location, unless he/she is specifically withdrawn from training by the gaining organization.

Training plans

The purpose of a workcenter (or master) training plan is to identify duty and training requirements to ensure completion of all workcenter duty position requirements. This includes contingency, wartime, and mandatory specialty qualification requirements. Each work center or section should develop, maintain, and use some sort of training plan. As a minimum, the training plan must include the following:

- Master task list (MTL).
- Master training plan (MTP).

- Current CFETP or AFJQS.
- AF Form 797 (if applicable).

One of the best ways to get started is to develop an MTL.

Developing a master task list

Supervisors have the single greatest impact on mission accomplishment. They must share their experiences and expertise to meet mission requirements and provide a quality training program to the trainee. Supervisors must plan, conduct, and evaluate training. One of the first steps of developing a quality training program is to create a master task list. The MTL is a list of all day-to-day tasks required in a workcenter, to include core tasks, in-garrison and contingency tasks, and additional duties performed. It is the *primary source* a supervisor uses to select the tasks when developing individual JQSs. The following information will guide you in developing your MTL.

- Identify all task requirements to ensure 100-percent task coverage within your work center. This means identifying all tasks, to include contingency/wartime tasks, additional duties identified by the supervisor as a certifiable task, and any mandatory core tasks required by the Career Field Manager.
- Use the CFETP, AF Form 797, AF Form 1098, automated forms, or forms required/approved by your MAJCOM as sources when developing the MTL.
- Consider normal mission, day-to-day work requirements, special work requirements, mandatory AFSC requirements, recurring training requirements, and training requirements from other sources.

Afterwards, document the tasks you have identified:

- What you will need to determine are *duty positions*. No two offices/wings are the same. What is required in your office may not be required at another. Therefore, you will need to annotate core and non-core tasks applicable to your particular office for each duty position.
- Duty positions could include, but are not limited to: military justice, general law, law library accountability officer, administrative discharges, magistrate court, etc. When developing or updating your MTL you will need to assess your office positions and mission requirements.

Developing your master training plan

Once you develop the MTL, the next step is to determine the training needs within your work center, section, or individual. This will assist you in building your MTP. Do not get this title confused with the overall training plan for your office. Each office will have a separate working document called an MTP; the actual day-to-day and how each position will be trained. An MTP should include the following:

- When tasks should be trained (priority/milestones).
- How the tasks should be trained (resource/method).
- Approximately how long it should take to train an individual on a task or set of tasks.

Some tasks require training before others. For instance, normally upon first entering the military justice section a paralegal begins working Article 15s prior to working courts-martial. As an Article 15 clerk, the work center may have identified 20 STS items for this duty position. For those 20 STS items, what order should those tasks be covered (priority) and how far should they be spread out (milestones)? For instance, you start with five basic knowledge items within the first 30 days and another five items within the next 60 days, and the last 10 items within 90 days from the beginning of the training period.

As you determine your training methods for each task, keep in mind training can come from various resources/methods: computer based training (CBT), reading regulations, formal training courses, hands-on training, and so forth. How long it takes depends on the method of instruction and level of

training. Providing subject knowledge training can be easily accomplished by reviewing applicable regulations, attending a teaching lecture, or viewing a webcast training. However, task performance/knowledge training usually takes a little bit longer to master just by the very construct of demonstration/performance training in itself.

Determining training needs, capabilities, and resources

Once you develop the MTL and MTP you also need to see if you have enough qualified trainers and training materials to satisfy your needs. If you do, you are ready to proceed. If you do not have a qualified trainer on station, contact your unit training manager, base training manager, and/or MAJCOM training manager. Consider different strategies for conducting your training; distance learning etc. Maintain flexibility throughout your training program, and make proper adjustments when necessary.

009. Effective training programs

An effective training program requires the supervisor's active involvement. The supervisor either serves as the trainer or selects an individual to be the trainer. Individuals considered for trainers must exhibit a desire to train personnel to perform their assigned duties. A motivated trainer helps trainees receive the quality of training they need. Establishing and maintaining good human relations involves some tact by the trainer. Trainers cannot afford to let their personal conflicts, problems, and moods influence their relationship with the people on the job. Try to curb personal differences, and avoid "blowing your top." People expect their trainer or supervisor to be consistent and stable and often regard them as role models.

Trainee motivation

Trainees are happier and work better when they have a feeling the boss is interested in them and is looking out for their interests. They appreciate being treated as individuals, and you will be an unwise trainer if you do not treat them as such. The fact that skill-level upgrading and promotions are based on training should be enough to motivate the trainees. You help by sharing your experience and instilling confidence in them. Motivated trainees normally learn the job faster, are harder workers, and are happier in the job. Since you may supervise both trainers and trainees, you will soon learn care and proper motivation works out best for all concerned.

A critical factor in counseling trainees is information about their progress—even if it is inadequate. Some trainees may not be aware their progress is slow and that it, in turn, may cause them to be slow in completing assigned projects. Informing trainees of their progress will help them pace their training and meet completion dates established by the trainer. If the individual's progress does not meet required standards, counsel the person and make sure he/she understands the circumstances and knows what is required. This gives the trainee an opportunity to improve based on your (the trainer's) feedback. Trainees should also know how their progress is being recorded and be familiar with the documents used to show progress. Keep in mind that counseling a trainee does not mean he or she is not doing a good job. Use the counseling time to provide feedback on all aspects of the trainee's performance and be sure to give positive feedback for work well done. If you are providing negative feedback, be sure the trainee understands the deficiency, provide instructions on how to correct the problem, and encourage his/her efforts.

Upgrade training

Some of the previously mentioned training is routine and necessary, even if there are no personnel changes. However, your primary training concern is developing inexperienced personnel into skilled workers. Career knowledge, general task, and deployment/UTC task knowledge, specific to the AFSC, is gained through a planned program of study using CDCs or technical references listed in the applicable CFETP.

Completion of the Paralegal Apprenticeship Course provides the trainee with the foundational skill sets required of a paralegal apprentice. To progress from the apprentice to the journeyman level and from

the journeyman to the craftsman level requires further on-the-job training. OJT is a planned training program designed to qualify airmen through self-study, and supervised instruction to perform in a given AFS while actually working in a duty assignment of their AFS. This makes the duty section responsible for meeting the program objectives.

Because the number of people in the various legal office sections is usually quite limited, you most likely will serve as both trainer and supervisor. Training is done during regular work hours, and should not cause undue interruption of your work schedule. With a little planning, you can take advantage of slow periods in the work schedule to conduct your training program. Not only does this allow you to train with as little interruption to the daily schedule as possible, it also promotes good morale by keeping your people engaged in useful self-improvement activities. Do not be afraid to get your attorneys involved in training as well. You'd be amazed how well attorneys and paralegals train together; both learn aspects of the job they would not normally be exposed to, and section cohesiveness only gets better.

The AF OJT program consists of three components:

1. The first component, *job knowledge*, is satisfied by CDCs that provide basic knowledge across a wide spectrum of career field subjects. If CDCs are not designated for upgrade/OJT, trainees study the technical references identified by the supervisor and/or the CFETP.
2. The second component, *job proficiency*, is the hands-on training provided on the job. This is designed to allow the trainee to gain proficiency in tasks performed in the work center.
3. The third component is *job experience*. This is usually gained during and after upgrade training and builds confidence and competence.

Gaining job proficiency in a working environment requires close interaction between the trainer and the trainee. The coach-pupil training method does not exclude using short periods for group instruction in job proficiency training. Immediate supervisors are responsible for the development, maintenance, and effective use of training aids used for trainee programs. The STS provides specific reference to publications that give instructions, and guidance for each task to be performed in the current duty assignment.

CDCs contain the fundamental knowledge required for on-the-job upgrade training. A CDC is self-contained, and outside reading is generally not required in order to complete the course. Look at the volume you are reading, for example. It introduces the paralegal career field, provides information on management and training, and introduces you to the law library. This information, like all CDCs, is based on the knowledge elements listed in the STS portion of the CFETP.

When trainees begin their CDC, a trainer's job is to make sure that trainees understand what they need to do. Trainees must answer the self-test questions and unit review exercises as they progress through the volumes in the CDC. The trainer's responsibility is to ensure trainees complete these questions and exercises. They should check the answers to be sure trainees understand the material. They should ask if there are areas students are having problems with or find difficult to understand. Trainers should have trainees review areas they have trouble with and the trainer should make sure their questions are answered. Trainers should be sure to give the trainees feedback as they progress through each volume. This will help trainees prepare for the course examination and will help the legal office gain qualified individuals as a result. If the trainees are having trouble, trainers should provide special assistance. One way to help is to schedule supervised study. Occasionally, trainers may recommend group study when there are several trainees. Group study is especially good if several trainees have trouble with the same job training areas. Group study is also good for overall review before the trainees take the course examination.

Another important CDC item is the study reference. Topical statements identify areas of information, and are numbered sequentially in each volume. These numbers are used with the self-test questions and unit review exercises for trainee reference. After completing all the CDC volumes, trainees

should review the self-test questions and exercises in preparation for the course examination. They should pay particular attention to items they found difficult to answer. Noting the topical statement numbers can help locate the information. Another supervisory responsibility is to thoroughly review the entire CDC with the trainee prior to the exam. This helps ensure adequate preparedness. The course examination is a closed-book evaluation.

Trainees in an upgrade training status must complete all training requirements before they satisfy the knowledge requirements for skill level upgrade. This includes the successful completion of the course examination. If trainees fail the course examination, they are permitted one retake after further study. Passing the course examination is one factor making trainees eligible for upgrade to the 5-skill level. Trainees who fail the course examination a second time may still have a chance to be upgraded. Under certain conditions, the unit commander may decide to keep the trainee in training by providing, evaluating, and certifying career knowledge, and upon successful completion, request a waiver of the CDC requirement. Attaining the higher skill level is critical to an Airman's career because this correlates with promotion opportunities.

Qualification training

Qualification training is designed to further develop an airman's knowledge and skill within a given position. It's an essential part of the OJT program, but it does not result in the award of an AFSC. Qualification training provides additional training for airmen who have already been upgraded in their specialties. It's designed to continually develop and enhance skills required to perform the job. It provides a practical application for gearing the unit's capabilities to changing concepts, requirements, equipment, and unit mission. There is always a need for increased skill and knowledge within the broad confines of each skill level. Qualification training is a viable solution for this challenge.

Qualification training becomes critical when the commander is faced with the need to increase the quality or amount of production, indoctrinate personnel on new techniques or procedures, and qualify technicians to maintain new equipment. Proper application of qualification training provides additional valuable experience to airmen both during and after the upgrade training process.

Tips for an effective program

You may find it difficult to set aside a specific time each day for training. If so, it may be best to try to conduct training during slower work periods. However, simply handing the trainees a CDC or publication and saying, "Go to it," is *not* the answer. Trainees require close supervision, guidance, and feedback (evaluation of task performance). You also need to take an active interest in the trainees' progress. Specific directions, guidance, and good feedback will accelerate the learning process. Without them, the trainees may waste time and material and become frustrated. A poor attitude by the trainees—or trainer—can undo all of the good your training program achieves. Do not forget to require the trainees to accomplish the various tasks so they can demonstrate performance, be evaluated, and earn certification.

The following list of suggestions is specifically designed to help you keep your training program headed in the right direction. Your efforts to put them into effect should result in an effective and worthwhile training program.

- Be responsible for OJT; no one can take your place as the supervisor.
- Use daily work assignments for training.
- Break complex operations down into simple, step-by-step procedures.
- Stress pride of accomplishment, and emphasize the importance of the job.
- Continuously check and evaluate the trainees' progress.
- Vary tasks to keep the trainees' interest high.
- Provide feedback and record the trainees' progress properly.

- Follow the generally recognized basic principles of training.

Training can improve the quality, and quantity of work that is produced. Training also can help to improve methods and procedures for accomplishing a given job. However, before you recommend an individual for training, consider the job requirements. What is the skill level of the job and current skill level of the individual? How can the person best be trained for a particular job? Would it be better to conduct OJT, or would formal training be the better method? Consider these factors along with the workload. The workload will vary from month to month within the different sections. A good example is the tax office. From January through April, the workload in the tax office is extremely busy, making it difficult to send members to formal training during that period.

Self-Test Questions

After you complete these questions, you may check your answers at the end of the unit.

007. Career field education and training plan

1. What is the CFETP?
2. What does the STS contain?

008. Job qualification standards

1. What is the purpose of the AF Form 797?
2. What grades of airman are only required to have individual training record folders if they are in retraining status or directed by the AFCFM.
3. What is the purpose of a training plan?
4. What is an MTL?
5. What is included in the MTP document?

009. Effective training programs

1. To have an effective training program, what must the trainer exhibit?
2. How do good trainers treat their trainees?

3. Who establishes the completion dates for projects assigned to a trainee?
4. When a trainee's progress does not meet required standards, what should you do?
5. What is the primary upgrade training concern?
6. What are the three components of the AF OJT program?
7. Why should you ensure trainees answer self-test questions and unit review exercises in the CDCs?
8. What is the purpose of qualification training?
9. When is the best time to conduct training programs?
10. How should complex operations be broken down for a trainee?
11. How do you keep a trainee's interest high?

2-3. Other Management Responsibilities

This section covers two management functions you will be very much involved in. The first lesson covers the law library, which is an administrative function unique to the legal community that is also a very important resource. The second lesson is in the area of quality control. To be effective, a legal office must properly manage its resources. The quality of work in your office depends heavily on the supervision of your resources.

010. Establishing and maintaining a law library

This section covers how to activate a law library, how and where to get materials, how to maintain the library, and how to dispose of the materials when they become obsolete, or your office permanently closes.

Law books and other legal publications and regulatory materials in the law library represent a lawyer's "tools of the trade." Therefore, it is extremely important that the law library be kept current. In the digital age, the use of electronic law references is standard practice; however, there may be times when maintaining a law library is required. Each Air Force legal office that receives law library

materials centrally purchased through AFLOA/JAS is responsible for maintaining a law library. Law libraries can also contain locally purchased or donated materials. AFI 51-105, *Legal Information Services*, is the governing directive for all Air Force law libraries. Another helpful resource is the *Unified Law Library Handbook* prepared by Air Force Legal Operations Agency Legal Information Services (AFLOA/JAS). Note that as a legal office paralegal journeyman or craftsman, you will be involved in maintaining the law library. In fact, you may be appointed as the law library accountable officer (LLAO).

Network Resource Allocation Management System automated assistance

The Network Resource Allocation Management System (NetRAMS) is an online database system used by legal offices to track Unified Law Library (ULL) assets centrally purchased by AFLOA/JAS. It should be your first resource for LLAO duties. You access NetRAMS on the computer by using the Internet browser and entering <https://rams.jag.af.mil> in the address block. When you reach the NetRAMS site, you use your common access card (CAC) or your office's Federal Legal Information Through Electronics (FLITE) identification (ID) and password to gain access.

Once logged into the NetRAMS library page, you are able to access references such as AFI 51-105 among others. There is also a message board that provides current news about the ULL.

The following NetRAMS links are available to update the database:

NetRAMS References	
Link	Description
Library Handbook	Provides additional guidance to AFI 51-105.
Unit Information	Provides your unit's information, to include unit/mailling address, phone numbers, MAJCOM, and the name of the primary and alternate LLAO.
Library Inventory Report	Provides current inventory of centrally purchased base publications. Items are broken down by item ID, category, title, and sub-title; just to name a few. (AFLOA/JAS purchased books are in blue, whereas local, local not funded, and obsolete books are in red.)
Books on Order	Allows LLAO to view information on the status of centrally purchased publications.
Local Purchase Form	Allows LLAO to add locally purchased publications to the inventory.
Change of LLAO Certification	Allows LLAO to certify change in LLAO and certify inventory completion.
Calendar Year (CY) Inventory Certification	Allows the LLAO to certify the annual inventory online.

Responsibilities

From your time in the legal office, you should understand it takes several individuals working together for an efficiently functioning ULL. The following table looks at the key individual's responsibilities in more depth.

Law Library Responsibilities	
Office	Responsibilities
AFLOA/JAS	<ul style="list-style-type: none"> Establish corps-wide policies and procedures for the operation and management of the ULL. Evaluate, plan for, and purchase the best combination of electronic and

Law Library Responsibilities	
Office	Responsibilities
	<p>paper legal research resources within authorized funding levels.</p> <ul style="list-style-type: none"> • Provide guidance and supervision of all AF law libraries. • Centrally order and track core law library system materials. • Approve disposition of excess law library materials, including materials from scheduled office closures. • Ensure the <i>Unified Law Library Handbook</i> is available on the NetRAMS Home Page and that the handbook establishes procedures for managing centrally purchased library materials.
MAJCOM SJA (including field support centers, operating agencies, and equivalents)	<ul style="list-style-type: none"> • Appoint in writing a MAJCOM, FOA, regional or equivalent LLAO, and furnish a copy of the appointment to the Air Force Legal Operations Agency Resource Management and Personnel Division (AFLOA/JASR). This person serves as the contact between AFLOA/JAS and subordinate-level LLAOs. • Ensure the appointment of the LLAO is updated in NetRAMS to reflect the current LLAO. • At AFLOA/JAS request, survey law offices within their commands to find out whether other offices can use excess law library publications. • Serve as the approving official for legal offices (or equivalents) desiring to discontinue receipt for AFLOA/JAS centrally purchased law library materials.
Other SJAs and their functional equivalents	<p>SJAs and their functional equivalents appointed below the MAJCOM are responsible for the following:</p> <ul style="list-style-type: none"> • Appoint LLAOs and ensure appointments are updated in NetRAMS to reflect the current LLAO for their office. • Budget and request local funding for purchase of law library materials not provided by AFLOA/JAS. • Ensure library resources are maintained in good condition. • Follow Report of Survey (ROS) procedures in handling missing, damaged, or destroyed library materials when appropriate.

Law library accountable officer

The LLAO could be anyone in the office. There are no grade restrictions. The SJA must appoint the LLAO in writing (fig. 2-2). The original appointment letter is maintained in the local office files and a copy goes to both the new and former LLAOs. In addition, a copy should be forwarded to AFLOA/JAS. The LLAO change must also be updated in NetRAMS.

Anytime there is an LLAO change, there are two actions that must take place:

1. The first is accomplishing a complete inventory.
2. When the inventory is complete, the second action—a certificate of transfer (fig. 2-3)—is executed.

9 May 2019

MEMORANDUM FOR MSGT JOHNNY DOE

FROM: 44 AF/JA

192 Cheney Street, Suite 343
Buchanan Air Force Base, Texas 78150-5113

SUBJ: Appointment of Law Library Accountable Officer

1. You are hereby appointed as the unit Law Library Accountable officer for 44 AF/JA (*appointee's office symbol*) effective 9 May 2019 (*date SJA signs memo*) vice MSgt Jane Butler (*previous LLAO*). Authority AFI 51-105, Chapter 2.
2. You will, together with MSgt Butler (*previous LLAO*), conduct a complete physical and electronic inventory of all law library material and report any discrepancy found. Prepare a Certificate of Transfer to be signed by MSgt Johnny Doe (*newly appointed LLAO*), certifying the inventory inspection was completed and all publications are accounted for and the proper discrepancy documentation has been accomplished, if applicable. Additionally, you will ensure NetRAMS is updated to reflect you are the LLAO change.

/S/
CLYDE B. YOUNG, Colonel, USAF
Staff Judge Advocate

CC: MSgt Johnny Doe
MSgt Jane Butler**Figure 2-2. Appointment of law library accountable officer.**

13 May 2019

MEMORANDUM FOR MSGT JOHNNY DOE

FROM: 44 AF/JA

192 Cheney Street, Suite 343
Buchanan Air Force Base, Texas 78150-5113

I certify a complete library inventory inspection has been conducted and all publications listed have been accounted for (except as listed on the attached discrepancy memorandum). On this date, I have turned over all accountability of Law Library material to MSgt Johnny Doe (*newly appointed LLAO*) pursuant to 44AF/JA letter, 9 May 2019 (*reference the Law Library Appointment memo from the SJA [i.e. 14 AF/JA letter 1 Apr 2019]*).

/S/
JANE BUTLER, MSgt, USAF
Library Accountable Officer

I certify, on this date, I accept full accountability of all Law Library materials belonging to 44 AF/JA (*site unit designation [i.e. 14 AF/JA]*), (except as listed on the attached discrepancy memorandum).

/S/
JOHNNY DOE, MSgt, USAF

Figure 2-3. Certificate of transfer.

The LLAO has the following responsibilities:

- Maintain records and conduct inventories as required by AFI 51-105 and local procedures.
- Dispose of nonserviceable or obsolete publications as provided by AFI 51-105.
- Conduct annual inventory and validation of law library materials in NetRAMS during the month of April each year.
- MAJCOM or equivalent LLAOs coordinate on requests for additional centrally purchased library materials from law offices within their commands.
- LLAOs will monitor NetRAMS to stay aware of publications currently on order for their respective libraries and update the information once the publication arrives or of any discrepancy between what was ordered and what was received.
- Provide law library budgetary needs to the SJA. Although AFI 51-105 states the SJA is responsible to budget for additional law library materials, the LLAO must be prepared to provide the SJA with anticipated budget needs for books not otherwise purchased by AFLOA/JAS. For example, books on local law issues for overseas law libraries are usually *not* funded by AFLOA/JAS.

The LLAO is held accountable for all legal publications maintained in the law library. LLAOs can delegate law library duties to subordinates, but responsibility and accountability remain with the LLAO. Control over the law library by the LLAO is covered later.

We cannot over stress the importance of an up-to-date law library. Attorneys need the books to do their jobs. Current materials are necessary to make the legal system function. A break in this chain handicaps the system. Then, not only does the system suffer; so do the clients. AFI 51-105, Chapter 2, *Administration and Operation*, and the *Unified Law Library Handbook*, provides you with further information on the responsibilities of key officials.

Establishing a law library

There are specific procedures that must be followed when a base office law library has to be established. First, the LLAO must be appointed as outlined above. The appointed LLAO will contact AFLOA/JAS, specifically the ULL, to coordinate the unit's NetRAMS library account and to order the core library materials for that office. AFLOA/JAS updates NetRAMS with the order status. This status report serves as a suspense document. If the books do not arrive within the prescribed time, the LLAO notes the discrepancy (excluding books not yet published) in NetRAMS.

Once the books are received, check to verify the proper inventory. Do this by checking NetRAMS and the documents accompanying the shipment. The important thing is to account for all books that should be in the shipment. Clear all discrepancies before processing the books. When all of the books are accounted for, stamp them with the words "US Government property" on the inside cover and front edge of pages. Periodicals are stamped on the front cover. Any renewal notices, bills, and cancellation notices for centrally purchased materials are sent to AFLOA/JAS immediately. Follow local procurement guidelines for books and periodicals *not* centrally purchased. After the books are accounted for and stamped, update NetRAMS.

Entry in NetRAMS is mandatory for all AFLOA/JAS purchased books/periodicals and all local purchases for law library publications. NetRAMS lists each individual book, set of books, or periodicals. Annotate the NetRAMS entry for each volume on hand, the number of sets, and the date each volume or supplement material was received. When materials are received (e.g., upkeep service, new volumes, or additions to loose-leaf publications), annotate NetRAMS accordingly to keep the inventory current.

Control of a law library

The LLAO is held accountable for all books in, and removed from, the law library; therefore, some type of control is required. As a general rule, no publication is to be removed/checked out from the

law library unless it is signed out. A local form should be used asking for the date and title of the publication; the borrower's name, initials, office title or symbol, and telephone number, and the date charged out. The borrower is allowed to keep the publication for a reasonable period of time.

Maintaining the law library requires that the LLAO establish three important records: NetRAMS entries, an acquisition file, and a disposition file. These are important because they are an integral part of the accountability process. As previously mentioned, NetRAMS lists the publications in the law library.

The second required file is an acquisition file. It contains invoices or other documents (computer products) received with publications. Guidelines for retention, retirement, or disposal of this and all files within the legal office records system are found in the Air Force Records Information Management System (AFRIMS). You can access AFRIMS via the Internet at: <https://www.my.af.mil/afirms/afirms/afirms/rims.cfm> or through the AFRIMS-Records Information Management System link through the Air Force Portal.

The final required file is the disposition file. A new file is started at the beginning of each calendar year. It consists of documents about the disposition of publications in the law library during the calendar year. Documents in this file include copies of DD Form 1348-1A, Issue Release/Receipt Document, or letters from MAJCOM/JA to send excess books to another law library with a copy of DD Form 1149, Requisition and Invoice/Shipping Document. Make sure the file includes copies of any documentation about disposition of law library materials. Disposition of this file is also outlined in AFRIMS.

Excess, obsolete, or nonserviceable law library publications

Occasionally, books become obsolete or nonserviceable. When this occurs, you identify them and request approval for disposition from AFLOA/JAS. When you receive AFLOA/JAS approval, transfer them to the Defense Logistics Agency (DLA) Disposition Services. Disposition of centrally purchased publications is to follow the standing guidelines of the local or regionally assigned DLA Disposition Services.

Publications that are current, but excess to mission requirements are reported to AFLOA/JAS. If AFLOA/JAS determines these materials are not required elsewhere in TJAGC, follow local base policy for disposition.

Due to excess materials or law library deactivation, you may need to transfer centrally purchased publications to another law library. Before proceeding, be sure to receive approval from AFLOA/JAS. Once the transfer has been approved, prepare a DD Form 1149 and ensure a copy is provided to AFLOA/JAS.

When transferring books to DLA Disposition Services, prepare a DD Form 1348-1A. Two documentation methods are available for returning material to DLA Disposition Services: electronic turn-in document (ETID) process or manual preparation of the form.

File one suspense copy in the library disposition file until the DD Form 1348-1A is returned. Update NetRAMS for items that need to be deleted from your inventory.

The LLAO must have all documentation so if a question arises, the paper work will show exactly where the books are.

Purchase requests

One of your attorneys may ask for a certain commercial or foreign publication. As the LLAO, there are specific procedures you must follow to obtain the requested material.

First, prior to submitting a request to AFLOA/JAS, consider other means available to obtain material such as local public law libraries or online media (i.e., FLITE, Lexis, Internet). If the new publication cannot be obtained by other means, forward a written request, signed by the SJA or equivalent as the

requesting official (fig. 2-4). Give the title of the publication, author, publisher, publisher telephone number, and cost. Also, give full justification for each acquisition. Send the request letter through the requester's functional chain of command (MAJCOMs and FOAs, as applicable) to AFLOA/JAS for approval. The justification is perhaps the most important part of the letter. If the request is not adequately justified, it may be returned. In addition, it is important to understand these requests must be for mission-essential items exceeding \$400; publications costing less will be locally funded.

Remember, AFLOA/JAS is the final approval authority. No centrally funded purchases (books/periodicals) are made unless AFLOA/JAS approves the request. AFLOA/JAS updates NetRAMS to reflect the purchase, or notifies the LLAO of the disapproval.

The purchased book is automatically added to the law library account and appears in NetRAMS under the library inventory report link. If, for some reason, the book is not received within the prescribed time period, the LLAO notes the discrepancy in NetRAMS. Once the computer printout is updated, it can be used effectively for the annual inventory.

15 May 2019

MEMORANDUM FOR AFLOA/JAS

FROM: 44 AF/JA

192 Cheney Street, Suite 343
Buchanan Air Force Base, Texas 78150-5113

SUBJECT: Request for Publication

1. After diligently attempting to obtain the below requested publication(s), we respectfully request (this/these) items be centrally funded on our behalf:

<u>TITLE</u>	<u>PUBLISHER</u>	<u>ADDRESS</u>	<u>COST</u>
Estate Planning In Texas	CCH	601 13 th St., N.W. Ste 700-S Washington D.C. 20005 (202) 508-6731	\$75.65

2. Justification: As you are probably aware, the desirable location of this area has made it a popular retirement spot for Air Force members. As a result, we write, on the average, thirty wills a week for active and retired Air Force members. Moreover, Texas, as you know, is a community property state which creates additional and complicated testamentary questions. The publication, Estate Planning in Texas, will be an indispensable tool for our attorneys in drafting wills for Texas domiciliaries. For example, one section of this publication deals solely with the testamentary problems encountered when individuals move for an extended period of time in or out of a community property state.

3. Without this publication we cannot effectively provide requisite legal service; therefore, I consider this book mission-essential.

4. Should you have any questions, please contact the LLAO, MSgt Johnny Doe, at DSN 493-1313 (LLAO's DSN telephone #) or via email at johnny.doe.5@us.af.mil (LLAO's email address).

/S/
CLYDE B. YOUNG, Colonel, USAF
Staff Judge Advocate

Figure 2-4. Request for publication letter.

Inventory requirements

The inventory is used to assist in fulfilling the LLAO's responsibilities. As you will recall, accountability is a key element in the LLAO's duties. Specifically, what are the inventory

requirements? They are prescribed by the *Unified Law Library Handbook* which mandates that the law library is inventoried according to one of the three following reasons or considerations:

- Annually, in April.
- Upon change of the LLAO.
- As directed by AFLOA/JAS, MAJCOM/JA, or the local SJA.

When conducting an inventory, you compare each centrally and locally purchased publication on the shelf with the NetRAMS inventory. If the inventory reveals a shortage, a thorough inspection of the office should be conducted first.

When publications are lost, damaged, or destroyed without negligence, willful misconduct, or unauthorized use, the SJA must complete a “Replacement of Lost/Missing Law Library Publication(s) Memorandum” (fig. 2-5).

15 May 2019

MEMORANDUM FOR AFLOA/JAS

FROM: 44 AF/JA

192 Cheney Street, Suite 343
Buchanan Air Force Base, Texas 78150-5113

SUBJECT: Request for Replacement of Lost/Missing Law Library Publication(s)

After diligently attempting to obtain the below requested publication(s), we respectfully request (this/these) items be centrally funded on our behalf:

<u>TITLE</u>	<u>PUBLISHER</u>	<u>COST*</u>
MJR, Vols 49 & 50	West	\$248.48
Military Justice Citations Bnd Vol	Shepard's/McGraw Hill	\$126.50

I have determined there was not any negligence involved in the Loss of the publication(s). We believe the publication(s) (were/was) lost due to [enter your explanation for the loss here].

/S/

CLYDE B. YOUNG, Colonel, USAF
Staff Judge Advocate

Figure 2-5. Request for replacement of missing volumes.

If negligence is involved, a report of survey will be initiated by the SJA or equivalent. The LLAO must report a shortage on DD Form 200, Financial Liability Investigation of Property Loss, as outlined in AFMAN 23-122, *Materiel Management Procedures*.

Deactivation of a law library

When the law library account must be deactivated, MAJCOM legal office will notify AFLOA/JAS as soon as possible before the closure of a subordinate legal office. However, when the legal office is to remain open and it is decided the existing law library should close/terminate, notify AFLOA/JAS as soon as there are plans to close/terminate that library account. In either case, AFLOA/JAS provides guidance on disposition of library materials.

011. Article 6, Uniform Code of Military Justice Inspections

Article 6 of the UCMJ was enacted to ensure that the military justice system is administered properly; supports good order, morale, and discipline; and operates free from unlawful command influence. Article 6 guarantees that judge advocates are able to administer the military justice system impartially and are free from unlawful command influence. This allows JAGs to communicate freely with other

JAGs in their chain of command and with TJAG as necessary. These provisions support the overall intent of the UCMJ, which is to provide a fair and responsive legal system to maintain the good order and discipline of our armed forces. Because “good order” depends in great measure upon legal professionals satisfying command requirements for the full spectrum of legal services, the Article 6 Inspection is an invaluable tool for conducting a comprehensive, firsthand assessment of the legal support provided to commanders, personnel, and organizations.

Article 6, TJAG Inspections

TJAG is required by law (Title 10 U.S.C. §8037 (c) (2)) to “direct the officers of the Air Force designated as judge advocates in the performance of their duties.” The Article 6 inspection facilitates TJAG’s compliance with this statutory responsibility by providing an opportunity to evaluate their duty performance firsthand and to provide direction as appropriate. The inspection also ensures that legal offices are conducting business accordingly and allows TJAG to address any issues or concerns.

Article 6, Inspections and Standardization Division

An Article 6 inspection can also be conducted by the Inspections and Standardization Division (JAI). The inspection will be synchronized with the Inspector General’s Unit Effectiveness Inspection (UEI). This usually occurs every two years. Legal offices prepare for the inspection using a single inspection checklist comprised of numerous items tailored to leadership, military justice, the Victim and Witness Assistance Program, special victims counsel, adverse actions, legal reviews, installation meetings, and foreign criminal jurisdiction. The Article 6 inspection team will consist of a judge advocate and a paralegal representative from AF/JAI and a judge advocate and a paralegal representative from the MAJCOM of the unit being inspected.

An Article 6 inspection can be a stressful time for any legal office. Your role as a paralegal will vary depending on the position you hold within the office. It is also very rewarding to show off the accomplishments of the office and to have an opportunity to speak with senior leadership.

Self-assessments

Self-assessments, also known as self-inspections, will be conducted every six months in all functional areas of a law office. A system must be developed to track results, identify deficiencies, take corrective action, and close out any deficiencies identified during an AF/JAI Article 6 Inspection. There is no set way in which these assessments must be performed, so long as they meet the criteria listed above and those identified as necessary by AF/JAI. However, AF/JAI created and maintains comprehensive self-assessment checklists on their FLITE Knowledge Management page for wing and NAF offices. These checklists are ever evolving and provide up-to-date guidance directly from JAI regarding how your office should conduct self-assessments (Fig 2-6).

When conducting self-assessments of your office, it is important to do so thoroughly and honestly while also including appropriate documentation. You must maintain your self-assessment checklists and be able to show you are conducting them in accordance with guidance. By doing so correctly, you will minimize the time spent specifically preparing for your Article 6 inspection and alleviate a large amount of stress on your office.

Once the self-assessment checklist is completed, you may be called upon to review it. When reviewing the checklist, there are several items you must consider. Check the list for completion, ensuring explanations and comments, along with all the appropriate documents, are attached. Additionally, thoroughly check all references provided to ensure they have not recently changed.

Wing Inspection Checklist (as of 18 May 20) (Showing Changes)

#	SME	2015 Insp Check #	Topic	Question	Reference	Alignment	Comments
87	JAQ	NEW	Fiscal Law	Does the legal office identify and advise on fiscal law matters, such as the bona fide needs rule, the Purpose Statute and the Antideficiency Act?	AFMAN 65-605 Vol 1 AFI 65-601 Vol 1 DoD 7000.14-R	Maximize Operational Freedom	
88	JACE	95	Environmental Law	Does the legal office review AF Form 813s and use of Categorical Exclusions (CATEXs) and provide written legal reviews for Environmental Assessments (EAs) and Environmental Impact Statements (EISs)?	32 CFR 989.3(g)	Maximize Operational Freedom	
89	JAA	91	Private Organizations & Fundraising	Does the legal office review private organization constitution and bylaws, insurance waivers, fundraisers and raffles?	AFI 34-223, paras 8, 9, 9.3, 10.11, 10.15, & 10.20.2 AFI 36-3101, para 2.7	Maximize Operational Freedom	
90	JAA	MICT	Ethics Counselor	Is an ethics counselor designated in writing and performing required duties?	DoD 5500.07-R, paras 1-212, 1-411, & 9-401	Ready Disciplined Force Maximize Operational Freedom	
91	JAA	MICT	Financial Disclosure	Has a process been established to ensure: (a) all required personnel complete an Office of Government Ethics (OGE) Form 450/450-A (Confidential Financial Disclosure Form) (initial and annual submissions), or OGE Form 278 (Public Financial Disclosure Form) (initial, termination, annual and when monthly Periodic Transaction Reports are required); (b) that the designated ethics counselor reviews the forms; and (c) that the forms contain accurate and timely information?	DoD 5500.07-R, paras 7-202, 7-206, 7-302, & 7-306	Ready Disciplined Force	
92	JAA	MICT	Annual Ethics Training	Does the legal office provide annual ethics training to all who require it?	DoD 5500.07-R, para 11-301 5 CFR 2638.307-308	Ready Disciplined Force Develop Leaders	
93	JAA	MICT	Initial Ethics Training	Does the legal office coordinate with FSS to ensure new civilian employees are provided initial ethics training, to include both a training presentation and written materials?	DoD 5500.07-R, para 11-300 5 CFR 2638.304	Ready Disciplined Force	
94	JAA	MICT	Ethics Report	Are Annual Agency Ethics Reports properly prepared and transmitted on time?	5 CFR 2638.207 5 CFR 2638.804 DoD 5500.07-R, para 7-309	Ready Disciplined Force	

Bold - Major Inspection Item

Page 16

Regular Font - Minor Inspection Item

Figure 2-6. Sample page of a wing Article 6 inspection checklist.

012. Article 137, Uniform Code of Military Justice Briefing

Article 137, UCMJ requires all members of the Air Force to receive a UCMJ briefing at several critical points in their military careers to inform military members that the purpose of military law is to promote justice; maintain good order and discipline; promote efficiency and effectiveness; and to strengthen U.S. national security. The first Article 137 briefing will occur within 14 calendar days on active duty. The second time an airman receives the Article 137 briefing will be upon completion of six months of active duty. After the first two timelines, airmen are required to receive the reenlistment explanation within 30 calendar days of every reenlistment. Members of a reserve component will receive the initial explanation within 14 calendar days of initial entrance on a duty status with a reserve component. They will receive it again after completing basic training, and at the time of reenlistment.

The installation SJA is responsible for ensuring a judge advocate, a Department of the Air Force civilian attorney, or a 5-level or higher paralegal, will conduct the briefing for personnel on the requirements of Article 137, UCMJ. Your office may use instructional aids such as videos, but you will need to ensure a qualified briefer is present to answer questions.

Your first step will be the need to establish a process of receiving the names of all reenlistees from the MPS. AF/JAI has developed a template reenlistment checklist for the force support squadron (FSS) to provide to members. Upon receipt of the monthly list of personnel required to receive training, the unit commander or designated representative contacts the SJA's office to schedule personnel for the briefing and ensures each person scheduled attends. Your office will establish when and where personnel will receive their required explanation of Article 137, UCMJ briefing. While there are strict

requirements as to who may give the briefing and what is required to be brief, there is no mandatory delivery style.

The following are all required explanations in the Article 137, UCMJ briefing:

- Types of punitive and administrative discharges.
- Bases for characterizing service.
- Articles 2, 3, 7-15, 25, 27, 31, 37, 38, 55, 77-134, and 137-139, UCMJ.
- The benefits, disadvantages, and possible future effects of each type of service characterization.
- The denial of certain benefits to most persons who fail to complete at least two years of an original enlistment (Title 38 U.S.C. *Veterans' Benefits*, § 5303A, *Minimum Active-Duty Service Requirement*).
- A detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces.

You will also need to take attendance at the training, to include the number of people trained and time spent in training, so that unit training monitors can provide this information to MAJCOM and Air Staff Ancillary Training Program office of primary responsibility (OPR) for biennial review. After the briefing, you may sign a memorandum stating the member received the required information. Again, AF/JAI has provided templates for this memorandum, standard power point briefing, sign-in sheet and briefing handout. All templates and briefing aides are located on the TJAG Flite Knowledge Management Webpage.

013. Records management

A large part of supervising an office is ensuring the office records are managed in compliance with regulations. As you can imagine, a legal office creates and maintains a large number of official records. It is vital to an office to maintain official records for compliance, but also for potential Freedom of Information Act (FOIA) requests. AFI 33-322, *Records Management Program*, establishes roles, assigns responsibilities, and sets forth policies.

Air Force units at all levels have a requirement to document their organization's functions, policies, procedures, and activities. These documents serve as the official records of the Air Force. These records must be preserved by implementing effective life-cycle management procedures to ensure documentation is complete, accurate, and trustworthy. Some records are able to be stored electronically, while others are required to be maintained in hard-copy format.

The records found in your legal office will follow basic creation, receiving, maintaining and disposition, but will be specific to your office needs. As every type and kind of record has its own unique lifecycle, refer to AFI 33-322 for guidance. AFI 33-322 will also cover how records are created, where they will be stored, preserved, or backed up, and how records will be protected and identified.

AFI 33-364, *Records Disposition Procedures and Responsibilities*, is the guidance regarding how and when records will be disposed of and will need to be reviewed in detail before disposing of any law library materials.

Commanders

Commanders and civilian directors at all levels are responsible for implementing the AF Records Management Program. They are responsible for the physical and legal custody of all records within their organization.

Base records manager

The BRM administers the installation records management program. The BRM implements the AF Records Management Program across the base. The BRM's duties fall into three major areas:

1. Providing assistance.
2. Managing staging areas.
3. Training.

The Judge Advocate General's Unified Automated Reporting System (JAGUARS)

In any large organization, reports to higher headquarters are a fundamental aspect of doing business. Reporting often requires a lot of work, including collecting and forwarding information from the originator's level and compiling data at each intermediate headquarters as it works its way up the chain. Because this is so time-consuming, the Corps has traditionally looked for ways to simplify reporting. AMJAMS and AFCIMS are two longstanding and successful examples.

With simplification and our core competence of legal information mastery in mind, the JAG Corps began looking at and automating other JA reporting requirements. These applications comprise the TJAG Unified Automated Reporting System (JAGUARS), which leverages the vast capabilities of WebFLITE.

Following is a description of the reporting tools and other processes automated in JAGUARS. These seven programs are linked from the TJAG Home Page under the "Reports" tab:

1. Accessions and Recruiting Management System (ARMS) – automates the administration for recruiting and accessing judge advocates, including reporting activities, submitting SJA interviews, and posting selection board results.
2. Aircraft Investigation Board (AIB) Mishap Reporting System - a limited access monthly report by MAJCOMs on ongoing aircraft accident investigations, and a WebFLITE-accessible, open research repository of completed AIBs.
3. Continuation Pay Management System (CPMS) – automates the administration of Judge Advocate Continuation Pay, including determining eligibility determination, online application and tracking, supervisory chain review and approval, and budgetary projections.
4. Foreign Civil Litigation (FCL) Reporting System – satisfies the reporting requirements found in AFI 51-301 and assists legal activities in managing their FCL cases.
5. Foreign Criminal Jurisdiction Management System - a limited access report of the status and resolution of foreign criminal jurisdiction cases.
6. Tax Program Reporting System - the annual report of tax assistance services provided across the Corps and compiles statistics for the Air Force Tax Program.
7. Witness Funding Management System (WFMS) – automates the administration of central witness and convening authority funds, including application, approval and tracking.

These applications have greatly simplified labor-intensive manual processes and statistical analysis, and provide valuable online reports as management tools. Corps wide, they are significantly reducing administrative workload and saving many man-hours at all levels of command.

Self-Test Questions

After you complete these questions, you may check your answers at the end of the unit.

010. Establishing and maintaining a law library

1. What is the first resource for LLAO duties?

2. What are the ULL responsibilities of AFLOA/JAS?
3. Who may serve as the base LLAO?
4. How is the LLAO appointed?
5. When changing the LLAO, what's the second and final thing that must be done?
6. When publications are received for the law library, what must be done after materials are accounted for?
7. List the three types of law library records and their purpose.
8. Once you receive AFLOA/JAS approval, how do you dispose of books when they become obsolete or nonserviceable?
9. What is the process for purchasing commercial publications?
10. Who has final approval authority on all purchase requests?
11. What are the three reasons or considerations a complete inventory is conducted in the law library?
12. How are inventories conducted?

011. Article 6, Uniform Code of Military Justice Inspections

1. What was Article 6 of the UCMJ was enacted for?

2. What areas may Article 6 inspections focus on?
3. Who makes up the team of inspectors for an Article 6 conducted by JAI?
4. Where can you get comprehensive self-assessment checklists?

012. Article 137, Uniform Code of Military Justice Briefing

1. When are Article 137, UCMJ briefings required to be given?
2. What is the required content of an Article 137, UCMJ briefing?

013. Records management

1. What does AFI 33-322 cover?
2. List the JAGUARS programs used to collect and compile data.

Answers to Self-Test Questions

004

1. Good supervisory practices.
2. Supervision.
3. Leadership and management.
4. Specific goals.
5. To ensure it meets expected work standards.
6. Obtaining results.
7. By how well requirements are met and by the volume and quality of production.
8. According to the priorities assigned by the supervisor.
9. The first meeting should be a pleasant encounter.
10. Ensure that the individual finds a comfortable place to live and completes in-processing the base.
11. A tour of the base and activities he/she will be participating in, a walk-through of the office, and introductions to everyone. Provide a workcenter orientation, including workcenter policies and procedures, duty hours, breaks, uniform standards, and other activities of his/her new work environment. Cover all training requirements for upgrade and/or qualification training and any safety requirements, and his/her responsibilities as a trainee, trainer, task certifier, and supervisor, as applicable.

12. Brochures are handed out at in-processing briefings.

005

1. Management of all JAG offices and personnel is accomplished through Roster.
2. TJAG, MAJCOM and NAF offices use them for Article 6 visits and SAVs.
3. Annually.
4. Each individual is responsible for certifying his/her information yearly, no one else can access it.
5. As an office management tool. Managing positions within a section, assigning new user accounts in Roster, and matching UMPR position numbers. A superintendent/manager would also use it to keep office contact information current, update inspection ratings, update SPCM and GCM commanders and the hours for the law office.
6. Air Force manpower databases.

006

1. Category A, Category B (also referred to as IMA), and ANG.
2. Biennially (every two years) upon achieving the rank of SSgt.
3. It is used to retention in current position, as well as quality review of the Reserve paralegal program and personnel; selection for special duties; command assignments, attachments, etc.; and career counseling and feedback, upon request. It is also used to identify the most qualified paralegal for reassignment to higher graded positions for those that meet promotion eligibility requirements. In addition, the board is used as an administrative tool for promotion selections; however, the PEDB is not a promotion board.
4. Military personnel appropriation days, quadrennial tour/home station support, annual tour, inactive duty training, seasoning training, and Unit Training Assembly Participation System.
5. Recent 3-skill level paralegals and officer initial skills formal school graduates.

007

1. The primary document used to identify life-cycle education and training requirements.
2. The STS identifies the most common tasks of an enlisted AFS that require training; identifies user-command, mission-related training requirements; lists tasks and knowledge required for upgrade and qualification training; identifies the level of training given airmen in basic, advanced, lateral, and other enlisted AFSC-awarding courses; and identifies CDC requirements or references to be studied if a CDC is not available.

008

1. To add duty section tasks that need to be trained, but are not included in the STS or in an established JQS.
2. Senior noncommissioned officers (E-7 through E9)
3. To identify duty and training requirements to ensure completion of all workcenter duty position requirements; 100-percent task coverage. This includes contingency, wartime, and mandatory specialty qualification requirements.
4. A list of all day-to-day tasks required in a workcenter; to include core tasks, in-garrison and contingency tasks, and additional duties performed.
5. When tasks should be trained (priority/milestones), how they should be trained (resource/method), and approximately how long it should take to train an individual on a task or set of tasks.

009

1. The desire to train personnel to perform their assigned duties.
2. As individuals.
3. The trainer.
4. Counsel the trainee and make sure he/she understands the circumstances and knows what is required.
5. Developing inexperienced personnel into skilled workers.
6. Job knowledge, job proficiency, and job experience.
7. To ensure the trainees understand the material.

8. To further develop an airman's knowledge and skill within a given position.
9. During slow periods.
10. Simple step-by-step procedures.
11. Vary tasks.

010

1. NetRAMS.
2.
 - (1) Establish corps-wide policies and procedures for the operation and management of the ULL.
 - (2) Evaluate, plan for, and purchase the best combination of electronic and paper legal research resources within authorized funding levels.
 - (3) Provide guidance and supervision of all AF law libraries.
 - (4) Centrally order and track core law library system materials.
 - (5) Approve disposition of excess law library materials, including materials from scheduled office closures.
 - (6) Ensure the Unified Law Library Handbook is available on the NetRAMS Home Page and that the handbook establishes procedures for managing centrally purchased library materials.
3. Anyone within the legal office. There are no grade restrictions.
4. In writing by the SJA.
5. Certificate of Transfer.
6. Stamp books with "US Government Property" on the inside cover and front edge of pages. Stamp periodicals on the front cover.
7.
 - (1) NetRAMS; lists the publications in the law library.
 - (2) The acquisition file holds invoices or other documents received with publications.
 - (3) The disposition file consists of documents about the disposition of publications in the law library.
8. Transfer them to DRMO following the standing guidelines of the local or regionally assigned DRMO office.
9. Prior to submitting a request to AFLOA/JAS, consider other means available to obtain material such as local public law libraries or online media (i.e., FLITE, Lexis, and Internet). If the new publication cannot be obtained by other means, forward a written request signed by the SJA or equivalent, as the requesting official. Send the request letter through the requester's functional chain of command (MAJCOMs, FOAs, and Circuit as applicable) to AFLOA/JAS for approval.
10. AFLOA/JAS.
11. Annual inventory, in April; upon change of LLAO; and when directed by AFLOA/JAS, MAJCOM/JA, or the local SJA.
12. Compare each centrally and locally purchased publication on the shelf with the NetRAMS inventory.

011

1. To ensure that the military justice system is administered properly; supports good order, morale, and discipline; and operates free from unlawful command influence.
2. Leadership, military justice, Victim and Witness Assistance Program, special victims counsel, adverse actions, legal reviews, installation meetings, and foreign criminal jurisdiction.
3. Judge advocate and a paralegal representative from AF/JAI and a judge advocate and a paralegal representative from the MAJCOM of the unit being inspected.
4. The self-inspection checklists are available on the AF/JAI FLITE Knowledge Management page for wing and NAF offices.

012

1. The first Article 137 briefing will occur within 14 calendar days on active duty. The second time an airman will receive the Article 137 briefing will be upon completion of six months of active duty. After the first two timelines, airmen are required to receive the reenlistment explanation within 30 calendar days of every reenlistment.

2. Types of punitive and administrative discharges; bases for characterizing service; Articles 2, 3, 7-15, 25, 27, 31, 37, 38, 55, 77-134, and 137-139, UCMJ; the benefits, disadvantages, and possible future effects of each type of service characterization; the denial of certain benefits to most persons who fail to complete at least two years of an original enlistment (38 U.S.C. § 5303A); and a detailed explanation of the applicable laws and regulations governing sexual conduct by members of the armed forces.

013

1. AFI 33-322 establishes roles, assigns responsibilities and sets policies regarding official records. It also covers how records are created, where they will be stored, preserved, backed up and how they will be protected and identified.
2. Accessions and Recruiting Management System (ARMS), Aircraft Investigation Board (AIB) Mishap Reporting System, Continuation Pay Management System (CPMS), Foreign Civil Litigation (FCL) Reporting System, Foreign Criminal Jurisdiction Management System, Tax Program Reporting System, and Witness Funding Management System (WFMS).

Student Notes

Unit 3. Professional Responsibilities

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IN THE FIRST TWO UNITS, we learned of the history and evolution of the paralegal career field and the substantial training required to become a paralegal. We have grown from administrative specialists to legal services specialists, to what is now known as the paralegal; a true profession. Now, more than ever, paralegals have the training and ability to perform what was traditionally known as “attorney work.” We are working more closely with our attorneys and forming a true legal team. With this new “teaming” concept, we have the ability to support our attorneys in ways we have never done in the history of our career field; however, with this comes professional responsibilities.

This unit will cover those responsibilities and the guidance requiring us to behave in a professional and ethical manner. Just as there are perceived and required behavioral guidelines civilian attorneys must follow to allow them to continue practicing law, Air Force attorneys have the same ethical and professional standards they are expected to adhere to.

014. Unauthorized practice of law

Your duties in a legal office will vary greatly, from assisting clients with wills and powers of attorney to supporting the proper administration of military justice through courts-martial proceedings. Your attorney will rely on you to know your job and your responsibilities to ensure the efficiency and effectiveness of legal services provided through your office. You must understand, you are an extension of your attorney and are bound by the same professional obligations. Consequently, all JAG Corps (JAGC) members are required to annually certify their review of the TJAG Standards of Professional Responsibility.

Unauthorized practice of law

As a paralegal, you will be in contact with clients on a daily basis. They will often ask you questions regarding legal advice. Attorneys are the only ones that may give legal advice. As a paralegal, you may draft documents, conduct interviews, conduct investigations, and give information. Giving legal advice is an unauthorized practice of law (UPL).

Misrepresentation of one’s status is also a form of UPL. Whenever paralegals converse with clients, other attorneys, or other judicial personnel, paralegals must reveal to the person their status as a paralegal. If a client is misled to believe that a paralegal is an attorney, the client will expect the paralegal to be able to provide legal advice.

Working with attorneys

Judge advocates throughout TJAGC may use paralegals for authorized work as long as it does not constitute the unauthorized practice of law. Delegation of work to paralegals is proper when the judge advocate is responsible for the following:

- Maintaining a direct relationship with clients.
- Supervising the paralegals in the performance of the delegated work.
- Retaining complete responsibility for the work product.

Judge advocates who delegate work to paralegals must ensure the paralegal’s conduct is consistent with the attorney’s ethical responsibilities. Paralegals are required to be trained on the ethical obligations and professional responsibilities of the legal profession as they affect their job

performance. Only judge advocates may counsel clients about law matters or engage directly in the practice of law. Paralegals may *not* represent clients in court or any other formal proceeding as part of a judicial or administrative process. However, paralegals are allowed to conduct initial interviews with clients as long as they do not give legal advice and the client subsequently consults with an attorney. Paralegals can provide valuable assistance to a judge advocate as long as the paralegal does not render legal advice. For example, while you as a paralegal may assist a judge advocate by performing legal research, only the attorney is authorized to render legal counsel to his or her client. The following are two examples:

Example 1

As part of your paralegal duties, you may be responsible for reviewing will worksheets and drafting wills for your attorney's review. During preparation, you may need to contact the client for further clarification on an area. During the phone conversation, the client may ask you a legal question pertaining to his/her will. This is where you need to understand your responsibilities as a paralegal (nonlawyer). Inform the client you are unable to answer that particular question and ensure he/she speaks to an attorney.

Example 2

Once people find out you are a paralegal, it is inevitable they will start asking you for advice; this may include information from what to do in a divorce proceeding to disciplinary issues. It is common for young paralegals living in the dorms to be asked questions such as these. Again, you must know your responsibility as a paralegal and ensure you refrain from offering your advice and refer them to the appropriate attorney for their particular issue.

As you can see, you can play an important role in supporting your attorney in providing the best legal support to clients; however, you must be very careful not to over-step the boundaries and offer legal advice to clients. You may not only be putting your career in jeopardy, but your attorney's as well. In addition to this important responsibility, you must also ensure that when working with attorneys and their clients, you are keeping everything related to that client confidential.

015. Attorney-client privilege

In accordance with *Air Force Rules of Professional Conduct* in AFI 51-110, *Professional Responsibility Program*, the term *attorney-client privilege* means that a lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are implicitly authorized in order to carry out the representation. Rule 5.4 of the *Air Force Rules of Professional Conduct* further describes “....an Air Force lawyer detailed or assigned to represent an individual is expected to exercise unfettered loyalty to the individual client.” As previously mentioned, you will be working very closely with the attorneys in your office and assisting them to provide their clients the best legal representation. Throughout the course of a day, you will come in contact with clients personally, by phone and electronic mail (e-mail), and through written documents. It is your job to ensure no matter what interaction you have, it is protected under the attorney-client privilege.

Preventing disclosure

Paralegals have a responsibility to prevent the disclosure of any information related to the judge advocate's representation of clients. Attorneys must take reasonable care to prevent paralegals or others under their supervision from disclosing or misusing confidences or secrets of clients.

When paralegals speak with clients, other attorneys, or any other judicial person, they must inform them of their status as paralegals. Judge advocates may *not* use paralegals to take any action that is prohibited by professional ethics, nor should they circumvent a disciplinary rule through the action of a paralegal. Consider the following example.

Example:

If a judge advocate counsels a dependent wife on a domestic matter and receives privileged information under the attorney-client relationship that the wife has had an affair, a paralegal working the case cannot inform the military member of the privileged information. The paralegal is held under the same ethical obligations as the attorney.

Whether working with a client directly or indirectly, it is extremely important you understand the privileges afforded to clients and you do not disclose any information pertaining to the clients' matters.

Confidentiality

How comfortable do you think Air Force members would be coming to an attorney for legal advice if they knew the attorney or paralegal wouldn't keep their information in confidence? As you might imagine, some of the cases you will be working with are very sensitive and it is not easy for clients to come in to the legal office and tell complete strangers personal and possibly embarrassing information. In order to divulge this type of information, clients must have assurance their information will stay within the confidences of the attorney/paralegal team. To provide the best service possible to a client, an attorney must know all the facts and circumstances surrounding a particular issue or case. How effective would an attorney be in representing a client if he/she didn't have all the information needed? Neither situation would be very effective and is the cornerstone for why confidentiality exists today.

The client must feel he/she can divulge his/her information with 100 percent confidentiality and, in turn, gathering all information from the client will give the attorney the best opportunity to serve the client to the best of his/her ability.

Competence and diligence

Legal competence is the legal knowledge, skill, thoroughness, and preparation reasonable necessary for the representation of a client. This language, though directed at lawyers, is equally applicable to the work of paralegals. A paralegal should understand the basic substantive concepts and relevant law in each area of law within which they are at work. This includes legal research and drafting correspondence.

Legal diligence is the constant and earnest effort to accomplish what is undertaken; it is the persistent exertion of body or mind. Lawyers shall act with reasonable diligence and promptness in representing a client. Diligence, although addressed by a separate rule, is closely related to competence. There are numerous reported cases of lawyers being disciplined for their failure to provide diligent representation. You as a paralegal may be charged with maintaining office schedules of appointments, assignments, filing dates, and so forth. Paralegals should consult with attorneys regarding the prioritization of work and advise the lawyer at the earliest opportunity if it appears that a heavy load may hinder timely completion of any project.

Conflicts of interest

A conflict of interest is a situation that interferes with an attorney's ability to fulfill basic duties of candor, confidentiality, and loyalty to a client. Conflicts may arise due to an attorney's own personal interests in a matter, another existing client's interests, or a former client's interests.

A lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if one of the following occurs:

- The representation of one client will be directly adverse to another client; or
- There is a significant risk that the representation of one or more clients will be materially limited by the attorney's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

Due to the multiple areas you may work in a legal office, there are many opportunities for clients to be affected by conflicts of interest. Legal assistance is an important area to have a heightened awareness of conflicts, especially with estate planning. Due to the potential for conflicts of interest during the representation, legal assistance attorneys should consider using a dual representation letter when providing advice on and drafting wills and related documents for married couples. The letter accomplishes some key objectives in the dual representation situation. It informs a married couple of the scope of matters that will be covered in the representation. In many cases, paralegals are on the front lines, generally speaking. Working the front desk, you can get ahead of potential conflict issues and save time in the crucial legal assistance time by getting married couples to sign the dual representation letter.

016. Reporting professional responsibilities, violations, and misconduct

There may come a time when misconduct or violations occur and you will need to understand when reporting is required and the process for it. Attorneys shall inform the proper authority of their knowledge of the conduct of another attorney or of judges relates to the following:

- Is in violation of the rules.
- Calls their integrity/trustworthiness into question.
- Calls their 'fitness' to practice law into question.

This rule does not require disclosure of information otherwise protected by the confidentiality rule.

The *proper authority* will depend on the job title of the individual being reported. Complaints about trial judges will be submitted to the chief trial judge (CTJ). If the complaint is about CTJ, the complaint will go directly to TJAG. Complaints about an attorney will be submitted to the attorney's senior supervising attorney (SSA). The SSA will notify TJAG's professional responsibility administrator (TPRA). Violations or misconduct could result in no action, corrective counseling or formal inquiry, loss of AFSC for enlisted or loss of license for attorneys.

017. Health Insurance Portability and Accountability Act

We learned within previous sections that our duties as paralegals are vast; with those duties come obligations of ethical conduct and professional responsibility. In addition, we learned how important attorney-client privilege and confidentiality are to our clients and the legal process as a whole. It shouldn't surprise you then, in the course of legal assistance or other legal matters, we often handle medical records and other sensitive information that requires a form of confidentiality under a different rule.

In 1996, Congress enacted the Health Insurance Portability and Accountability Act (HIPAA) to improve the portability and continuity of health insurance coverage, to combat fraud, waste and abuse in health care delivery, and to improve access to long-term care services and coverage. The purpose of the law was intended to simplify the administration of health care. This was to be done by improving the effectiveness and efficiency of health care through standardizing the electronic exchange of administrative and financial data. There are several components to the statute including privacy, security, and billing/coding provisions.

The general prohibition under HIPAA is that personally identifiable or protected health information (PHI) of individuals, living or deceased, shall not be used or disclosed except for specifically permitted purposes. HIPAA allows PHI to be used freely for treatment, payment, and health care operations explained below.

Health care operations

These are certain administrative, financial, legal and quality improvement activities of a covered entity that are necessary to run its business and to support the core functions of treatment and payment. These processes affect our ability to investigate medical malpractice claims.

HIPAA allows providers and health plans to give PHI to “business associates,” who are those who act on behalf of the military treatment facility (MTF), and provides for the disclosure of PHI to individuals, other than the MTF personnel, who require such information to do their job. For example, the claims officer or paralegal requires a claimant’s medical records to process a medical malpractice claim. Business associates must give written assurance they will comply with HIPAA by signing a business associate agreement (BAA). For anyone within the Air Force, Department of Defense Manual (DODM) 6025.18, *Implementation of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule in DOD Health Care Programs*, is our BAA, and no other agreement is required.

As such, the base legal office, which is subject to the DOD regulation, does not need a separate BAA. Furthermore, disclosures to them are covered by the treatment, payment, and health care operations provisions; which means, we do not need the patient’s consent and we do not have to account for the disclosures.

For the DOD, the following are records in certain areas that are *not* covered by HIPAA:

- Drug testing program.
- Provision of health care to foreign national beneficiaries.
- Deoxyribonucleic acid (DNA) repository.
- Provision of health care to enemy prisoners of war (POW) and other detainees.
- Education records maintained by DOD schools.
- Records maintained by DOD day care centers.
- The military entrance processing stations (MEPS).
- Reserve component medical activities outside the MTF.

Generally, HIPAA preempts state law unless the DOD rule, procedure, or policy calls for the Air Force to follow state law (i.e., disclosing information about a minor to a parent, guardian, or in *loco parentis*). However, HIPAA does not preempt the more stringent privacy protecting federal laws such as the Freedom of Information Act (FOIA) or Privacy Act (PA).

To release PHI from a civilian medical facility, a civilian must sign an authorization for the records to be released. An MTF may still disclose information without the individual’s authorization for the following purposes:

- As required by any law (includes AFIs and DOD regulations).
- To avert serious threats to health and safety (i.e., disclose information to security forces squadron (SFS) to prevent or lessen a threat).
- For specialized governmental functions (i.e., separations or discharges).
- For judicial and administrative proceedings, including courts-martial.
- For law enforcement purposes to identify or locate a suspect, fugitive, material witness, or a missing person, (includes Air Force Office of Special Investigation [AFOSI], SFS, and JA).
- For organ donation purposes.
- For victims of abuse, neglect, or domestic violence.
- For inmates in correctional institutions or in custody.
- For worker’s compensation.
- For research involving minimal risk.
- For public health and health oversight activities.

Air Force accountability

HIPAA applies to the release of information even for deceased individuals. Within the scope of their duties, coroners or medical examiners may disclose information for the purposes of identifying the deceased person, determining the cause of death, or other duties as authorized by law. However, if the disclosure is about a deceased person and it is not for the purposes mentioned above, written authorization is needed from the next of kin.

If the disclosure requires the MTF to account for the release of information, the MTF must keep track of who received the information and for what purpose. (This requirement may be temporarily suspended if the account would likely impede the investigation by AFOSI, SFS, or JA. The request to suspend accounting procedures can be made orally, but the MTF will resume the accounting for information if a written request is not received within 30 days.)

Although this discussion covers MTFs, you will also have to prepare letters of request to civilian hospitals or agencies for either claims or military justice purposes. The memorandums to either type of medical facility must provide the health care professionals information as to why you need the PHI. Once you receive the PHI, you must not use the information for any other purpose than requested.

018. Ethics

An area that is consistently a concern for the Air Force is how its personnel conduct themselves on or off duty. DOD 5500.07-R, *Joint Ethics Regulation (JER)*, establishes the standards of conduct for all military personnel—both military members and civilian employees. This regulation covers travel, gift, conflict of interest rules, and use of government resource rules. Because of the broad scope of the JER, this lesson focuses on the use of government resources, gifts, and travel.

Joint ethics regulation

As a paralegal journeyman, you will face many questions about the use of government resources and need to be prepared to answer questions and be able to interpret the JER in this growing area. It is worthy of noting here that DOD Directive (DODD) 5500.07, *Standards of Conduct*, makes parts of the JER punitive. The rules printed in ***bold italics*** in the JER are lawful general orders within the meaning of Article 92—they apply to all military members without further implementation.

We will look at some basic rules concerning the use and misuse of government property, including the following:

- Government resources and “authorized” use.
- Internet.
- Electronic mail (e-mail).
- Enforcement.

Government resources and “authorized” use

Under 5 CFR (Code of Federal Regulations) 2635.704, *Use of Government Property*, an employee has a duty to protect and conserve government property and to not use such property or allow its use for other than authorized purposes.

Government property

Government property is any form of real or personal property in which the government has an ownership, leasehold, or other property interest, as well as any right or other intangible interest that is purchased with government funds, including the services of contractor personnel.

Authorized purposes

Those purposes for which government property is made available to members of the public or those purposes authorized in accordance with law or regulation.

In the context of proper use of government property, there are three types of uses. They are described in the following table:

Use of Government Property	
Type	Description
Official	Any use that furthers the organization's mission. The application of the term depends on office functions and the employee's role; what is official business for one employee may not be official for another employee.
Authorized	The hardest category to evaluate. Authorized use initially looks like personal use, but it is not personal because someone has determined the use directly or indirectly benefits the employee's organization.
Unauthorized (i.e., personal)	Something that is not related to the employee's job; it is something the employee undertakes for his or her benefit or for the benefit of another person or entity.

The DOD approach to determining authorized uses depends on whether the resource involved is a noncommunication system (typewriters, copiers, supplies, etc.) or a communication system (telephones, fax machines, e-mail, Internet).

Noncommunication resources

Under DOD 5500.07-R, Section 2-301.b., *Other Federal Government Resources*, noncommunication resources, including equipment and property, shall be used by DOD employees for official purposes only. There are some exceptions to this rule as shown next.

Agency designees

An agency designee is the first supervisor who is a commissioned military officer or civilian above a general schedule (GS)/general manager (GM)-11 in the chain of command or supervision of the employee concerned. The agency designee may authorize his/her employees to make limited personal use of government resources (with the exception of personnel), such as typewriters, calculators, libraries, and other similar resources and facilities, if he/she determines *all* of the following:

- The use does not adversely affect the performance of official duties by the employee or the employee's organization.
- The use is of reasonable duration and frequency, and made only during the DOD employee's personal time (e.g., after duty hours or lunch periods).
- The use serves a legitimate public interest (e.g., supporting local charities or volunteer services to the community; enhancing the professional skills of the DOD employee; job searching in response to federal government downsizing).
- The use does not put federal resources to uses that would reflect adversely on DOD or the DOD component (e.g., involving commercial activities; unofficial advertising, soliciting, or selling; violation of statute or regulation; and other uses that are incompatible with public service).
- The use creates no significant additional cost to DOD or the DOD component.

In other words, if the agency designee applies the above analysis to a suggested use of government property and determines that the criteria are met, then the use is "authorized" and therefore permissible.

Professional associations

Under DOD 5500.7-R, Section 3-300.b., *Professional Associations and Learned Societies*, agency designees may permit excused absences for reasonable periods of time for employees to voluntarily participate in the activities of nonprofit professional associations and learned societies. Further, the agency designee may permit employees to make limited use of federal government equipment or administrative support services to prepare papers to be presented at association or society events or to be published in professional journals under the following circumstances:

- The participation or paper is related to the employee's official position or to DOD functions, management, or missions.
- Air Force organizations can derive some benefit from the participation or preparation (such as expanding the professional expertise of DOD employees or improving public confidence through professional recognition of the employee's competence).
- The participation or preparation of the paper does not interfere with the performance of official DOD duties.

Again, if the supervisor determines that all of these factors are present, the use of government resources (including personnel) is "authorized."

Communication resources

Under DOD 5500.7-R, Section 2-301.a., *Communication Systems*, communications systems and equipment (including telephones, fax machines, e-mail, Internet systems, and commercial systems when use is paid for by the federal government) are for official use and authorized purposes only. The term *official use* is defined as emergency communications and communications the DOD component determines are necessary in the interest of the federal government. Official use may include, when approved by theater commanders in the interest of morale and welfare, communications with family by military members and other DOD employees who are deployed for extended periods away from home on official DOD business. Note that when a use is determined to be "official," no further analysis or test is needed—the DOD component's application of the term is conclusive.

Under subsection (2), the term *authorized use* includes brief communications made by DOD employees while traveling on government business to notify family members of official transportation or schedule changes. Authorized use also includes personal communications from the employee's usual work place (e.g., checking with spouse or minor children, scheduling doctor appointments, and brief Internet searches) that are most reasonably made while at work when the agency designee permits such categories of communication, determining that the use fulfills the following:

- Does not adversely affect the performance of official duties by the employee or the employee's organization.
- Is of reasonable duration and frequency, and whenever possible, is made during the employee's personal time (e.g., after duty hours or lunch time).
- Serves a legitimate public interest (e.g., keeping employees at their desks rather than requiring use of commercial systems, educating the employee on the communications systems, improving the morale of employees stationed for extended periods away from home; enhancing the professional skills of the employee, or job searching in response to government downsizing).
- Does not reflect adversely upon DOD or the Air Force organization (e.g., uses involving pornography, chain letters, unofficial advertising, soliciting or selling, violations of statute or regulation; inappropriately handled classified information, and other uses that are incompatible with public service).
- Does not overburden the communication system (e.g., may be the case with broadcast letters and group mailings); creates no significant costs to DOD; or in the case of long-distance

communications, charges are made to the employee's home number or other non-federal government number, to a toll-free number, reversed to the called party (collect call), charged to a personal credit card, or otherwise reimbursed to DOD in accordance with established collection procedures.

In other words, an agency designee can establish categories of personal use that qualify as "authorized" uses as long as the categories of permitted uses are consistent with the above listed factors.

Agency designees should ensure that their subordinates understand the information contained in JER section 2-301.a. (3), which advises that federal government communications systems are monitored. Thus, employees use these systems with the understanding that their use serves as consent to the monitoring of any and all uses, including incidental and personal uses, whether authorized or unauthorized. Further, the use of these systems is not anonymous. For example, when an employee uses the Internet, the employee's name, computer address, and destination are recorded by the government. In other words, even if the employee's use of the system is personal, it is not private!

Although the rules seem clear when set out in a vacuum, applying them to particular situations can be tricky. The supervisor and ethics counselor must not only apply the appropriate tests, but also consider Air Force organization policies and local practices, and then factor in common sense. For example, what do you tell the military member or civilian employee who wants to use government resources in support of nonresident professional military education (PME) requirements? What about support for nonmilitary college courses? Two opinions of The Judge Advocate General of the Air Force (OpJAGAF) illustrate the analysis involved in reaching the answer—supervisors may authorize an employee's use of government resources for PME and civilian educational courses that promote the member's military development. See OpJAGAF 1995/83, 5 Oct 1995; OpJAGAF 1983/1, 6 Jan 1983.

Enforcement

Are the provisions on the use of government property enforceable? Yes, but like any other punitive offense, the prosecutor must ensure the case is well substantiated and properly charged to ensure a successful prosecution.

Determining facts

First, the investigating officials must ensure an offense has, in fact, occurred. That is, did the employee actually misuse property belonging to the government? Sometimes, what initially appears to be a cut and dry case is not. For example, AFI 24-301, *Ground Transportation*, states to "restrict the use of all DOD motor vehicles, including those rented or leased, to official purposes only, that is, uses that would further the mission of the Air Force." If you were to simply use this AFI alone to make a determination, it would appear anything outside of official duty is prohibited.

However, the Court of Appeals for the Federal Circuit found that a rental car leased by an employee who was traveling on official business was not a government resource, even though the car was rented on a government charge card and the employee drove the car 300 miles to Ridgeway, Colorado, on personal business. (See *Chufu vs. Department of the Interior*, 45 F.3d 419 [1995]). In the *Chufu* case, the Department of Interior suspended Mr. Chufu for allegedly violating 31 U.S.C. Sec. 1349, *Adverse Personnel Actions* (b) (1988) which states that "An officer or employee who willfully uses ... a passenger motor vehicle ... owned or leased by the United States government (except for an official purpose ...) shall be suspended for at least one month...." The court determined that the term *leased* did not encompass the rental agreement Mr. Chufu entered into with the rental car agency and, therefore, Mr. Chufu's actions were not a misuse of a government vehicle.

As you can see, investigating these type cases is not always as simple as referring to our Air Force instructions. You must also use your research skills and look into the federal law and how it plays a role in these cases.

Citing proper authority

Second, the proper authority must be cited in the disciplinary action. Keep in mind, a use that violates a communication AFI will probably constitute a violation of the JER provision on misuse of government property, which is also punitive. Be sure to charge the proper section of the JER; not all JER provisions are punitive.

Discipline for military members

The type of discipline imposed depends on whether the employee is a military member or civilian employee. For military members, misuse of government property can be charged as a violation of Article 92 (failure to obey order or regulation), UCMJ, with the JER, or a punitive instruction as the underlying general order. If the offender is an officer, misuse offenses can be charged as a violation of Article 133 (Conduct Unbecoming an Officer). If government property is damaged or destroyed, charges can be brought under Article 108 (Military Property of the US – Sale, Loss, Damage, Destruction or Wrongful Disposition).

Military justice cases involving the misuse of government computers are now starting to appear in published cases. For example, the landmark case of *US v. Maxwell* (Court of Appeals for the Armed Forces [CAAF] 1996) contains a detailed discussion of the privacy interests involved in commercial e-mail transmissions. Note that because the Maxwell case involved a military officer's use of his personal computer at his personal residence, charges were brought through the Federal Assimilative Crimes Act. He was dismissed from the Air Force.

A case that involves the misuse of government computers is *US v. Russell* (Air Force Court of Criminal Appeals [AFCCA] 1996), where an Air Force captain was convicted of violating UCMJ Articles 133 and 134 (downloading pornography involving minors). He received a dismissal, confinement for three months, and a forfeiture of \$2,858.00/month for three months.

Another interesting case is *US v. Walter* (42 M.J. 875, Navy-Marines Court of Criminal Appeals [NMCCA] 1996), where a sailor stole a government laptop computer and destroyed some of the files contained on the hard drive. The court held that the destruction of data in the form of computer files on a fixed disk drive constituted military property for the purposes of UCMJ Article 108.

Discipline for civilian employees

For civilian employees, 5 CFR 2635.106(a), *Disciplinary and Corrective Action*, provides that a violation of 5 CFR Part 2635, *Standards of Ethical Conduct for Employees of the Executive Branch*, or supplemental agency regulations implementing the same, may result in corrective or disciplinary action under applicable agency regulations. In the Air Force, this means that a violation of the JER can result in action taken under AFI 36-704, *Discipline and Adverse Actions of Civilian Employees*. For more information or assistance on civilian ethics violations, contact your local civilian personnel flight or the base ethics counselor.

Ensuring due process and fairness

Finally, DOD officials want to ensure that, from a due process and fairness standpoint, military and civilian personnel are frequently reminded that DOD communications systems are monitored for security reasons. Employees must understand that use of the Internet, e-mail, and telephone systems constitutes consent to monitoring. Employee abuses of the system that are discovered during legitimate monitoring activities can result in the disciplinary action discussed above.

Most Air Force employees now have computers that can connect them to people and information sites around the world. The vast majority of government employees use the property entrusted to them honestly and faithfully. Unfortunately, there will always be a small number of people who abuse their access to government resources. To complicate matters, the Air Force, like most government agencies and private entities, is struggling to keep pace with technological

changes in controlling workplace practices. All of this makes the ethics counselor's job challenging and interesting.

Gifts

There may be times where government employees are offered gifts in their official capacity. You may ask yourself, what, exactly, constitutes a gift in these instances? Generally, anything that has a monetary value is considered a gift. One common example of this is when a military official speaks at an event and is given a plaque or book as a token of appreciation. When a government official receives a gift in their professional capacity, it is important that they report said gift for an ethics review so it can be determined whether it is authorized to be kept. The Joint Ethics Regulation states that employees shall not solicit or accept a gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

With some exceptions, government employees may not accept gifts from anyone because of their government position. Ask yourself if the gift would have been offered if you were not working for the government. If the answer is no, then the gift is being offered because of your position. Below are additional rules related to gifts, along with some exceptions.

General Rule: Federal personnel **may not** accept gifts offered because of their official positions or offered by a "prohibited source." A "prohibited source" is anyone who:

- Seeks official action by the employee's agency;
- Does business or seeks to do business with the employee's agency;
- Conducts activities regulated by the employee's agency;
- Has interests that may be substantially affected by the employee's performance (or non-performance) of duty; or
- Is an organization whose membership is composed of persons described above.

Gifts and Gift Exchanges Between Supervisor and Subordinate: Supervisors **may not** accept gifts from subordinates or Federal personnel who receive less pay.

- *Exception #1:* On an occasional basis, including those on which gifts are traditionally given, supervisors may accept non-cash gifts valued at \$10 or less from a subordinate.
- *Exception #2:* Supervisors may accept food and refreshments shared in the office and may share in the expenses of an office party.
- *Exception #3:* If a subordinate is invited to a social event at the supervisor's residence, the subordinate may give the supervisor a hospitality gift of the type and value customarily given on such an occasion (e.g., host/hostess gift).

Gifts and Gift Exchanges Between Peers and Co-workers: There are no legal restrictions on gifts given to peers or subordinates; however, common sense (and good taste) should apply.

Travel

Official travel by Department of Defense employees shall be funded by the Federal Government except that DOD Components may accept official travel benefits, including in kind subsistence and accommodations and payments or reimbursements of expenses, from non-Federal sources. There are, however, some exceptions to this rule. For example, heads of DOD Components may accept travel benefits in connection with their attendance in an official capacity at a meeting or similar function. Travel coupons, tickets, promotional items of more than nominal value, and most other benefits received by DOD employees from non-Federal sources incident to their official travel belong to the

Federal Government and may not be used for personal purposes. One common exception to this rule is frequent flier mileage credit; government employees are entitled to receive frequent flier mileage credit for government-funded travel. For a full list of travel rules and exceptions, refer to Chapter 4 of DoD 5500.07-R.

Self-Test Questions

After you complete these questions, you may check your answers at the end of the unit.

014. Unauthorized practice of law

1. How often must attorneys and paralegals review TJAG's policy memorandums?
2. What three things must a judge advocate do to ensure the delegation of work to paralegals is proper?

015. Attorney-client privilege

1. What term "attorney-client privilege" mean?
2. What do paralegals have the responsibility to prevent?
3. When paralegals speak with clients, other attorneys, or any other judicial person, what must they inform them of?
4. What must an attorney know to provide the best service possible to a client?
5. What is legal competence?
6. What is legal diligence?
7. When does a conflict of interest occur?

016. Reporting professional responsibilities, violations, and misconduct

1. When must attorneys inform the proper authority of their knowledge of the conduct of another attorney or of judges?

2. Who is the *proper authority* for violation and misconduct complaints?

017. Health Insurance Portability and Accountability Act

1. What is the purpose of HIPAA?
2. Under HIPPA, what document acts as the Air Force's BAA?
3. Name five instances when the MTF may disclose information without the individual's authorization?

018. Ethics

1. Name the two types of government property uses that are considered proper.
2. What are the requirements to be an agency designee when dealing with use of government resource issues?
3. List the issues an agency designee must consider before allowing its employees to make limited personal use of non-communication-type government resources.
4. List the issues an agency designee must consider before allowing an employees to make limited use of federal government equipment or administrative support services to prepare papers to be presented at professional associations or to be published in professional journals?
5. Define the term *official use* as it applies to communications systems and equipment.
6. When is an employee's use of federal government communications system monitored?
7. To ensure a successful prosecution of cases involving misuse of government property, what must the government ensure?

8. What landmark case contains a detailed discussion of the privacy interests involved in commercial e-mail transmissions?

Answers to Self-Test Questions

014

1. Annually.
2. Maintain a direct relationship with the client, retain complete responsibility for work product, and supervise the paralegal in the performance of the delegated work.

015

1. a lawyer shall not reveal information relating to representation of a client unless the client consents after consultation, except for disclosures that are implicitly authorized in order to carry out the representation.
2. The disclosure of any information related to the judge advocate's representation of clients.
3. Their status as paralegals.
4. All the facts and circumstances surrounding a particular issue or case.
5. The legal knowledge, skill, thoroughness, and preparation reasonable necessary for the representation of a client.
6. The constant and earnest effort to accomplish what is undertaken; it is the persistent exertion of body or mind.
7. The representation of one client will be directly adverse to another client; or there is a significant risk that the representation of one or more clients will be materially limited by the attorney's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

016

1. When conduct is in violation of the rules, when it calls their integrity/trustworthiness into question or when it calls their "fitness" to practice law into question.
2. Complaints about trial judges will be submitted to the CTJ. If the complaint is about CTJ, the complaint will go directly to TJAG. Complaints about an attorney will be submitted to the attorney's SSA.

017

1. To simplify the administration of health care.
2. DODM 6025.18.
3. As required by any law (includes Air Force instructions and DOD regulations); to avert serious threats to health and safety; for specialized governmental functions (i.e., separations or discharges); for judicial and administrative proceedings, including courts-martial; for law enforcement purposes to identify or locate a suspect, fugitive, material witness, or a missing person, which includes AFOSI, SFS, JA; for organ donation purposes; for victims of abuse, neglect, or domestic violence; for inmates in correctional institutions or in custody; for worker's compensation; for research involving minimal risk; and for public health and health oversight activities.

018

1. Official and authorized.
2. The first supervisor who is a commissioned military officer or a civilian above GS/GM-11 in the chain of command or supervision of the employee concerned.
3. The issues to be considered are:
 - (1) The use does not adversely affect the performance of official duties by the employee or the employee's organization.
 - (2) The use is of reasonable duration and frequency and made only during the DOD employee's personal time, such as after duty hours or lunch periods.

- (3) The use serves a legitimate public interest (such as supporting local charities or volunteer services to the community; enhancing the professional skills of the DOD employee; job searching in response to federal government downsizing).
 - (4) The use does not put federal resources to uses that would reflect adversely on DOD (such as involving commercial activities; unofficial advertising, soliciting or selling; violation of statute or regulation, and other uses that are incompatible with public service).
 - (5) The use creates no significant additional cost to DOD.
- 4. The participation or paper is related to the employee's official position or to DOD functions, management, or missions, AF organizations can derive some benefit from the participation or preparation, and participation or preparation of the paper does not interfere with the performance of official DOD duties.
 - 5. Emergency communications and communications the DOD component determines are necessary in the interest of the federal government.
 - 6. Any and all uses are monitored, to include incidental and personal uses, whether authorized or unauthorized.
 - 7. That the case is well substantiated and properly charged.
 - 8. US v. Maxwell (CAAF 1996).

Student Notes

Unit 4. Legal Research and Writing

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LEGAL IS DEFINED as “of or pertaining to the law,” and research is defined as “diligent and systematic inquiry or investigation.” Put them together, and you have diligent and systematic inquiry or investigation of or pertaining to the law. Since graduating from the Paralegal Apprenticeship Course, you may have had the opportunity to perform legal research. This area can be interesting, frustrating, and rewarding; sometimes all at the same time. The more you practice, the better you will be and the more your attorneys will rely on your skills for assistance in their cases.

This unit is designed to help you understand the structure of legal research and to refine your research skills. In addition to research, this unit will cover legal writing and the important relationship between the two. Becoming proficient at legal research will assist you in some of the legal writing and documents you will be responsible for drafting throughout many areas of the legal office.

Whether it’s legal assistance or military justice, you must ensure you have done the proper research and then reflect that information in a precise and professional legal document. Learning both legal research and legal writing will help you to be a more effective paralegal by learning to write legal reviews, and the many other legal documents we deal with on a day-to-day basis. Furthermore, your understanding of these areas will increase with on-the-job training and the advice and guidance you will receive from the attorneys in your office.

019. Manual research

Engaging in legal research means finding those authorities in the primary sources of law that are applicable to solving a particular legal problem. Before you can master this art, you must first understand the nature of our legal system. Once you understand the nature of our legal system, you will, in turn, understand the sources of the law (courts, legislatures, and administrative agencies). Furthermore, once you know the sources of the law, you will know where to find the law created by these three entities. In this lesson, you will get a brief overview of the structure of our government. Then, we will cover categories of legal literature including primary sources, secondary sources, and finding tools.

Structure of our government

When we think of the structure of our government, the first thing that comes to mind is the US Constitution; the supreme law of the land. The next thing that comes to mind is a political system that has a federal government existing alongside of 50 state governments. Also, we must not forget that each of these is divided into three branches of government—judicial, legislative, and executive. As a legal researcher, you need to know the publications produced by each of these branches that comprise our primary source of law.

Primary sources of legal literature

Primary sources of legal literature are recorded rules of human behavior enforced by the state or federal government. The primary sources are divided into three categories—*judicial reports*, *statutes*, and *administrative law materials*, as shown in the following:

Primary Sources of Legal Literature	
Source	Description
Judicial reports	<p>Decisions of courts, both federal and state (made by judges—usually appellate judges).</p> <p>For example, the <i>United States Reports</i> is the official reporter of decisions of the US Supreme Court, whereas the <i>Supreme Court Reporter</i>, published by West Publishing Company, is the unofficial reporter of the US Supreme Court decisions.</p> <p>There are other federal judicial reports such as <i>US Court of Military Appeals Reports</i>, and <i>Military Justice Reporter</i>. Most states have an official reporter of the decisions of the high court.</p>
Statutes	<p>Laws passed by the legislatures (made by legislatures or Congress).</p> <p>The <i>United States Code</i> is an official publication first issued in 1926. It arranges all public, general, and private law by subject into some 50 titles. They are republished every six years, with bound cumulative supplements in the intervening years. The unofficial publication is called the <i>United States Code Annotated</i>. (The same as the <i>United States Code</i>, although including the publisher's comments and annotations to assist researchers.)</p>
Administrative Law Materials	<p>Decrees and orders of executives, as well as regulations and rulings of executive agencies.</p> <p>One of the executive documents most familiar to paralegals is the <i>Manual for Courts-Martial</i>.</p> <p>There are administrative regulations such as the <i>Federal Register</i>, established by the Federal Register Act of 1935. It is a daily gazette for executive and administrative promulgations issued in a magazine format.</p> <p>The <i>Code of Federal Regulations</i> arranges effective regulations in an indexed subject compilation, and issued in a pamphlet form. It is divided into 50 titles, which are subdivided into chapters, parts, and sections, and is completely revised each year by the issuance of new pamphlets.</p>

All three of the primary sources have official and unofficial reports. Court decisions or opinions may be published by either the government or by a private commercial company. If the government publishes or authorizes its publication, it is called an *official report*. If a private commercial company, without official authorization, publishes the report, the report is *unofficial*. Primary sources are either mandatory binding or persuasive binding depending on the jurisdiction addressed. For example, an Army court decision would be persuasive if used to support an argument in an Air Force court. On the other hand, an Air Force decision would be mandatory when used to support an argument in an Air Force court.

Secondary sources

So far, we have covered research designed to lead you to primary sources of the law (court decisions, statutes, and administrative regulations). However, if you have little or no general knowledge of the area of law involved in your research, you may find it useful to obtain some generalized background information. How? There are several secondary sources of material available to you. These publications are unofficial and lack authority; however, sometimes they directly affect the development of the law. Many of these secondary publications serve as search books or finding aids.

First, there are legal encyclopedias. These publications provide comprehensive summaries on hundreds of legal subjects. They are not considered very scholarly or authoritative, but are excellent finding aids leading to the primary sources of authority. They also offer good introductions to particular areas of law about which you may know little or nothing. A secondary source may support a primary source and can be persuasive, but never binding or mandatory in court. There are two legal encyclopedias found in most law libraries: *Corpus Juris Secundum* (abbreviated C.J.S.) published by

West, and *American Jurisprudence 2d* (abbreviated Am. Jur. 2d) published by Lawyers Cooperative. These encyclopedias are alphabetically arranged to broad legal topics. They also are supplemented by annual pocket parts.

In addition to the legal encyclopedias, there are other secondary sources that exist to help you locate a primary authority. A few examples are treatises, law reviews, and restatements of the law. Keep in mind, secondary sources are only persuasive and not mandatory authority. These sources can lead you to the primary authorities (e.g., cases, statutes, and regulations) that relate to your legal research problem. Listed are other sources of secondary authority that can be found in almost all Air Force law libraries:

- *Martindale-Hubbell Law Directory*.
- *Black's Law Dictionary*.
- *The Reporter*, published by The Judge Advocate General's School.

Finding tools

Your tools are the books published to help a legal researcher find specific cases. These are “search” tools for looking up judicial decisions and statutes. The method of legal research you choose will determine which finding tool you will use in locating cases and law, as presented in the following table:

If you are researching:	Then use:
Judicial decisions	<p><i>West Digests</i>.</p> <p><i>Encyclopedias</i>.</p> <p><i>Words and Phrases</i>.</p> <p><i>Shepard's Citations</i>.</p> <p><i>Court-Martial Reporter</i> citators and indexes.</p> <p><i>The Tables of Cases</i> is one of the <i>West Digests</i> used to research judicial decisions by the name of the case.</p>
Statutes	<p><i>Indexes in the Code</i>.</p> <p><i>Indexes in the Code Annotated</i>.</p> <p>You can look up the subject matter of your problem, or look up the specific catchwords and phrases in a statutory word index.</p> <p>By using the <i>Shepard's</i> statutory citators, you can verify the current status of particular laws and trace the legislative and judicial history of particular laws.</p>

020. Manual research methods

There are four basic research methods you need to master:

1. Case method.
2. Index and topic method.
3. Word and phrase method.
4. Shepardizing.

An important part of each of these methods is the ability to effectively use the publications.

Case method

The case method is used when the name of a particular case is known (i.e., *US v. Raniero*). To find the discussion on the Raniero case, reference the *Tables of Cases Reported* (alphabetical listing), which

gives the volume number, page number, and the name of the set of books. Once this reference is found, simply go to the set of books, select the volume, and turn to the page. This is the beginning point.

In the case discussion or footnotes, other cases may be referenced that will assist you in exhausting the case method. For some cases this method is easier if you know the year of the case. For example, the Court-Martial Reports (CMR) print the years covered on the spine of the book. If you know the year, simply look at the volumes of CMR on the shelf and select the year you need. You can also go to the citator and index for those books and reference the Table of Cases Reported (Alphabetical Listing) to obtain the page number for the case discussion. This is much simpler than having to search through all of the citators and indexes.

Index and topic methods

Since the index and topic methods are similar, they will be covered together. Once the issue of the case is analyzed, determine the general subject matter. For example, if the issue is misbehavior before the enemy and you are interested primarily in what constitutes this act, your general subject is misbehavior before the enemy. If you are using the index method, you turn to the index of the set of books and look up this general subject. Once this is found, narrow the subject down to the specific subject area that you are interested in—what conduct constitutes misbehavior before the enemy. A reference is given for the discussion on the case or cases in which a court opinion decided (applying the law) what behavior constitutes misbehavior before the enemy. In these discussions, other cases addressing similar issues are referenced. Then it is a matter of reading each case to determine the exact one that answers your question.

The only difference between the index and topic methods is where you look for the general subject. With the index method, you look in the index of the book; with the topic method, you look in the table of contents, which is in the front of the book.

Word and phrase method

What if you found that solving the issues of your research problem hinged upon a legal definition of a particular word or phrase? In this instance, your first step would be to reference a publication called *Words and Phrases*. This is a multi-volume dictionary of words and phrases courts have defined for legal purposes in the context of a particular decision.

In addition to the *Words and Phrases* series of volumes, each case digest in your library usually has either a topical entry or a separate volume titled *Words and Phrases*. These digests list terms interpreted by courts covered in their jurisdiction. Using the word and phrase method can help you locate citations to cases in which the word and phrase, and its definition, appear.

Shepardizing

Once you have found the case on point, no matter which research approach you used, the next step is to make sure it is still good law. Specifically, you want to find out how later courts have treated your case. Has it been overturned? If not, has the decision been limited or criticized by later courts? Why is this important?

One of the worst blunders you can make is to have your attorney base legal argument or theory on law that has changed. Therefore, we ensure our primary legal authorities are updated through a process known in the legal field as shepardizing. Shepardizing is the process used to trace the judicial history of a case by using reference works called *Shepard's Citations* (often referred to as “citators”). The shepardizing process also helps to verify the current status of a case and find later cases that have cited that case.

Once you have a case reference and find it applies to your issue, you must find out if it is still a current or authoritative case. For example, say you reference case *US v. Green*, 1 CMR 390 (1952) and you want to find out if there are any other cases that have changed the status of *Green*. Referring to the citators and index for the CMR, look at the Table of Court-Martial Cases Cited.

TABLE OF COURT-MARTIAL CASES CITED

1 CMR 390

36:142

40:3192

40:6102

40:910

Using the case cited (1 CMR 390) in the example, look to see if this case cited is listed in boldface print with other case references below it. From this, you can obtain other case references addressing the similar issue or issues.

You can also trace the subsequent treatment of other legal authorities, such as statutes and regulations, through this process. The subsequent treatment of a case or other authority is denoted by code letters or numbers appearing in front of the citations in the *Shepard's* tables. You can find these codes explained at the outset of each *Shepard's* volume in a table titled Abbreviations—Analysis. You want to pay particular attention to those citing authorities preceded by abbreviations such as “c—criticized,” “d—distinguished,” “l—limited,” “q—questioned,” or “r—reversed.” Each of these symbols has an important meaning. Refer to the legend at the beginning of a citator for further explanation.

021. Computerized research methods

The Judge Advocate General's Corp has made significant strides in its integration of computers to help us do a better job, whether it is processing claims, courts-martial, generating legal assistance reports, preparing wills and powers of attorney, or performing legal research. Our offices are set up to interface with the Internet, thus allowing us many avenues to conduct our legal research to include Lexis Advance. Lexis Advance is the primary avenue for computerized legal research in an Air Force legal office. As a paralegal, it is imperative that you know how to properly use Lexis Advance to perform efficient and effective legal research. In addition to being a great tool for finding case law, Lexis Advance can help locate expert witnesses, deadbeat parents, provide background information on companies and issues that affect DOD (e.g. anthrax, recruitment, military pay).

Using Lexis Advance to conduct research

The first step in computer-assisted legal research and learning how to use Lexis Advance is to logon to *advance.lexis.com* or find the link through the JAGC homepage. If you go through the link on the JAGC homepage, you will first place your cursor over the Knowledge Management tab at the top of the page, then scroll down over Lexis and finally over to Lexis Advance. At that point you will be able to enter your user name and password. You can search for a document in the red search box by typing in either the case *Citation* such as 29 MJ235 OR by *Party Name* such as United States v. Peel.

Before we begin with the research steps, we need to build a scenario as the basis for your research. Suppose you are working in the military justice section and a general court-martial is in session. During the recess, your trial counsel asks you to research the use of a knife for the charge of aggravated assault. You decide that you will start your computerized legal research by using a Natural Language search.

Natural Language search

To search using natural language, simply type your search terms in the search box. Remember to put the phrase in quotations to assure that your search results produce just the documents with the phrase rather than each individual word. The cases that appear are based on relevance, therefore the most relevant case (e.g. the one that has your key word(s) the most will appear first). For instance, type “aggravated sexual assault” again in the search box and click Search (Fig 4-1).

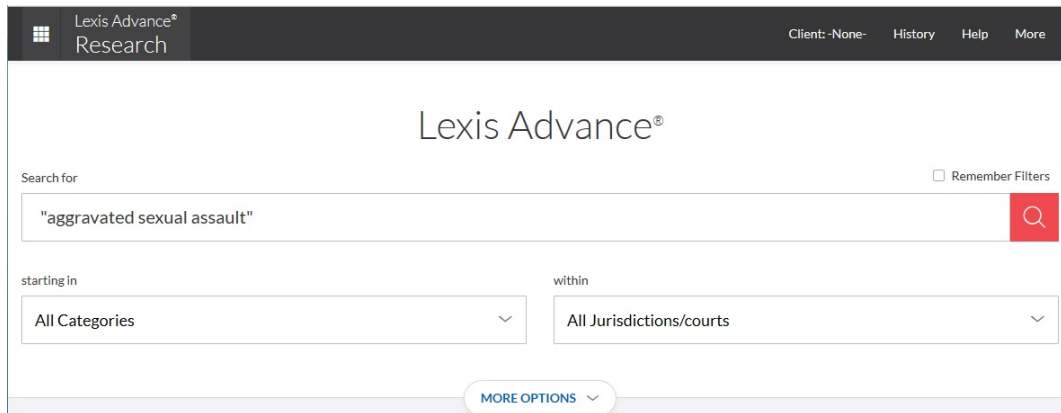


Figure 4-1. Lexis screen shot-searching for “aggravated sexual assault”.

Now within your search results, use the *Post Search Filters* to narrow your results. Click on the *Courts* post search filter to narrow down to Army Court of Criminal Appeals (A. Ct. Crim. App. under Military Justice). Add additional search terms to narrow down your results list even further. For instance, in the *Search Within Results*, type “knife” and click ENTER (Fig 4-2). There are many ways to narrow down your search such as date, source, attorney, judge, most cited and keywords.

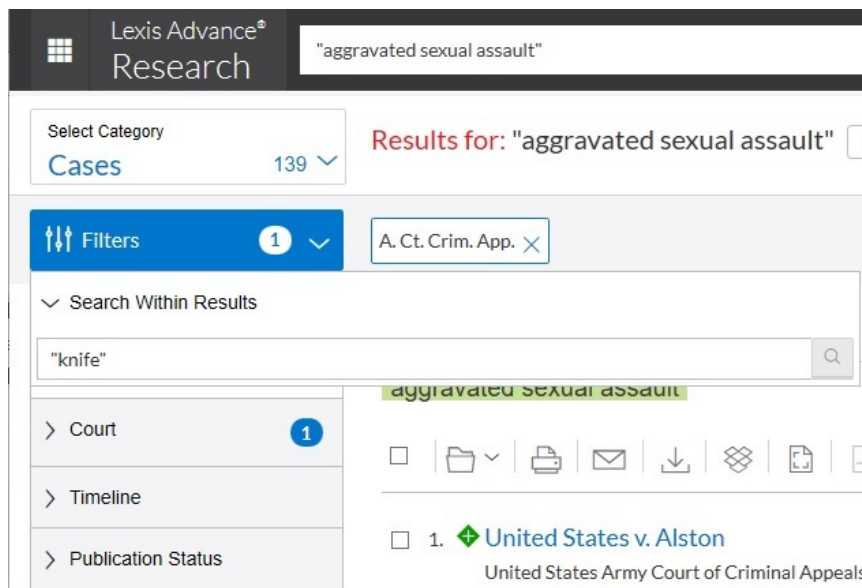


Figure 4-2. Lexis screen shot-searching for “knife” within “aggravated sexual assault”.

We have merely scratched the surface of the various search features you have at your disposal within Lexis Advance. It should be no surprise that our future will see even more advancements in computer-assisted legal research (CALR) technology. As paralegals, we must strive to sharpen our legal research skills, both in manual and electronic research methods. Remember, there is no substitute for practice.

022. Legal writing

In nearly every area of the legal office and, throughout your entire career as a paralegal, you will perform some type of legal research and writing on almost a daily basis. You will use the information you gather during your legal research to produce various legal documents for your attorneys.

Some of the documents you may be responsible for drafting and reviewing include legal reviews, discovery requests and responses, proof analysis, depositions, stipulations, motions, and grants of immunity, just to name a few. In this lesson, we will only cover writing a legal review for an administrative separation; however, we will cover the other types of documents within their respective fields of practice in later volumes.

Administrative separation

The office of the staff judge advocate is responsible for reviewing administrative separations for legal sufficiency, meaning the discharge is free of any errors or irregularities that would substantially prejudice or violate any of the airman's rights. Although the MPS has primary responsibility for processing these actions, in most cases, the base-level legal office handles the majority of the coordination with the squadrons and monitors the process from initiation through completion.

WASP
WEB-BASED ADMINISTRATIVE SEPARATION PROGRAM

Version 1.5.1

Home Open Files Search Reports Setup AFIs Report Bugs Manual

Welcome

OFFICE STATISTICS

Number of Open Cases: 4

Number of Open Board Cases: 2

Number Open Notification Cases: 2

QUICK SEARCH

Enter the Last Name or first letter
or
Enter the complete SSAN (No Dashes) New

Click 'Search'

Start A New Discharge

Open Files

Searches both open and closed cases.

Figure 4-3. Screen shot of Web-based Administrative Separation Program (WASP).

Upon notification of an involuntary separation, and prior to the separation authority rendering a decision, a legal review must be accomplished unless it is an entry level discharge (discharge processing started during the first 180 days of continuous active military service). These legal reviews will vary depending on the type of discharge and under what section a member is being discharged. No two legal reviews will be exactly the same; however, administrative separations are processed through the Web-based Administrative Separation Program (WASP) and this database provides the template for legal reviews (Fig 4-3).

While not all legal reviews will have the same exact format, they should all:

- Be extremely well organized; flow clearly and logically.
- Clearly summarize relevant facts, apply correct law in a reasonable manner, address all issues raised, and resolve them completely.
- Be free of any grammatical errors.

The discharge legal review example letter should address the areas shown in the following table:

Discharge Legal Review.	
Paragraph	What the paragraph addresses:
1	<ul style="list-style-type: none"> • The specific paragraph of AFI 36–3208, <i>Administrative Separation of Airmen</i>, under which he or she is being discharged; • The recommended service characterization (Honorable, General, Under Other Than Honorable Conditions); • Probation and rehabilitation; • SJA's statement of legal sufficiency.
2	The evidence for the government (derogatory information concerning the respondent).
3	<p>The evidence for the respondent (service history, medals, and any matters submitted by the Airman).</p> <p>NOTE: If the Airman did not choose to submit any matters, then say so in this paragraph.</p>
4	Any errors and irregularities (e.g., may point out errors within documents submitted as evidence or any reason for delays).
5	<ul style="list-style-type: none"> • The basis for discharge; • The SJA's concurrence or nonconcurrence on whether separation or retention is applicable; • The characterization of service recommended by the commander; • Whether probation and rehabilitation is recommended and why.
6	<p>The separation authority's options for action on the discharge.</p> <p>Normally these options will include:</p> <ul style="list-style-type: none"> • Disapproving the separation and retaining the Airman; • Approving the separation with the characterization the commander recommends, with or without probation and rehabilitation; and • Options for approving the separation with any other service characterization available for the facts of the case, with or without probation and rehabilitation.
7	<p>The recommendation from the SJA to the convening authority.</p> <p>NOTE: This recommendation will be one of the options you listed in the previous paragraph</p>
<p>NOTE: Timeliness in accomplishing legal reviews is extremely important; action on a request for a legal review should be completed in accordance with (IAW) the processing of the action under AFI 36–3208.</p>	

20 May 18

MEMORANDUM FOR 77 ABW/CC

FROM: 77 ABW/JA
50 Beach Street
Eglin AFB, FL 32542

SUBJECT: Legal Review – Discharge Action: Airman First Class Jane B. Doe. ***-**-1111

1. On 1 May 18, Lt Col Ima B. Commander, 77 SFS/CC, recommended Airman First Class (A1C) Jane B. Doe (Respondent) be involuntarily separated from the United States Air Force for Minor Disciplinary Infractions pursuant to Air Force Policy Directive (AFPD) 36-32, *Military Retirements and Separations*, 14 Jul 93 and Air Force Instruction (AFI) 36-3208, *Administrative Separation of Airmen*, 9 Jul 04, paragraph 5.49. Lt Col Commander also recommended Respondent receive an under honorable conditions (General) service characterization, without probation and rehabilitation (P&R). In reviewing this action, I find that there is a legally sufficient basis to separate Respondent from the United States Air Force with a general service characterization without P&R.

2. Evidence for the Government:

a. On or about 28 Mar 18, Respondent failed to go, without authority, to her fitness diagnostic and flight training at the time prescribed. For this misconduct, she received a letter of reprimand (LOR) on 29 Mar 18. As a result of this misconduct, Respondent's suspended punishment of reduction to the grade of Airman First Class from her 2 Mar 18 nonjudicial punishment (NJP) was vacated on 15 Apr 18.

b. On or about 26 Mar 18, Respondent failed to go, without authority, to her Alcohol and Drug Abuse Prevention and Treatment appointment at the time prescribed. For this misconduct, she received an LOR on 29 Mar 18. As a result of this misconduct, Respondent's suspended punishment of reduction to the grade of Airman First Class from her 2 Mar 18 NJP was vacated on 15 Apr 18.

c. On or about 19 Mar 18, Respondent failed to perform her assigned duties as a bay orderly, failed to clean her quarters, and failed to report to duty on time. For this misconduct, Respondent received an LOR on 20 Mar 18.

d. On or about 19 Feb 18, Respondent failed to go, without authority, to the 77th Security Forces Squadron building at the time prescribed, in violation of Article 86 of the UCMJ. In addition, from on or about 18 Feb 18 to on or about 19 Feb 18, Respondent was derelict in the performance of her known duties in that she willfully failed to refrain from drinking alcohol at least eight hours prior to her shift, in violation of Article 92 of the UCMJ. Also, on or about 19 Feb 18, Respondent was incapacitated for the proper performance of her duties as a result of wrongful previous overindulgence in intoxicating liquor or drugs, in violation of the Article 134 of the UCMJ. For this misconduct, Respondent received NJP action on 2 Mar 18. Punishment included reduction to the grade of Airman First Class suspended through 1 Sep 18, 30 days extra duty, and a reprimand.

3. Evidence for the Respondent:

a. Respondent is 23 years old. She enlisted on 14 May 2016 for a term of six years. After basic military training, she completed Security Forces Technical School. She is entitled to wear the Global War on Terrorism Service Medal, National Defense Service Medal, and Air Force Training Ribbon.

b. On 19 May 18, Respondent submitted a memorandum for your consideration. In her response, Respondent cited numerous personal problems as reasons for the decline in her duty performance. Specifically, Respondent cited the loss of her mother earlier this year and her responsibility to assist her younger brother financially as additional burdens that make her daily duties overwhelming.

4. Errors and Irregularities:

The fourth paragraph of the LOR dated 29 Mar 18 refers to the administrative actions as letters of counseling. The term letter of counseling should read letter of reprimand. This error does not affect the legal sufficiency of the action or this discharge recommendation.

5. Discussion:

a. Basis for Discharge:

(1) Under AFI 36-3208, paragraph 5.49, Airmen are subject to discharge for minor disciplinary infractions. A pattern of misconduct consisting solely of infractions in the current enlistment makes an Airman subject to discharge. The infractions under this section may involve failure to comply with nonpunitive regulations or minor offenses under the UCMJ. Infractions of this type result, as a rule, in informal (reduced to writing) or formal counselings, LORs, or Article 15 NJP.

(2) I concur with Lt Col Commander's basis for discharge.

b. Separation vs. Retention:

(1) The decision to discharge or retain a member should be consistent with the Air Force policy that the suitability of persons to serve in the Air Force is judged on the basis of their conduct and their ability to meet required standards of duty performance and discipline. The initiating commander and the separation authority must think of the member's potential for future useful service. The facts and circumstances are different in each action and must be judged on a case-by-case basis.

(2) In this case, Respondent has received administrative action and NJP for failing to report to duty at the prescribed time on at least four separate occasions. Respondent's failure to report for her assigned duties on numerous occasions over the course of a two-month period indicates a high likelihood that this behavior will continue to occur. Furthermore, Respondent received MJP for failing to refrain from drinking alcohol at least 8 hours prior to her security forces shift and being too incapacitated to properly perform her assigned duties as a security forces member. The seriousness of these offenses indicates Respondent does not have the ability to effectively perform duties and may be a disruptive or undesirable influence in future duty assignment. Therefore, I find Lt Col Commander's recommendation to separate Respondent legally sufficient.

c. Characterization of Service:

(1) According to AFI 36-3208, Table 1.3, discharge for misconduct may be characterized as either honorable, under honorable conditions (General), or under other than honorable conditions (UOTHC). The factors considered when determining how to characterize an Airman's service include performance of duty, personal conduct, and the reason for separation. An honorable discharge is appropriate when the quality of the Airman's service generally has met Air Force standards or when a member's service is otherwise so meritorious that any other characterization would be inappropriate. A general discharge is appropriate when an Airman's service has been honest and faithful, but significant negative aspects of the Airman's conduct or performance of duty outweighs positive aspects. A UOTHC

discharge is appropriate when basing the reason for separation on a pattern of behavior or one or more acts or omissions that constitute a significant departure from the conduct expected of Airmen.

(2) In this case, Respondent has consistently disregarded Air Force standards as evidenced by LORs and NJPs with a vacation action. She has been incapacitated from performing her security forces duties because of overindulgence in intoxicating liquor, has failed to refrain from drinking alcohol with 8 hours of her scheduled shift, and has failed to report on time to her appointed place of duty on numerous occasions. In addition, she failed to perform her assigned duties as a bay orderly and failed to clean her quarter as instructed. Respondent's repeated misconduct outweighs any positive aspects of her record. Therefore, a general service characterization is appropriate.

d. P&R:

(1) P&R should only be given in deserving cases where cause for suspense of administrative discharge exists. Appropriate circumstances for offering a member P&R under AFI 36-3208, Chapter 7, exists when an Airman: (1) has demonstrated a potential to serve satisfactorily; (2) has the capacity to be rehabilitated; and (3) whose retention on active duty in a probationary status is consistent with the maintenance of good order and discipline in the Air Force.

(2) Respondent's continued misconduct, despite clear warnings, indicates that she does not have the potential to meet the most basic Air Force standards. For example, during the last two months, Respondent has failed to report to duty at the prescribed time on at least four separate occasions. The unit has used progressive discipline, including written reprimands and NJP, with no success in changing her behavior to conform to Air Force standards. These multiple instances of misconduct, combined with multiple warnings and opportunities to correct that behavior, indicate Respondent's lack of potential for advancement and leadership in the Air Force. Therefore, I concur with Lt Col Commander and do not recommend P&R in conjunction with this discharge.

7. Recommendation:

Recommend Respondent is separated with a general service characterization, without P&R.

KENNETH I. WANNABEE, Capt, USAF
Chief, Adverse Actions

I concur.

THOMAS A. PERFECT, JR., Lt Col, USAF
Staff Judge Advocate

Self-Test Questions

After you complete these questions, you may check your answers at the end of the unit.

019. Manual research

1. List the categories of primary sources of legal literature.
2. Give three examples of a primary source of legal literature.
3. List three examples of a secondary source of legal literature.
4. List three examples of finding tools.

020. Manual research methods

1. Which method of legal research would you use to find the case *US v. Jones*?
2. Where do you look to begin with the index method of legal research?
3. What method of legal research uses the table of contents as a reference point?
4. When is the word and phrase method used?
5. List the three things you can achieve through the shepardizing process.

021. Computerized research methods

1. What is the primary avenue for computerized legal research in the Air Force?

2. What can Lexis Advance computerized legal research be used to find?
3. How do you search for a document in the red search box of Lexis Advance?

022. Legal writing

1. Who is responsible for reviewing administrative separation actions for legal sufficiency?
2. A discharge legal review will vary depending on what two things?
3. What seven things should a discharge legal review address?

Answers to Self-Test Questions

019

1. The three categories are: judicial reports, statutes, and administrative law materials.
2. *United States Reports*, *US Court of Military Appeals Reports*, *Military Justice Reporter*, *The United States Code*, *Manual for Courts-Martial*, *Federal Register*, and *Code of Federal Regulations*.
3. *Corpus Juris Secundum*, *American Jurisprudence 2d*, *Martindale-Hubbell Law Directory*, *Black's Law Dictionary*, *The Reporter*.
4. *West Digests*, *Encyclopedias*, *Words and Phrases*, *Shepard's Citations*, *Court-Martial Reporter* citators and indexes, *The Table of Cases*, *Indexes in the Code*, *Indexes in the Code Annotated*.

020

1. Case method.
2. In the index of a book under the general subject.
3. Topic method.
4. When the meaning of a word or phrase is the issue and a court has rendered a decision to define that word or phrase.
5. Traces the judicial history of a case, verifies the current status of each case, and finds later cases that have cited that case.

021

1. Lexis Advance.
2. Case law, expert witnesses, deadbeat parents, provide background information on companies and issues that affect DOD (e.g. anthrax, recruitment, military pay).
3. Citation or Party Name.

022

1. The office of the staff judge advocate.
2. Type of discharge and under what section a member is being discharged.
3.
 - (1) Specific paragraph of AFI 36-3208, *Administrative Separation of Airmen*, he or she is being discharged under, the recommended service characterization (honorable, general, under other than honorable conditions), probation and rehabilitation, and the SJA's statement of legal sufficiency.
 - (2) Evidence for the government and derogatory information concerning the respondent.
 - (3) Evidence for the respondent; service history, medals, and any matters submitted by the Airman.
 - (4) Any errors and irregularities.
 - (5) Basis for discharge and the SJA's concurrence or nonconcurrence, whether separation or retention is applicable and why, the characterization of service recommended by the commander and why, and whether probation and rehabilitation is recommended and why.
 - (6) Separation authority's options for action on the discharge.
 - (7) SJA's recommendation to the convening authority.

Glossary of Abbreviations and Acronyms

AB	air base
AD	active duty
ADA	area defense administrator
ADC	Area Defense Counsel
ADT	active duty for training
AETC	Air Education and Training Command
AF	Air Force
AFB	Air Force base
AFCCA	Air Force Court of Criminal Appeals
AFCSC	Air Force Claims Service Center
AFI	Air Force Instruction
AF/JA	Office of The Judge Advocate General
AFJAGS	Air Force Judge Advocate General School
AF/JAX	Professional Development Directorate, Office of The Judge Advocate General
AFJQS	Air Force Job Qualification Standard
AFLOA	Air Force Legal Operations Agency
AFLOA/JAS	Air Force Legal Operations Agency Legal Information Services
AFLOA/JASR	Air Force Legal Operations Agency Resource Management and Personnel Division
AFOSI	Air Force Office of Special Investigations
AFPD	Air Force policy directive
AFR	Air Force Reserve
AFRC	Air Force Reserve Command
AFRIMS	Air Force Records Information Management System
AFS	Air Force specialty
AFSC	Air Force specialty code
AGR	Active Guard/Reserve
Am. Jur. 2d	American Jurisprudence 2d
ANG	Air National Guard
ARPC	Air Reserve Personnel Center
AT	annual tour
BAA	business associate agreement
BIMAA	base individual mobilization augmentee administrator
BRM	base records manager
CAAF	Court of Appeals for the Armed Forces
CALR	computer-assisted legal research
Cat	category
CBT	computer based training

CCAF	Community College of the Air Force
CDC	career development course
CFETP	Career Field Education and Training Plan
CFR	Code of Federal Regulations
CJQS	command job qualification standard
C.J.S.	Corpus Juris Secundum
CMR	Court-Martial Reports
CMSgt	chief master sergeant
CONUS	continental United States
COR	chief of records
CRO	change of reporting official
CTJ	chief trial judge
CY	calendar year
DLA	Defense Logistics Agency
DNA	deoxyribonucleic acid
DOD	Department of Defense
DODD	Department of Defense Directive
DP	defense paralegal
DRU	direct reporting unit
EAD	extended active duty
EPR	enlisted performance report
ETID	electronic turn-in document
FARM	functional area records manager
FLITE	Federal Legal Information Through Electronics
FOA	field operating agency
FOIA	Freedom of Information Act
FSC	Field Support Center
FSS	force support squadron
GCM	general court-martial
GM	general manager
GS	general schedule
HIPAA	Health Insurance Portability and Accountability Act
HQ	Headquarters
HQ AFPC	Headquarters Air Force Personnel Center
HQ ARPC	Headquarters Air Reserve Personnel Center
IAW	in accordance with
ID	identification
IDT	inactive duty training
IMA	individual mobilization augmentee
JA	Judge Advocate

JAG	Judge Advocate General
JAGC	Judge Advocate General Corps
JAI	Inspections and Standardization Division
JASOC	Judge Advocate General Staff Officer Course
JER	Joint Ethics Regulation
JQS	job qualification standard
LLAO	law library accountable officer
LOE	letter of evaluation
LOMC	Law Office Management Course
LOS	law office superintendent
LSAC	Legal Services Advanced Course
MAJCOM	major command
MEPS	Military Entrance Processing Station
MPA	military personnel appropriation
MPS	military personnel section
MTF	military treatment facility
MTL	master task list
MTP	master training plan
NAF	numbered Air Force
NCO	noncommissioned officer
NCOIC	noncommissioned officer in charge
NetRAMS	Network Resource Allocation Management System
NMCCA	Navy-Marines Court of Criminal Appeals
OJT	on-the-job training
OpJAGAF	opinion of The Judge Advocate General of the Air Force
OPR	office of primary responsibility
PA	Privacy Act
PCC	Paralegal Craftsman Course
PCS	permanent change of station
PEDB	Paralegal Enlisted Development Board
PHI	protected health information
PME	professional military education
POW	prisoner of war
PRDA	Personnel Records Display Application
RC	records custodian
RDS	Records Disposition Schedule
R-EDP	Reserve Enlisted Development Plan
RIP	report on individual person
ROS	Report of Survey
SAV	staff assistance visit

SNCO	senior noncommissioned officer
SFS	security forces squadron
SJA	staff judge advocate
SPCM	special court-martial
SSA	senior supervising attorney
SSgt	staff sergeant
STS	specialty training standard
TDJAG	The Deputy Judge Advocate General
TJAG	The Judge Advocate General
TJAGC	The Judge Advocate General's Corps
TJAGCR	The Judge Advocate General's Corps Reserve
TPRA	The Judge Advocate General's professional responsibility administrator
UCMJ	Uniform Code of Military Justice
UEI	Unit Effectiveness Inspection
ULL	Unified Law Library
UOTHC	under other than honorable conditions
UPMR	unit personnel management roster
UPL	unauthorized practice of law
UPRG	Unit Personnel Record Group
USAFR	United States Air Force Reserve
U.S.C.	United States Code
UTA	unit training assembly
UTC	unit type code
WASP	Web-based Administrative Separation Program
WebFLITE	Web Federal Legal Information Through Electronics

Student Notes

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