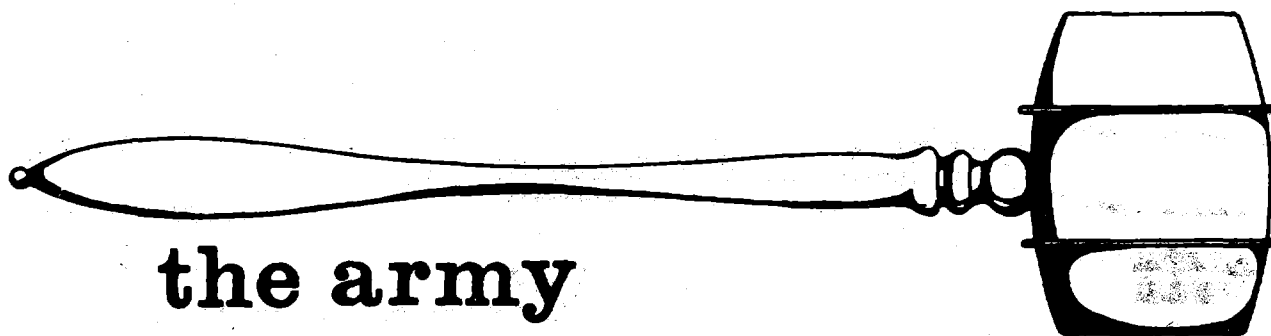


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**the army**

**LAWYER**

**HEADQUARTERS, DEPARTMENT OF THE ARMY**

Department of the Army Pamphlet  
27-50-82  
October 1979

Education of Legal Assistance  
Clients

*CPT James F. Nagle, JAGC  
Defense Appellate Division, USALSA*

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Any Judge Advocate who has ever been a Legal Assistance Officer (LAO) has at one time or another said to himself, "There must be a better way." The remark usually occurs after a day or a week in which an unusually large number of clients failed to show up for appointments or showed up an hour late, forgot the documents (such as a lease) that they wished to discuss, or digressed and rambled for a half-hour before getting to pertinent issues. A solution to these problems is to educate our clients as to what they must do to become better clients and thereby to take better advantage of our services.<sup>1</sup>

One method in this education process is to tell clients immediately what is expected of them. As soon as the appointment is made, the client should be provided with an information sheet, such as this:

**Information Sheet for Clients**

PFC John Doe  
Company A  
502d Maintenance Battalion

Your appointment is scheduled for 2:15 P.M.,  
Tuesday, 12 June 1979, at the Legal Assistance

Office, Building 492, Fort Swampy. The subject you wish to discuss with the attorney is ----- Please be prompt. If for any reason you will be delayed or unable to make the scheduled appointment, please notify the office at 532-4442 immediately. We shall extend the same courtesy to you if for some reason we are forced to change the scheduled time and date.

Please bring this sheet with you when you come for your appointment.

Due to the great numbers of people who use our services, it is necessary that we make the most efficient use of time. Consequently, in order to provide you the best possible legal advice and to avoid unnecessarily expending both your time and the attorney's time, the following suggestions should be followed:

a. Before coming for your appointment, write down any specific questions you wish to ask and/or the specific facts about which you seek advice. For example, if you have been involved in a car accident and need advice, write down the facts of the accident as best as you can remember and the specific questions you have regarding your rights and the pro-

cedures to follow. The attorney will then have the best information on which to base his advice and you won't forget any important questions you wish to ask.

b. When talking with the attorney, avoid digressing from the problem or rambling. Such digressing only serves to expend uselessly your time and the attorney's time. It unnecessarily delays the handling of your case and the cases of the other clients who are waiting.

c. Bring *all* documents that are related to the matter, such as the lease, sales agreement, birth certificate, court summons, etc. Failure to bring these documents will normally mean the appointment must be rescheduled.

d. Do as much as you can beforehand to prepare for the appointment. For example, if you are coming in to have a will prepared, discuss the matter with the person you wish to name as executor or guardian to ensure they are willing to assume the responsibility. If it involves an indebtedness dispute with a company, contact the company and inform them of any billing errors, etc. Such preparation will often resolve certain problems and will expedite the resolution of others.

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

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

e. Contact any other on-post or civilian agencies that might be able to help you. Such services might include the Chaplain, Red Cross, Army Emergency Relief, your commanding officer, your unit tax advisor, local Internal Revenue Service office, Welfare Office, Provost Marshal, Finance Officer, Personnel Office, Veterans Administration, or Immigration Office. The receptionist has telephone numbers and addresses for these and other services.

f. Once the attorney and the Legal Office staff are working on your problem, please be assured that it will receive prompt and professional attention. You will be provided copies of all correspondence that is sent and any other information regarding your case. Often a client telephones the Legal Assistance Office to determine the status of the case. While such calls are understandable, they should be kept to a minimum. Unnecessary calls from clients interrupt the attorney and staff and thereby detract from the time available to resolve cases.

Such a sheet has numerous advantages.

a. It gives the client a written notice of the date and time of the appointment. It is amazing how many clients do not write this down and simply expect to remember it. (Never state the time as "1415 hours." Dependents and many active duty personnel will make a mistake and come in at the wrong time.)

b. It lists the subject matter of the appointment. This is a convenience for the attorney who should be notified of the subject matter for each appointment the day before. This will enable him to do any necessary research beforehand. Consequently, the receptionist or paralegal who initially makes the appointment should be as specific as possible. Do not put "Adoption" if it is a "Step-parent Adoption." The procedures could be much simpler in such a case. If it is a will, the receptionist should try to find out what state the client is a resident of so that the attorney can check to determine any peculiarities of that state's will and probate law.

c. If a client does write down the facts and questions beforehand, this will increase the likelihood of all matters being resolved in one meeting. Therefore, the number of times a client has to call or return for questions he forgot to ask will be reduced.

d. It reminds clients that there are other individuals or agencies which can help them. When the appointment is first made, the receptionist or paralegal should screen all clients to ensure that the Legal Assistance Office is the place for them. For example, compassionate reassignment requests are better handled by the personnel office, and certain legal questions might be more properly answered by the claims or administrative law office.

e. It will (hopefully) reduce—not eliminate—the number of clients who come in and then call once or twice daily thereafter wondering why their matter has not yet been handled. Such people seem to have the view that "I have a problem. You and everyone else in the world should stop whatever you are doing until you solve my problem." The best way of avoiding confrontations with this client is to tell all clients at the initial interview exactly what steps must be taken and the time necessary to complete these actions. Copies of all correspondence sent on behalf of the client should be furnished to the client and the client should periodically be made aware of the progress of his case (telephone calls made and received, research, correspondence) by a call from the receptionist or paralegal or by letter. Many of the complaints made about Legal Assistance Officers is that no work is done on a particular case when in fact a great deal of work, unknown to the client, has been underway.

Along with the information sheet, there are two other documents which may be given to the client, depending on the subject matter of the problem—a questionnaire and a short memo on that subject.

Questionnaires should be prepared for all common subject matters, such as wills, powers

of attorney, non-support and, on posts with Expanded Legal Assistance Programs, adoption and divorce matters. The questionnaire should ask for all the necessary information, such as, name of executor or length of time residing in a particular state or county. The main advantage of the questionnaires is that it forces the client to think about the problem beforehand. All too often, when a client is asked "whom do you want as executor?", the client will get a blank, open-mouth stare and mumble "I don't know—never thought about it."

Memorandums should be short documents listing "frequently asked questions and answers" on common subjects. There are three distinct advantages to these memos. First, many clients who have simple factual questions will have such questions answered by this memo and will be able to cancel the appointment. Second, the length of some appointments will be shortened since the client already has some awareness of the applicable law. Third, it can prepare a client for certain problems that must be faced. For example, it can be used to forewarn the support seeking spouse that the Army cannot unilaterally take the servicemember's pay and give it to the spouse.

Another aspect of the client education process is the use of the Legal Assistance waiting room. The time the client spends in the waiting room should not be devoted solely to reading year-old *Newsweek* magazines. A bulletin board should be set up containing, among other items, an extensive list of telephone numbers to call on certain matters (IRS, local bar association lawyer referral services, etc.), list of addresses to write to for birth, death or divorce records<sup>2</sup> or state tax forms, reminders to update wills or powers of attorneys, charts showing the motor vehicle or divorce laws of various states, and recent items of legal interest and importance.<sup>3</sup> Local bar associations and civic groups often provide pamphlets on "Why You Need a Will" or other matters which can be made available in the waiting room. There are numerous DA Pamphlets (notably in the 360

and 608 series) which deal with personal and legal affairs. The receptionist should keep several of these. If a client will have a long wait, such pamphlets should be made available to him (requiring, of course, that the pamphlet be returned). Such pamphlets include DA Pam 608-2, Your Personal Affairs; DA Pam 608-4, For Your Guidance, A Guide for the Survivors of Deceased Army Members; DA Pam 360-517, Armed Forces Life Insurance Counselor's Guide; DA Pam 600-5, Handbook of Retired Services; and DA Pam 608-3, Your Consumer Affairs Handbook. Review such pamphlets beforehand since some of them are several years old and contain outdated information.

The education of any client, however, should begin long before he enters the Legal Assistance Office. This is accomplished through a successful preventive law program. Such a program alerts clients to potential legal problems and hopefully emphasizes to them the wisdom and necessity of checking with a lawyer before taking certain actions. Secondly, such a program should make people aware that certain matters should be taken care of immediately and not put off until it is too late.

The second aspect of this program is designed specifically to eliminate the "emergency" client. By this I do not mean the true emergency situation in which something has come up unexpectedly. Schedule adjustments should be made in such circumstances to accommodate the individual. This "emergency" client, however, is one who, four months ago, received court papers or orders transferring him but waited until the day before the event to come to the office. He then complains when he is told that it will take longer than he wishes to complete action on his problem. Closely related to the "emergency" client is the "rush job." This invariably is an individual who comes in with a quick request for a will, power of attorney or some other document that must be done in twenty-four hours or less. His inevitable state of hypertension usually infects the entire Legal Assistance Office. Because of this, other work is pushed aside, and the LAO and secretaries

work overtime in a mad rush to get the document prepared. He then will not be seen or heard from for several weeks or months (if ever again). When he is finally rediscovered, he states, without the slightest hint of embarrassment, "Oh, yeah, I forgot to pick it up." Hopefully, a preventive law program will reduce such occurrences.

The preventive law program is governed by AR 600-14. Further guidelines and suggestions are contained in Chapter 2, DA Pam 27-12, Legal Assistance Handbook. Basically, such a program calls for "getting the word out." Consequently, close cooperation is required with the Public Affairs Officer, Commanders and Adjutants. The program should utilize every available method of communication—announcements in the Daily Bulletin, articles in the Post newspaper, command letters and briefings, handouts, classes, Post "rap" sessions, retiree open houses, newcomers briefings and appearances on radio and television if the command has these available. One suggested topic for emphasis is, "How to Teach Your Spouse to Be a Widow (er)." It is frightening how many spouses have no idea of what their family finances are like, including such basics as what insurance policies there are and where the assets are located.

DD Form 1543, Annual Legal Checkup, should be distributed to all personnel on post. Other checklists and forms which will aid servicemembers in managing their affairs are contained in DA Pams 360-524 and 360-531, both of which are entitled "Your Personal Affairs," and DA Pam 360-517, Armed Forces Life Insurance Counselors Guide.<sup>4</sup> DA Pam 608-3, Your Consumer Affairs Handbook, provides much useful information and contains suggested lesson plans (including names of available films) on consumer affairs.<sup>5</sup>

Despite these suggestions, some recurring problems will still present themselves. What LAO, for instance, has not dealt with the following individuals?

The one who "knows the law." After watch-

ing reruns of "Perry Mason" or "Owen Marshall," this client feels he has a complete grasp of all areas of the law and will decide to debate with the LAO on all the proper legal remedies. A classic example is the individual who was arrested by civilian police for possession of marijuana and then argued with me over his premise that any search of a car was illegal unless the police kept one foot on the ground outside the car. There really is not much the LAO can do with such a client. I have discovered that when people receive anything, such as legal assistance, for free, they think it is second rate. Hopefully, one way to dispel this impression is to properly display our diplomas and bar admission certificates in the office.<sup>6</sup> This may convince such clients that we are trained attorneys rather than line officers performing an extra duty and that we should be listened to.

The next type is the "embarrassing" client. This is a type who lies or leaves something of great importance out of his tale of woe. Based on the facts presented, the LAO writes to an individual or company complaining of the injustices inflicted upon the "poor, innocent" client. Invariably, a letter comes back with more complete facts which show the client is a deadbeat, vandal or other such rascal. The best way to minimize the amount of egg on one's face by such episodes is to preface all facts in the letter with "my client informs me that . . ." So it is clear that the LAO is not vouching for these facts based on independent investigation but is relying on the good faith of the client.

Next is the "no prior effort" client. This is an individual who uses the LAO merely as a private secretary to execute his correspondence and who has not done anything by himself in order to correct any of the problems. One example of this is the individual who comes into the office and requests that someone contact an insurance company for the purpose of changing the beneficiary on a policy. Such work can easily be done by the client himself. No work should be done by the Legal Assistance Officer unless the client has put forth at least a minimum amount of effort. The information sheet

with its emphasis on prior effort and contacting other available services will help in alerting such clients to what is expected of them. One caveat here, though. Very often, many of the clients whom a legal assistance office deals with are unable to handle even such simple matters. This is particularly true of many widows who are not used to handling any business difficulties. The LAO should gauge the type of client before taking or refusing any action.

The next annoyance is the "one quick question" client. This client barges in before other clients or telephones the attorney on the pretext that he only has one quick question "that will take thirty seconds or less to answer." This one quick question will often turn out to be several dozen or will in fact be one question, but of a type similar to, "How do I get a divorce in New Jersey?" The best solution for this is the ever vigilant receptionist who screens all clients and calls and the attorney who is quick to refer this client to his proper place in the appointment book.

A client education program such as the one outlined above is, by no means, a panacea. A certain percentage of clients will ignore the

information sheet, will not read the pamphlets and memos and will sleep through the classes. Be that as it may, most clients will definitely benefit from such a program. They will be able to avoid many problems and to more speedily resolve others. Consequently, the Legal Assistance Officer will have done both them and himself a great service.

#### FOOTNOTES

1. For an overview and suggestions on the larger issue of managing a legal assistance office, see Borgen, "The Management and Administration of Military Legal Assistance Offices," *The Army Lawyer*, April 1975, at 1.
2. "Where to Write For Divorce Records, Marriage Records, Birth and Death Records," *The Army Lawyer*, August 1978, at 10.
3. For example, the legal assistance items from *The Army Lawyer*, such as *The Army Lawyer*, January 1979, at 26.
4. Another useful checklist and handout is contained in *The Army Lawyer*, June 1978, at 19.
5. Training Film 15-3286, "Your Legal Assistance Officer," although made in 1966 may still be useful in the preventive law program.
6. See Chapter 1, DA Pam 27-12, Legal Assistance Handbook, paragraph G7.

### Federal Retailers Excise Tax On Diesel Fuel (26 USC 4041)

#### Contract Law Division, OTJAG

Section 4041, Internal Revenue Code, imposes a retailers excise tax upon the use of diesel fuel. Subsection (a) of the statute makes the tax applicable to the United States. Consequently, Army activities using diesel fuel are responsible for payment of this tax as is any other taxpayer. Procedures for complying with 26 U.S.C. 4041 are set forth in Internal Revenue Regulations (26 C.F.R. 48.4041-4) and in simplified detail in DAR 11-101. These procedures provide that diesel fuel purchased exclusive of the excise tax (bulk purchases) require the taxpayer to file TD Form 720 and to pay the tax at the applicable rate. The applicable rate for a diesel-powered highway vehicle is either 4 cents per gallon for on-highway use or 2 cents per gallon for off-highway use. No tax is imposed upon

diesel fuel used in certain non-highway vehicles. It is the obligation of the taxpayer to account for all diesel fuel used, to prepare and file TD Form 720, and to pay the correct tax (26 U.S.C. 4041; 26 C.F.R. 48.4041-4; DAR 11-101). Information available to the Contract Law Division indicates that some Army activities are not complying with these requirements. The responsibility within the Army for filing tax returns and paying this excise tax rests with the installation Finance and Accounting Office. To assist these offices, detailed instructions are being prepared by the Army Finance Center. To further assist, Judge Advocates should inform their installation Finance and Accounting Office that in accordance with DAR 11-000, the exclusive responsibility for negotiating with tax officials

and resolving legal issues involving taxes is reserved to the Contract Law Division, OTJAG, the Army office responsible for tax matters. In this regard, legal questions arising from the

filing on the paying of those diesel fuel taxes may be directed to Major Matt Reres, Contract Law Division, Office of The Judge Advocate General.

### **ABA Backs Training and Aid to Reserve and National Guard Judge Advocates**

The American Bar Association at its Annual 1979 meeting in Dallas, Texas, adopted on August 15 two resolutions of interest to lawyers who serve in the Guard and Reserve.

In the first, a Guard and Reserve Judge Advocates' program is endorsed by the ABA. The program relates to their training, numbers, utilization, and professional recognition. In the supporting report by the Standing Committee on Lawyers in the Armed Forces it was noted that unexplained, substantial, and frequently contradictory differences exist in the various Armed Services with respect to number of billets, drill requirements, and professional training programs. In at least some of the Services these programs are grossly inadequate.

The Committee stressed there is a need **NOW** for mobilization-ready Reserve judge advocates who could only be obtained, in sufficient numbers and properly trained, through a program providing a minimum of forty-eight paid drills per year. Presently this is only generally true in the Army.

The second Resolution should benefit primarily sole practitioners. Essentially it calls on all state and local bar associations to assist lawyers in the Guard or Reserve who are called to extended active duty so that they and their clients will not suffer because of such orders. Upon completion of said duty the Reserve/Guard members would also be assisted in returning to private practice.

The Resolution further recognizes that requirements for training duty and drills, as well as extended active duty, should normally be considered sufficient grounds for a reasonable continuance of any judicial, quasi-judicial, or administrative matter wherein an attorney who must meet such requirements is counsel.

Chairman of the Standing Committee on Lawyers in the Armed Forces is Penrose L. Albright, of Arlington, Virginia, a Naval Reserve Rear Admiral. Other members are Thomas R. Brett, COL, USAF, of Tulsa, OK; Judge John D. Fauntleroy, CMDR, USNR-S2, of Washington, D.C.; Hugh H. Howell, Jr., RADM, JAGC, USNR, Atlanta; Holly Mix Kennerly, CAPT, USA, of Fort Hood, TX; George S. Prugh, MGEN, USA-ret., of Orinda, CA; Robert S. Span of Los Angeles; and Thomas M. Stewart, CAPT, USNR-ret.

Advisory Committee members are Alton H. Harvey, MGEN, TJAG, Department of the Army; C. E. McDowell, RADM, JAG, Department of the Navy; Walter D. Reed, MGEN, TJAG, Department of the Air Force; James P. King, BGEN, Director Judge Advocate Division, U.S. Marine Corps; and Clifford F. DeWolf, RADM, Chief Counsel, U.S. Coast Guard.

This ABA Standing Committee, along with two others, is concerned specifically with military matters and is part of the overall Association program to provide support for judge advocates.

### **Dining In**

The Judge Advocate General's Corps celebrated its two hundred and fourth anniversary on 27 July 1979 by conducting a Dining-In at the Fort McNair Officers' Club. Major General Alton H. Harvey was President of the Mess.

One hundred and eight officers of the Judge Advocate General's Corps joined their honored guests: General Edward C. Meyer, Chief of Staff of the Army; Major General William Berkman, Chief of the Army Reserve; and

Sergeant Major William A. Connelly, Sergeant Major of the Army.

The Dining-In, hosted by Litigation Division, Office of The Judge Advocate General, was highly successful. It included a bagpipe introduction, a color guard in Revolutionary era uniforms and an outstanding performance by the U.S. Army Chorus under the direction of

Master Sergeant Barry Hemphill. Mr. Vice, Captain Julius Rothlein, Defense Appellate Division, made the traditional culinary pronouncements concerning the condition of the evening's food, upheld the rules of the mess and expeditiously assessed reasonable fines when necessary. In all, it was a delightful evening.

## Claims Item

### *U.S. Army Claims Service*

*Loss of Clothing from Coat Racks at Installation Dining Facilities and NCO and EM Clubs.* Claims for loss of clothing from coat racks at Installation Dining Facilities, when filed by military personnel and civilian employees authorized to eat at such facilities, are cognizable under Chapter 11, AR 27-20, as incident to service losses. Claims of dependents and others who may be authorized to eat in a dining facility are not cognizable under Chapter 11, but may be cognizable and should be considered under Chapter 3 or 4, AR 27-20, as appropriate.

a. Loss of articles of clothing which have been left in a cloakroom of an Officers', NCO or EM Club, may be considered an incident to service loss under Chapter 11, AR 27-20, if at-

tendance was considered necessary due to a staff or command activity, or a similar type of function. If attendance was voluntary, a loss may be cognizable and should be considered under Chapter 3 or 4, AR 27-20.

b. In determining the issue of negligence in claims for losses which occur at Dining Facilities or Clubs, consideration must be given to: whether the cloakroom was attended or unattended; whether disclaimer notices were posted; the type of property involved; whether better protection for the items was available or, if the only other alternative for the claimant was to wear or carry the item in the serving line, or into the dining room or function; and, all other pertinent facts and circumstances surrounding the loss.

## Administrative and Civil Law Section

### *Administrative and Civil Law Division, TJAGSA*

#### **The Judge Advocate General's Opinions**

(Article 138, U.C.M.J. Complaint) GCMCA's Action In Directing Complainant's Reinstatement As A Recruiter Granted The Redress He Requested. DAJA-AL 1979/1859, 8 February 1979. Complainant was assigned duties with the USA St. Louis District Recruiting Command. The procedures he followed in recruiting an underage applicant came to the attention of

his supervisor and an investigation was conducted. After receiving the report, respondent advised his Commander (Cdr, Fort Sheridan) that he did not believe relief from recruiting duties was appropriate. About 27 Sep 78, the respondent offered the complainant nonjudicial punishment UP Article 15, U.C.M.J. The complainant refused to accept. On 26 Oct. 78, the complainant was relieved. In his answer to the complainant's request for redress, the respond-



ent stated, "Punishment under Article 15, U.C.M.J., would have served justice, prevented your relief, and would have permitted you to remain here as a field recruiter." On 1 Nov. 78, the complainant filed his complaint alleging that he was relieved in retaliation for his refusal to accept nonjudicial punishment. The officer assigned to investigate the complaint UP para. 9a, AR 27-14, agreed. The GCMCA concurred in his investigator's finding and directed the complainant's reinstatement.

AJAG (Military Law) determined that the GCMCA's action in directing the complainant's reinstatement as a recruiter granted the redress requested by his complaint. The OTJAG reviewer noted that, despite being the GCMCA over the Cdr., U.S. Army Recruiting Command (USAREC) (a MG), the Cdr., Fort Sheridan (a COL) had no command authority over USAREC. Accordingly, he should have forwarded the complaint, together with the report of the investigation and his recommendation for redress, to Cdr., USAREC, for the latter's action (para. 9b(3), AR 27-14). It was learned, however, that Cdr., USAREC in fact directed complainant's return to duty in an independent action. Thus, any error in processing the complaint was harmless.

(Article 138, U.C.M.J., Complaint) GCMCA's Action In Returning Article 138, U.C.M.J., Complaint Without Action Was Proper When One Respondent Was Not A Commander And No Written Request for Redress And Removal Thereof, Had Taken Place With Respect To The Other. DAJA-AL, 1979/2024, 15 March 1979. Respondent, a CSM, filed an Article 138, U.C.M.J., complaint against Respondent A, the Deputy Commander, US Army Administration Center, and Respondent B, Commander, Troop Brigade, a subordinate command thereof. He alleged Respondent A called him a "demonstrator" and that Respondent B interfered with his subordinate battalion commander's rating on his EER and discriminated against him on the basis of race.

A personal inquiry by the GCMCA satisfied

him that the complaint against Respondent A was without merit. The GCMCA also determined that the complainant had not requested and been refused redress by Respondent B before he filed the Article 138 complaint. Accordingly, he returned the complaint concerning Respondent B without action [para. 9b(2), AR 27-14].

OTJAG determined that the GCMCA's action in denying redress as to Respondent A, was technically incorrect (as he was not the complainant's commanding officer), but his ultimate conclusion was correct. The GCMCA's action in returning without action the complaint regarding Respondent B also was proper as there had been no written request for redress and denial thereof by Respondent B. Thus, it was proper for the GCMCA, upon advice of his SJA, to return the complaint, without action, with a statement as to the reason for the return (para. 5a, AR 27-14).

(Article 138, U.C.M.J. Complaint) GCMCA's Determination That Complaint Was Rendered Moot By The Time He Took His Action Properly Disposed Of The Complaint. DAJA-AL 1979/1782, 8 February 1979. The complainant was hospitalized in an Army hospital on 19 Dec 78. On 29 Dec 78, he requested that he be released from the hospital. The respondent orally refused to release him. On 29 Dec 78, the complainant submitted a written request for redress, demanding his release by 1600 hours, 29 Dec. 78. On 5 Jan 79, the respondent refused the requested redress. The same day, the complainant submitted a request to the GCMCA, appealing the respondent's decision and requesting release by 1630 hours, 5 Jan 79. The 5 Jan 79 letter did not cite either Article 138, U.C.M.J., or AR 27-14. On 12 Jan 79, the GCMCA advised the complainant that, as he had been released from the hospital on 9 Jan 79, "the object of [his] Article 138 complaint [had] been realized." In other words, the complaint had been rendered moot by the complainant's release from the hospital on 9 Jan 79. The case was forwarded to HQDA (DAJA-AL) on 12 Jan 79.

AJAG (Military Law) held the GCMCA's determination that the complaint was rendered moot by the complainant's release from the hospital on 9 Jan 79 properly terminated the complaint. By the time the GCMCA acted on the complaint there was no "wrong" as the complainant was no longer being held by the hospital against his will. Accordingly, there was nothing capable of redress in command channels.

While the complaint was mooted, TJAG noted two procedural errors could have affected the ultimate disposition of this case. First, the informal investigation required by para. 9a, AR 27-14 was conducted by a captain while the respondent was a BG. Para. 9a requires that the officer conducting the investigation be senior to the respondent unless the GCMCA, for good cause, waives the requirement. A written waiver should have been placed in the file forwarded to JAGO (not the case here). Second, the IO noted in his memorandum that the complainant's medical records were not reviewed and that the respondent, rather than the IO, interviewed the treating psychiatrist. TJAG held that neither the Privacy Act (5 U.S.C. 552a, implemented by AR 340-21), or AR 40-42 on confidentiality of individual medical information, is sufficient to restrict access by an investigator UP para. 9a, AR 27-14, to prove or disprove the claim of alleged mistreatment. The IO should not have relied on the respondent's judgment as to whether the records support the complaint.

**(Dependents, Privileges) The Dependent Mother Of A Deceased Servicemember Is Not Entitled To Exchange And Commissary Privileges.** DAJA-AL 1979/2413, 7 May 1979. At the time of her son's death a deceased servicemember's mother was dependent on him for over one-half of her support and was residing in a dwelling place provided or maintained by him. After his death her exchange and commissary privileges were withdrawn. It was the opinion of The Judge Advocate General, that based on these facts, that the mother was not entitled to exchange or commissary privileges but was entitled to medical care.

It was pointed out that current DOD and Army regulatory authority authorize unlimited exchange privileges only for surviving spouses and their dependent children (para. 2-101c, DOD Dir. 1330.9 and para. 2-9a(5), AR 60-20) and commissary privileges only for surviving spouses (para. 2-101.4, DOD Dir. 1330.17 and para. 4-6e, AR 30-19). Insofar as medical care is concerned the mother is eligible for medical care pursuant to 10 U.S.C. § 1076(a).

**(Information and Records, Filing of Information) No Specific Standard Of Proof Must Be Met Before Letter Of Reprimand UP AR 600-37 Is Issued. Burden Of Proof Lies With Party Who Appeals Filing Of LOR In His/Her Official Military Personnel File (OMPF).** DAJA-AL 1979/2124, 3 April 1979. ODCSPER requested a legal opinion concerning sufficiency of the available evidence to warrant issuance of a letter of reprimand (LOR) to an active duty Army captain (CPT). The letter was issued to the CPT for alleged larceny of four sets of camouflage fatigues from the unlocked vehicle of a warrant officer (WO). The CPT allegedly turned in the fatigues to the Central Issue Facility (CIF) during his outprocessing. The WO later positively identified the fatigues as the ones stolen from his vehicle.

The CPT claimed he purchased the fatigues from an unknown local national at the local PX just prior to turn-in. After investigation, the GCMCA issued a LOR to the CPT. He directed that the letter and supporting documents be placed in the CPT's OMPF after considering his rebuttal.

A year later, the respondent submitted an appeal to the DA Suitability Evaluation Board (DASEB), claiming the allegation had not been proven. DASEB recommended the appeal be denied, stating the burden of proof lay with the CPT to demonstrate that the conclusion that he stole the fatigues was incorrect.

TJAG advised that because letters of reprimand are administrative in nature, no specific standard of proof must be met before a reprimand is issued.

mand is issued. Based upon the evidence presented, the GCMCA could have concluded either that the CPT stole the fatigues or that he had purchased them from a third person. There was sufficient circumstantial evidence to conclude that the GCMCA did not abuse his discretion in reaching the former conclusion. TJAG also found that the DASEB's evaluation of the applicable burden of proof was accurate (para. 6-4, AR 600-37). No information had been submitted to indicate the letter was untrue or unjust in whole or in part. Thus, there was no legal objection to the Board's finding that withdrawal of the letter was not warranted or to its recommendation that the appeal be denied.

**(Line of Duty) A Line Of Duty Approval Authority May Not Delegate His Authority. Authentication Of A Line Of Duty Report Of Investigation By An Officer Of The Adjutant General's Corps Is Not Sufficient Approval.** DAJA-AL 1979/2349, 3 May 1979. The Adjutant General inquired whether a staff section (Personnel Affairs Division) of an Infantry Division at a CONUS installation could approve line of duty determinations based on a delegation from the CONUS casualty area commander. The CONUS casualty area commander was authorized approval authority under para. 1-5e(6), AR 600-33. Additionally, the installation suggested that para. B-6, App. B, AR 600-33, which allows commanders to designate officers of The Adjutant General's Corps to authenticate line of duty reports of investigations, was authority for a first lieutenant to act as approval authority.

The Judge Advocate General stated that para. 1-5e(6) quite specifically delegated secretarial approval authority to the CONUS casualty area commander. Accordingly, neither the general authority of an installation commander to delegate installation functions under para. 2-5, AR 210-10, nor para. B-6, App. B, AR 600-33 (the procedure of permitting officers of The Adjutant General's Corps to authenticate line of duty reports of investigation) is authority to delegate approval authority. Re-

ports of investigations improperly approved must be returned to the installation for proper action by the approval authority.

**(Line of Duty) A Line of Duty Investigating Officer Must Advise of the Right to Remain Silent.** DAJA-AL 1979-2318, 3 May 1979. A soldier was injured when his legs were severed by a train. A line of duty investigating officer took the soldier's statement but did not advise the soldier of either his Article 31, UCMJ, rights or his rights under para. 3-4b, AR 600-33. One day later the line of duty investigating officer called the soldier on the telephone and read him his Article 31, UCMJ, rights from DA Form 3881. The soldier waived these rights and acknowledged that the statement made on the previous day was correct and could be used. The line of duty investigating officer did not at any time advise the soldier of his right not to make a statement under AR 600-33.

The Judge Advocate General stated that the statement cannot be used in the line of duty investigation because the line of duty investigating officer did not at any time advise the soldier of his right not to make a statement under para. 3-4b, AR 600-33, which implements 10 U.S.C. § 1219. This United States Code provision states that a member of an armed force may not be required to sign a statement relating to the origin, incurrence, or aggravation of a disease or injury that he or she has and that any such statement against his or her interests, signed by a member, is invalid.

**(Military Aid to Law Enforcement, Posse Comitatus Act) Performing Autopsies On The Remains Of Military Personnel Without A Military Purpose Constitutes A Violation Of Posse Comitatus.** DAJA-AL 1979/2893, 27 June 1979. A staff judge advocate requested an opinion whether performing autopsies at the request of civilian authorities on the remains of military personnel found off post would violate the Posse Comitatus Act (18 U.S.C. 1385). Many requests are received from local law enforcement authorities who are required under state law to order an inquest when cause of death is unknown. In some cases it is apparent

the servicemember was killed by another individual. In other cases the cause of death is not readily apparent.

The Judge Advocate General opined that unless an independent military purpose is served, autopsies may not be performed at Army Medical facilities in aid of civil law enforcement. Paragraph 4-4, AR 40-2, empowers commanders to authorize autopsies on military personnel when protection of the welfare of the military community necessitates determining the true cause of death or to secure information to complete military records, e.g., the requirement of AR 600-33 to ascertain the cause of death in making line of duty determinations. Further, Chapter 3, AR 600-10 requires a statement of the specific cause of death in making casualty reports. Thus even though a civilian law enforcement officer requests an autopsy, if the cause of death of a servicemember is unknown, there is a military purpose for the autopsy and the request may be honored without violating the Posse Comitatus Act. Even where a servicemember has obviously been killed by another individual, there is an independent military interest in preserving evidentiary material until such time as jurisdiction over the perpetrator is clearly ascertained. The mere fact that a body is found off post does not, in and of itself, indicate lack of military jurisdiction. The key is whether the performance of an autopsy by Army personnel at the request of civilian authorities furthers an independent military interest or purpose. If the autopsy furthers such an interest or purpose, it may be performed without regard to the location of the remains when first discovered.

**(Military Installations, Miscellaneous) Funds Paid Installations by Commercial Enterprise for Services Must Be Paid Into the United States Treasury Unless Otherwise Authorized by Statute and Implementing Regulations.** DAJA-AL 1979/2426, 10 May 1979. A military installation was asked by NBC TV to assist in the filming of a movie. NBC was prepared to reimburse the local installation for aviation fuel and other expenses. The installation asked whether these funds could be retained locally

by the military installation. The Judge Advocate General stated that DOD Directive 7230.7 provides that collections of fees and charges for rendering of services and for use of property by organizations outside the Federal Government will be deposited to Miscellaneous Receipts of the United States Treasury unless otherwise authorized by statute and implementing regulations. Because no statute authorizes a military installation to retain the monies paid under these circumstances, the DOD Directive, 31 U.S.C. § 438a (1976) and 31 U.S.C. § 484 (1976) require that the funds be deposited into the United States Treasury.

**(Military Installations, Regulations) Installation Commanders Have Authority Under AR 210-50 To Terminate Quarters Assignments Due To Misconduct Of Sponsor Or Dependents Without Invoking Procedural Due Process.** DAJA-AL 1979/1877, 2 March 1979. In response to a staff judge advocate, The Judge Advocate General opined that a servicemember does not have a protected "property interest" in continued occupancy of government quarters which would invoke procedural due process requirements. Specifically, The Judge Advocate General advised that the procedures provided in AR 210-50, as implemented by a local regulation, were legally unobjectionable.

The Judge Advocate General further stated that as a matter of policy, consideration should be given, in appropriate circumstances, to providing a servicemember with an opportunity to respond to reports of misconduct by the member or the member's dependents when the installation commander is contemplating action to terminate quarters assignment because of such misconduct.

**(Prohibited Activities And Standards Of Conduct—General) The Representation By A Judge Advocate Officer Of His Brother-In-Law Before An Administrative Law Judge Regarding A Social Security Disability Claim Would Violate 18 U.S.C. § 205.** DAJA-AL 1979-2028, 27 February 1979. Pursuant to paragraph 1-4, AR 27-40 a judge advocate officer requested permission to represent his brother-in-law before an

administrative law judge regarding a social security disability claim. The request indicated that the brother-in-law could not afford to hire a civilian attorney and that the officer would represent him free of charge and while in an ordinary leave status for two or three days. The request was required by para. 1-4b, AR 27-40 which provides that active duty personnel of the Department of the Army "are prohibited from appearing as counsel before any civil court, administrative tribunal, regulatory body, or government agency" without authorization from The Judge Advocate General.

As a general rule, pursuant to the provisions of Title 18, U.S.C. § 205, officers and employees of the United States are prohibited from acting as agent or attorney before any agency in any matter in which the United States is a party or has a direct or substantial interest. The statute provides two exceptions which are pertinent to this case: (1) an officer can act as agent or attorney, without compensation, for any person who is the subject of disciplinary, loyalty, or personnel administration proceedings in connection with those proceedings; and (2) an officer can act, with or without compensation, as agent or attorney for his parents, spouse, child, or any person for whom, or for any estate for which, he is serving as guardian, executor, administrator, trustee, or other personal fiduciary, except in matters which present a conflict of interest with his Government employment.

In this case the officer's request was denied based on 18 U.S.C. § 205. It was determined that a hearing before an administrative law judge to assert a social security disability claim was primarily the assertion of a claim against the United States and would not constitute a "personnel proceeding". It was further decided that a brother-in-law did not fall within one of the statutory familial relationship exceptions. (Separation From The Service—Discharge) **Compelling Circumstances Must Exist To Permit The Immediate Discharge Of A Soldier Recommended For Elimination For Conviction By A Civil Court Prior To Final Action On His Appeal.** DAJA-AL 1979/1867, 23 February

1979. In response to an inquiry from the DCSPER, The Judge Advocate General determined that compelling circumstances were not present to authorize the immediate discharge of a soldier being eliminated UP Chapter 14, AR 635-200 for conviction by a civil court for kidnapping, criminal sexual conduct and armed robbery. The request for immediate discharge was based upon the gravity of the offenses and the probability of a lengthy appeal process. The Judge Advocate General looked, however, to the improbability of the soldier's release from civil confinement before final action on his appeal. Because the soldier had received a life sentence and no release was imminent, immediate discharge from the Army would not be permissible.

(Separation From The Service—Discharge) **Compelling Circumstances Must Exist To Permit The Immediate Discharge Of A Soldier Recommended For Elimination For Action By A Civil Court Which Is Tantamount To A Finding Of Guilty When Appellate Action Has Not Been Completed.** DAJA-AL 1979/1853, 23 Feb 1979. A soldier pled guilty in state court to having committed indecent liberties with minor females. The court accepted the plea, but, rather than pronouncing judgment, proceeded to consider the State's petition that the soldier be declared a sexual psychopath. The court then declared the soldier a sexual psychopath and committed him to a state hospital for detention, care, and treatment. Because of the court's method of handling his case, the soldier had no right to appeal, but could have filed for a writ of habeas corpus. He chose not to do so.

Responding to an inquiry from the DCSPER, The Judge Advocate General determined that the action taken by the State Court was, "tantamount to a finding of guilty," within the meaning of paragraph 33a, AR 635-206 (the governing regulation throughout this case). Therefore, an elimination proceeding was appropriate. Additionally, The Judge Advocate General found that there are sufficient compelling circumstances to warrant immediate discharge. Those circumstances included the

seriousness of the offense considered by the court (molesting two young girls), the soldier's confession that he had molested a number of other young girls, the commitment to a state hospital as a sexual psychopath and the soldier's decision not to pursue his available avenue of "appeal," the habeas corpus proceeding.

(Separation From The Service, Grounds) Where A Civil Court Is Required By State Law To Make A Factual Determination Of An Individual's Guilt Prior To Placing The Individual On Probation, Such A Finding Is Action "Tantamount To A Finding Of Guilty," For Purposes Of Elimination Under Paragraph 14-12a, AR 635-200 (Conviction By Civil Court), Even Though The State Law Provides That Such A Finding May Not Be Deemed A Conviction For Purposes Of Disqualifications Imposed By Law. DAJA-AL 1979/2064, 22 March 1979. The Texas Code of Criminal Procedure, Article 42.12, § 3d(a) provides that a court which decides that probation will serve the best interests of society and the defendant may order such probation after receiving a plea of guilty or nolo contendere and hearing sufficient evidence to substantiate the guilt of the accused.

The court, however, will not enter an adjudication of guilt when probation is the chosen course. Section 3d(c) of the same article provides that this probation scheme will not be considered a conviction for the purpose of disabilities imposed by law for conviction of an offense.

In response to an inquiry from an installation staff judge advocate, The Judge Advocate General determined that a soldier who was subjected to this Texas procedure could be eliminated from the service for misconduct under paragraph 14-12a, AR 635-200. In deciding that the procedure was "tantamount to a finding of guilty," The Judge Advocate General emphasized that the court was required to satisfy itself of the accused's guilt before instituting probation. Additionally, the Texas statute permitted up to 30 days of incarceration as a condition to probation. Thus, once a state makes a factual determination of a service-member's guilt, that determination may be used by the Army to support administrative elimination, regardless of later action by the state to remove the onus of that determination.

## Judiciary Notes

### *U.S. Army Judiciary*

#### Non-Judicial Punishment Quarterly

#### Rates Per 1000 Average Strength

APRIL-JUNE 1979

|  | Quarterly<br>Rates |
|--|--------------------|
| ARMY-WIDE -----                            | 51.29              |
| CONUS Army commands -----                  | 54.17              |
| OVERSEAS Army commands -----               | 46.77              |
| USAREUR and Seventh Army<br>commands ----- | 45.39              |
| Eighth US Army -----                       | 69.56              |
| US Army Japan -----                        | 7.90               |
| Units in Hawaii -----                      | 47.81              |
| Units in Thailand -----                    | —                  |
| Units in Alaska -----                      | 19.28              |
| Units in Panama/Canal Zone -----           | 49.66              |

15

**Quarterly Court-Martial  
Rates Per 1000 Average Strength**

APRIL-JUNE 1979

|   | General CM | Special CM |         | Summary CM |
|---|------------|------------|---------|------------|
|   |            | BCD        | NON-BCD |            |
| ARMY-WIDE -----                         | .49        | .34        | 1.05    | .84        |
| CONUS Army commands -----               | .25        | .27        | 1.00    | .83        |
| OVERSEAS Army commands -----            | .85        | .46        | 1.14    | .87        |
| USAREUR and Seventh Army commands ----- | 1.03       | .46        | 1.09    | .65        |
| Eighth US Army -----                    | .47        | .84        | 1.59    | 1.12       |
| US Army Japan -----                     | —          | —          | —       | —          |
| Units in Hawaii -----                   | .32        | .27        | 1.51    | 1.40       |
| Units in Thailand -----                 | —          | —          | —       | —          |
| Units in Alaska -----                   | .10        | —          | 1.10    | 1.61       |
| Units in Panama/Canal Zone -----        | —          | .14        | .41     | .47        |

**Department of the Army  
Convictions and Nonjudicial Punishments**

Reporting Period

1 JANUARY 1979 TO 30 JUNE 1979

| Number and Rate/1000 of Persons Convicted and Persons Punished under Article 15 UCMJ |            |           |        |           |          |           |
|--|------------|-----------|--------|-----------|----------|-----------|
|  | WORLD-WIDE |           | CONUS  |           | OVERSEAS |           |
|  | Number     | Rate/1000 | Number | Rate/1000 | Number   | Rate/1000 |
| General Courts-Martial -----   | 617        | .82       | 212    | .46       | 405      | 1.38      |
| Special Courts-Martial -----   | 1,774      | 2.35      | 987    | 2.14      | 787      | 2.69      |
| Summary Courts-Martial -----   | 1,024      | 1.36      | 654    | 1.42      | 370      | 1.26      |
| Total Courts-Martial -----   | 3,415      | 4.53      | 1,853  | 4.02      | 1,562    | 5.33      |
| Nonjudicial Punishments<br>(Art. 15 UCMJ) -----                                      | 75,841     | 100.4     | 48,508 | 105.0     | 27,333   | 93.3      |
| US Federal & State Courts<br>(Felony* Convictions) -----                             | 361        | .48       | 356    | .77       | 5        | .017      |

**Number of Discharges Adjudicated and Actually Executed  
During Reporting Period**

| Type<br>Court ----- | DISCHARGES ADJUDGED |       |       |     |          |     | DISCHARGES<br>EXECUTED |     |
|---------------------|---------------------|-------|-------|-----|----------|-----|------------------------|-----|
|                     | WORLD-WIDE          |       | CONUS |     | OVERSEAS |     | DD                     | BCD |
|                     | DD**                | BCD** | DD    | BCD | DD       | BCD |                        |     |
| GCM -----           | 162                 | 218   | 40    | 84  | 122      | 134 | 141                    | 561 |
| SPCM -----          | 327                 |       | 175   |     | 152      |     |                        |     |

\* A conviction is reportable when the offense is a felony under the law of the jurisdiction in which the accused was convicted.

\*\* Dishonorable Discharge; Bad Conduct Discharge

## A MATTER OF RECORD

*Notes from Government Appellate  
Division, USALSA*

## 1. Confessions:

In a recent trial, the accused presented an alibi defense different from the one previously given to the CID. Trial counsel, during his cross-examination of the accused, made very effective use of this prior statement. Unfortunately, no showing of voluntariness was ever made. The Army Court of Military Review reversed the case for this reason. The lack of an objection did not waive the voluntariness issue. Before any statement of the accused can be used against him for any purpose on the merits, the Government must show one of the following:

a. The statement was made voluntarily;

b. The defense consents to the omission of such a showing (silence will not be equated to consent). Paragraphs 140a(2) and 153b(2)(c), Manual for Courts-Martial, United States, 1969 (Rev. ed.); *United States v. Jordan*, 20 USCMA 614, 44 CMR 44 (1971); *United States v. Pierce*, 2 M.J. 654 (AFCMR 1976); *United States v. Rivers*, 7 M.J. \_\_\_\_ (ACMR 24 Aug 79).

## 2. Evidence:

An offer of proof is not evidence. The accused in one case raised a jurisdictional motion, testifying the recruiter told him to cover up his arrest record. Defense introduced the enlistment application, and a copy of the arrest record. Trial counsel countered with only an offer of proof as to what the recruiter would say. As the offer of proof is not evidence, the defense evidence in this case was un rebutted. Paragraph 154c, Manual.

## 3. Pretrial Agreement:

Counsel should ensure that the pretrial agreement is unambiguous and reflects the true

understanding of the parties. Any ambiguity will be resolved in favor of the accused. *United States v. Lanzer*, 3 M.J. 60 (CMA 1977). A recent agreement indicated that the convening authority would suspend all punishment in excess of confinement at hard labor for three months, and forfeiture of \$250.00 per month for three months. After adjudging a bad conduct discharge, the military judge examined the quantum portion of the agreement, and said that it meant the convening authority would suspend the discharge. Trial counsel and defense counsel both disagreed. The convening authority, contrary to his original intention, suspended the discharge in order to avoid further problems. This could have been prevented by more careful drafting of the agreement.

## 4. Record of Trial:

a. The record of trial must clearly set forth everything that is happening at trial. Counsel often forget that what is obvious to the participants will not be adequately reflected in a written record. In a sale of heroin case, the accused was unable to enter a provident plea of guilty. The convening authority was then consulted and he directed amendment of the charges and re-referral. The trial counsel read the new charges in court as: "wrongful [sic] transfer a habit forming narcotic drug, to wit: heroin." The accused waived reswearing, pretrial advice, the five-day waiting period, and then successfully pled guilty. Defense now challenges the validity of the specification for failure to allege: the identity of the accused; jurisdiction over the accused; time of the offense; and location of the offense. This problem could have been avoided if the trial counsel had prepared a written copy of the new charge, in its entirety, made sure it was correct, and then read the entire new charge into the record.

b. Trial counsel is charged with ensuring the



accuracy of the record of trial. Paragraph 82e, Manual. The Army Court of Military Review reassessed the sentence in one case after finding the Article 15 introduced as Prosecution Exhibit 4 was not in its copy of the record (which is the official copy). If the record had been correct and complete, the sentence would have stood as adjudged.

c. We have seen a problem with unauthorized (and often illegible) copies of exhibits attached to the record of trial as exhibits. Whenever counsel anticipates substituting a copy in the record, he should request authorization from the judge at the time of offering the

exhibit into evidence. It is imperative that the copy in the record be legible and complete. This is especially true in the case of Article 15 forms (DA Form 2627). Often the exhibit presented to the judge is legible, and properly admitted. However, the copy placed in the record is not legible, thus giving rise to a needless appellate issue. In the same vein, machine copies of photographs have been substituted for the prints which had been admitted into evidence. These are generally illegible and should not be used. The better practice is to use either the print admitted or another print prepared from the same negative in all copies of the record.

## Reserve Affairs Items

*Reserve Affairs Department, TJAGSA*

### 1. Mobilization Designee Vacancies

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

2976) to The Judge Advocate General's School, ATTN: Lieutenant Colonel William Carew, Reserve Affairs Department, Charlottesville, Virginia 22901.

Current positions available are as follows:

| Grd | Para | Lin | Seq | Position            | Agency             | City            |
|-----|------|-----|-----|---------------------|--------------------|-----------------|
| LTC | 36C  | 04  | 01  | Legal Officer       | Ofc DCS Opns Plans | Washington      |
| COL | 07   | 02A | 01  | Leg Counsel         | Ofc Ch Legis Ln    | Washington      |
| LTC | 07   | 03A | 01  | Leg Counsel         | Ofc Ch Legis Ln    | Washington      |
| LTC | 07   | 03A | 02  | Leg Counsel         | Ofc Ch Legis Ln    | Washington      |
| COL | 05   | 01A | 01  | Leg Off             | Ofc Gen Counsel    | Washington      |
| MAJ | 06   | 07  | 05  | Mil Judge           | USA Leg Svcs       | Falls Church    |
| MAJ | 08   | 05  | 03  | JA                  | USA Leg Svcs       | Falls Church    |
| LTC | 09   | 04  | 01  | JA                  | USA Leg Svcs       | Falls Church    |
| MAJ | 09   | 06  | 03  | JA                  | USA Leg Svcs       | Falls Church    |
| CPT | 09   | 08  | 02  | JA                  | USA Leg Svcs       | Falls Church    |
| LTC | 05B  | 03  | 02  | Clms JA             | USA Clms Svc       | Ft. Meade       |
| LTC | 11A  | 04  | 01  | Crim Law Br         | OTJAG              | Washington      |
| COL | 18C  | 02  | 01  | Asst C Clas Invt    | OTJAG              | Washington      |
| LTC | 05B  | 03  | 03  | Sen Instr, Crim Law | TJAGSA             | Charlottesville |
| MAJ | 04   | 02  | 01  | Asst SJA            | MTMC Eastern Area  | Bayonne         |
| CPT | 01   | 05  | 01  | JA                  | Gulf Outport       | New Orleans     |

| <i>Grd</i> | <i>Para</i> | <i>Lin</i> | <i>Seq</i> | <i>Position</i>   | <i>Agency</i>        | <i>City</i>     |
|------------|-------------|------------|------------|-------------------|----------------------|-----------------|
| MAJ        | 04          | 01A        | 01         | Asst SJA          | Western Area<br>MTMC | Oakland         |
| LTC        | 26A         | 01A        | 01         | Legal Advr        | USA TSARCOM          | St. Louis       |
| CPT        | 26A         | 02B        | 01         | Legal Advr        | USA TSARCOM          | St. Louis       |
| MAJ        | 26C         | 01A        | 01         | Legal Advr        | USA TSARCOM          | St. Louis       |
| MAJ        | 26D         | 01A        | 01         | Legal Advr        | USA TSARCOM          | St. Louis       |
| LTC        | 04H         | 02         | 01         | Dep SJA           | USA CERCOM           | Ft. Monmouth    |
| CPT        | 08          | 03A        | 01         | Asst JA           | 172d Inf Bde         | Ft. Richardson  |
| CPT        | 08          | 03A        | 02         | Asst JA           | 172d Inf Bde         | Ft. Richardson  |
| CPT        | 57          | 02A        | 01         | Asst JA           | 172d Inf Bde         | Ft. Richardson  |
| MAJ        | 03          | 04         | 01         | Asst SJA          | USAG                 | Ft. Ord         |
| MAJ        | 03          | 04         | 02         | Asst SJA          | USAG                 | Ft. Ord         |
| MAJ        | 03          | 04A        | 01         | Leg Advr          | USAG                 | Ft. Ord         |
| CPT        | 03A         | 04         | 01         | Def Counsel       | USAG                 | Ft. Ord         |
| CPT        | 03A         | 04         | 02         | Def Counsel       | USAG                 | Ft. Ord         |
| CPT        | 03B         | 02         | 01         | Asst SJA          | USAG                 | Ft. Ord         |
| CPT        | 03B         | 02         | 02         | Asst SJA          | USAG                 | Ft. Ord         |
| CPT        | 03B         | 02         | 04         | Asst SJA          | USAG                 | Ft. Ord         |
| CPT        | 04B         | 02A        | 02         | Asst JA           | USAG                 | Ft. Meade       |
| LTC        | 03          | 01         | 01         | SJA               | 101st ABN Div        | Ft. Campbell    |
| MAJ        | 03A         | 01         | 01         | Ch, Trial Counsel | 101st ABN Div        | Ft. Campbell    |
| CPT        | 03A         | 02         | 04         | Trial Counsel     | 101st ABN Div        | Ft. Campbell    |
| MAJ        | 03B         | 01         | 01         | Ch, Def Counsel   | 101st ABN Div        | Ft. Campbell    |
| CPT        | 03B         | 02         | 01         | Def Counsel       | 101st ABN Div        | Ft. Campbell    |
| CPT        | 03B         | 02         | 02         | Def Counsel       | 101st ABN Div        | Ft. Campbell    |
| CPT        | 03B         | 02         | 03         | Def Counsel       | 101st ABN Div        | Ft. Campbell    |
| CPT        | 03B         | 02         | 04         | Def Counsel       | 101st ABN Div        | Ft. Campbell    |
| MAJ        | 03C         | 01         | 01         | Ch, Admin Law     | 101st ABN Div        | Ft. Campbell    |
| CPT        | 03C         | 02         | 01         | Asst SJA          | 101st ABN Div        | Ft. Campbell    |
| CPT        | 03D         | 05         | 01         | Asst SJA-DC       | USAG                 | Ft. Stewart     |
| CPT        | 03D         | 05         | 02         | Asst SJA-DC       | USAG                 | Ft. Stewart     |
| MAJ        | 03E         | 01         | 01         | Chief             | USAG                 | Ft. Stewart     |
| CPT        | 03E         | 03         | 01         | Asst SJA          | USAG                 | Ft. Stewart     |
| CPT        | 52B         | 03         | 01         | Asst SJA-DC       | USAG                 | Ft. Stewart     |
| CPT        | 52C         | 01         | 01         | Asst SJA          | USAG                 | Ft. Stewart     |
| CPT        | 52C         | 01         | 02         | Asst SJA          | USAG                 | Ft. Stewart     |
| LTC        | 03          | 02         | 01         | Dep SJA           | USAG                 | Ft. Hood        |
| MAJ        | 03B         | 02         | 01         | Trial Counsel     | USAG                 | Ft. Hood        |
| MAJ        | 04          | 04         | 01         | Asset SJA         | USAG                 | Ft. Sam Houston |
| CPT        | 04          | 08         | 02         | Asset SJA         | USAG                 | Ft. Sam Houston |
| MAJ        | 03B         | 01         | 01         | Ch, Def Counsel   | 5th Inf Div          | Ft. Polk        |
| MAJ        | 03B         | 02         | 01         | Ch, Trial Counsel | 5th Inf Div          | Ft. Polk        |
| CPT        | 03B         | 03         | 01         | Def Counsel       | 5th Inf Div          | Ft. Polk        |

| <i>Grd</i> | <i>Para</i> | <i>Lin</i> | <i>Seq</i> | <i>Position</i>   | <i>Agency</i>  | <i>City</i>   |
|------------|-------------|------------|------------|-------------------|----------------|---------------|
| CPT        | 03B         | 03         | 02         | Def Counsel       | 5th Inf Div    | Ft. Polk      |
| CPT        | 03B         | 03         | 03         | Def Counsel       | 5th Inf Div    | Ft. Polk      |
| CPT        | 03B         | 03         | 04         | Def Counsel       | 5th Inf Div    | Ft. Polk      |
| CPT        | 03B         | 04         | 02         | Trial Counsel     | 5th Inf Div    | Ft. Polk      |
| CPT        | 03B         | 04         | 03         | Trial Counsel     | 5th Inf Div    | Ft. Polk      |
| CPT        | 03B         | 04         | 04         | Trial Counsel     | 5th Inf Div    | Ft. Polk      |
| CPT        | 03B         | 04         | 01         | Leg Asst Off      | USAG           | Ft. Sheridan  |
| CPT        | 03D         | 01A        | 01         | Asst JA           | USAG           | Ft. Sheridan  |
| MAJ        | 02A         | 02         | 01         | Ch, Def Counsel   | 1st Inf Div    | Ft. Riley     |
| MAJ        | 02B         | 03         | 01         | Ch, Legal Asst    | 1st Inf Div    | Ft. Riley     |
| CPT        | 02B         | 04         | 01         | Asst JA           | 1st Inf Div    | Ft. Riley     |
| CPT        | 02C         | 02         | 01         | Asst JA           | 1st Inf Div    | Ft. Riley     |
| CPT        | 01H         | 02A        | 01         | JA                | Cdr, Ft McCoy  | Sparta        |
| CPT        | 01H         | 02A        | 02         | JA                | Cdr, Ft McCoy  | Sparta        |
| CPT        | 01H         | 02A        | 03         | JA                | Cdr, Ft McCoy  | Sparta        |
| CPT        | 01H         | 02A        | 04         | JA                | Cdr, Ft McCoy  | Sparta        |
| CPT        | 01I         | 02         | 01         | Mil Af Le Ast Of  | Cdr, Ft McCoy  | Sparta        |
| CPT        | 01I         | 02         | 02         | Mil Af Le Ast Of  | Cdr, Ft McCoy  | Sparta        |
| MAJ        | 03B         | 01         | 01         | Ch, Trial Counsel | 9th Inf Div    | Ft. Lewis     |
| MAJ        | 03C         | 01         | 01         | Ch, Def Counsel   | 9th Inf Div    | Ft. Lewis     |
| MAJ        | 03D         | 01         | 01         | Ch, Admin Law Br  | 9th Inf Div    | Ft. Lewis     |
| CPT        | 03D         | 02         | 01         | Asst SJA          | 9th Inf Div    | Ft. Lewis     |
| CPT        | 03D         | 03         | 01         | Asst SJA          | 9th Inf Div    | Ft. Lewis     |
| MAJ        | 03E         | 01         | 01         | Ch, Leg Asst Br   | 9th Inf Div    | Ft. Lewis     |
| CPT        | 03E         | 03         | 01         | Leg Asst Off      | 9th Inf Div    | Ft. Lewis     |
| CPT        | 03E         | 03         | 02         | Leg Asst Off      | 9th Inf Div    | Ft. Lewis     |
| CPT        | 21J         | 01         | 01         | JA                | 9th Inf Div    | Ft. Lewis     |
| CPT        | 62C         | 05         | 01         | Asst Crim Law Off | FORSCOM        | Ft. McPherson |
| MAJ        | 05F         | 02         | 01         | Mil Affrs Off     | USA Armor Cen  | Ft. Knox      |
| MAJ        | 05F         | 03         | 01         | Mil Affrs Off     | USA Armor Cen  | Ft. Knox      |
| LTC        | 04A         | 02         | 01         | Asst Ch, Mil Jus  | USA Inf Cen    | Ft. Benning   |
| MAJ        | 04A         | 03         | 01         | Sr Def Counsel    | USA Inf Cen    | Ft. Benning   |
| CPT        | 04A         | 05         | 01         | Def Counsel       | USA Inf Cen    | Ft. Benning   |
| CPT        | 04A         | 07         | 01         | Trial Counsel     | USA Inf Cen    | Ft. Benning   |
| LTC        | 04B         | 02         | 01         | Asst Ch, MALAC    | USA Inf Cen    | Ft. Benning   |
| CPT        | 04B         | 04         | 01         | Admin Law Off     | USA Inf Cen    | Ft. Benning   |
| CPT        | 04B         | 05         | 01         | Admin Law Off     | USA Inf Cen    | Ft. Benning   |
| CPT        | 04B         | 05         | 02         | Admin Law Off     | USA Inf Cen    | Ft. Benning   |
| CPT        | 04B         | 07         | 02         | Legal Asst Off    | USA Inf Cen    | Ft. Benning   |
| CPT        | 04B         | 07         | 03         | Legal Asst Off    | USA Inf Cen    | Ft. Benning   |
| CPT        | 04B         | 08         | 01         | Clms Off          | USA Inf Cen    | Ft. Benning   |
| MAJ        | 09A         | 02         | 01         | Asst SJA          | USA Signal Cen | Ft. Gordon    |

| <i>Grd</i> | <i>Para</i> | <i>Lin</i> | <i>Seq</i> | <i>Postition</i>   | <i>Agency</i>    | <i>City</i>   |
|------------|-------------|------------|------------|--------------------|------------------|---------------|
| MAJ        | 09B         | 02         | 01         | Asst SJA           | USA Signal Cen   | Ft. Gordon    |
| MAJ        | 09B         | 02         | 02         | Asst SJA           | USA Signal Cen   | Ft. Gordon    |
| CPT        | 09C         | 03         | 01         | Asst SJA           | USA Signal Cen   | Ft. Gordon    |
| CPT        | 22D         | 22         | 01         | Instr, DCS Tng DI  | USA Signal Cen   | Ft. Gordon    |
| CPT        | 22D         | 22         | 02         | Instr, DCS Tng DI  | USA Signal Cen   | Ft. Gordon    |
| MAJ        | 28B         | 02         | 01         | Mil Jus Off        | USA AD Cen       | Ft. Bliss     |
| MAJ        | 28B         | 04         | 01         | Trial Counsel      | USA AD Cen       | Ft. Bliss     |
| CPT        | 28C         | 03         | 01         | Defense            | USA AD Cen       | Ft. Bliss     |
| MAJ        | 28D         | 02         | 01         | Proc/Fiscal Law Of | USA AD Cen       | Ft. Bliss     |
| MAJ        | 28D         | 03         | 01         | Admin Law          | USA AD Cen       | Ft. Bliss     |
| MAJ        | 04A         | 05         | 01         | Instr, Mid East    | USAIMA CA Satl E | Ft. Bragg     |
| MAJ        | 12          | 02         | 01         | Asst JA            | ARNG TSA CP      | Cp. Atterbury |

## 2. Reserve Component Technical (On-Site) Training Schedule, AY 1979-80

The schedule which follows sets forth training sites, dates, subjects and local action officers for the technical (on-site) training program for academic year 1979-80.

All judge advocate officers (active, reserve, national guard and other services) are encouraged to attend this training. Reserve component judge advocates assigned to JAGSO detachments or to judge advocate sections of USAR and ARNG troop program units are required to attend subject training for their geographical area in accordance with paragraph I-3, Appendix I, FORSCOM Regulation 350-2. Individual Ready Reserve (IRR) judge advocates (those assigned to the Control Group Reinforcement, Mobilization Designation, Annual Training or Standby) who attend subject training will receive two retirement/retention points for attendance. All active duty JAGC officers assigned to posts, camps and stations located near the scheduled training site are encouraged to attend the training sessions. Civilian attorneys are reserve component personnel who are attorneys, but not judge advocates, are invited to attend subject training.

Action officers will insure that coordination is initiated with all reserve component units

which have judge advocates assigned, with active armed forces installations having a legal office and with members of the IRR. These actions will provide maximum opportunity for interested JAG officers to take advantage of this training.

JAGSO detachment commanders will insure that unit training schedules reflect the scheduled technical training. SJA's of other reserve component troop program units will insure that the unit schedule reflects that the judge advocate section will attend technical training in accordance with this schedule as regularly scheduled training (RST), as equivalent training (ET) or on manday spaces. It may be necessary for units providing mutual support to active armed forces installations to notify the SJA involved that mutual support will not be provided for the day of on site training.

Questions concerning the on-site instruction should be directed to the appropriate action officer. Problems which cannot be resolved by the action officer or the unit commander should be directed to Captain James E. McMenis, Chief, Unit Liaison and Training Office, Reserve Affairs Department, The Judge Advocate General's School, Charlottesville, Virginia 22901. Telephone numbers are (804) 293-6121 or autovon 274-7110, extension 293-6121.

## Schedule 1 for Reserve Component Technical Training (On-Site) Program, A/Y 1979-80

|    | <i>City, Host Unit<br/>&amp; Training Site</i>   | <i>Date &amp; Time</i>  | <i>Subjects</i>                             | <i>Action Officer, Address &amp;<br/>Phone No.</i>   |
|----|--|-------------------------|---|--|
| 1  | Little Rock, AR<br>32d JAG Det/122d ARCOM<br>Seymour Terry Armory<br>(UALR Campus)<br>3600 South Pierce Street<br>Little Rock, AR 72204                                      | 20 Oct 79<br>0800-1500  | Int'l Law (Tape)<br>Crim Law                | CPT Donald Rebsamen<br>Workman's Compensation<br>Commission<br>Justice Building<br>Little Rock, AR 72201<br>Ofc: 501-372-3930<br>Home: 501-664-5949  |
|    | Oklahoma City<br>33d/34th JAG Dets<br>USAR Center<br>2100 N.E. 37th Street<br>Oklahoma City, OK 73111  | 21 Oct 79<br>0800-1600  | Crim Law<br>Int'l Law (Tape)                | CPT William H. Sullivan<br>11116 Rock Ridge Road<br>Oklahoma City, OK 73120<br>Ofc: 405-521-0014/0304<br>Home: 405-755-0485  |
| 2  | Cleveland, OH<br>138th, 140th, 141st & 209th<br>JAG Dets<br>USAR Center<br>5301 Hauserman Road<br>Parma, OH 44130  | 27 Oct 79               | Crim Law<br>Adm&Civ Law                     | CPT John M. Drain<br>29550 Emery Road<br>Chagrin, OH 44022<br>Ofc: 216-696-8860<br>Home: 216-292-6628  |
|    | Columbus, OH<br>(includes Cincinnati)<br>9th Mil Law Cen/83d<br>USARCOM<br>Conference Room, HQ 83d<br>ARCOM<br>Defense General Supply<br>Center<br>Columbus, OH 43216        | 28 Oct 79               | Crim Law<br>Adm&Civ Law                     | CPT James R. Kingsley<br>623 Beverly Road<br>Circleville, OH 43113<br>Ofc: 614-474-4911<br>Home: 614-474-1601<br>and<br>WO Barbara Kramer<br>HQ 9th JAG, DGSC<br>Columbus, OH 43216<br>Ofc: 614-236-3702 |
| 3* | Columbia, SC<br>12th Mil Law Cen/120th<br>ARCOM<br>University of South Carolina<br>School of Law<br>700 Main Street<br>Columbia, SC 29206                                    | 3-4 Nov 79<br>0800-1700 | Adm&Civ Law<br>Crim Law<br>Int'l Law (Tape) | LTC Osborne (Gene) Powell<br>1330 Laurel Street<br>Columbia, SC 29201<br>Ofc: 803-799-9706<br>Home: 803-791-4078   |
|    | * In conjunction with the 120th ARCOM Regional JAG Conference and CLE Seminars; training is for all JAGSO units and SJA sections of other units in North and South Carolina. |                         |   | LTC Mark Whitaker<br>P. O. Box 764<br>Columbia, SC 29218<br>Ofc: 893-799-1234<br>Home: 803-787-0926<br>Military: 751-3151/7579   |
|    |  |                         |   | MAJ Archibald Scales<br>(for units in North Carolina)<br>Ofc: 919-761-3852<br>Home: 919-714-0028   |

|   | <i>City, Host Unit<br/>&amp; Training Site</i>   | <i>Date &amp; Time</i> | <i>Subjects</i>  | <i>Action Officer, Address &amp;<br/>Phone No.</i>   |
|---|--|------------------------|--|--|
| 4 | Des Moines, IA<br>(Includes Omaha)<br>103d Spt Cmd (COSCOM)<br>USAR Center<br>225 East Army Post Road<br>Des Moines, IA 50315  | 17 Nov 79              | Adm&Civ Law  | 1LT Jerald Martin<br>616 Lafayette Street<br>Waterloo, IA 50705<br>Ofc: 319-234-7741<br>Home: 319-234-9009                                       |
|   | *Chicago, IL<br>7th Mil Law Cen/86th<br>ARCOM<br>Great Lakes Naval Training<br>Center  |                        | Crim Law<br>Adm&Civ Law<br>Contr Law<br>Int'l Law (Tape) | CPT John C. Jahrling<br>513 South Lincoln<br>Park Ridge, IL 60068<br>Ofc: 312-829-4334<br>Home: 312-825-4560                                     |
|   | * In conjunction with the 26th ARCOM/7th Mil Law<br>Cen Mutual Support/Technical Training Confer-<br>ence. Includes 92d & 95th JAG Dets, Madison, WI<br>and 99th and 101st JAG Dets, Milwaukee, WI |                        |  | MAJ William G. Raysa<br>Suite 332, 1011 Lake Street<br>Oak Park, IL 60301<br>Ofc: 312-386-7273<br>Home: 312-562-8699                             |
|   |  |                        |  | CPT Thomas G. Van de Grift<br>(for personnel in Madison)<br>6981 Applewood Drive<br>Madison, WI 53711<br>Ofc: 608-266-9202<br>Home: 608-831-5338 |
|   |  |                        |  | LTC James W. Moll<br>(for personnel in Milwaukee)<br>3855 Mountain Drive<br>Brookfield, WI 53005<br>Ofc: 414-781-8772<br>Home: 414-768-2751      |
| 5 | St. Louis, MO<br>118/119th JAG Dets and<br>102d ARCOM<br>St. Louis County Bar Assn<br>Conference Room, Clayton Inn<br>Clayton, IL  | 1 Dec 79<br>0800-1600  | Crim Law<br>Adm&Civ Law                                  | LTC Claude W. McElwee, Jr.<br>11 York Hills<br>Brentwood, MO 63144<br>Ofc: 314-421-5442<br>Home: 314-997-7596                                    |
|   | Indianapolis, IN<br>136th JAG Det/123d ARCOM<br>Boros Hall<br>1616 North Meridian<br>Indianapolis, IN 46222  | 2 Dec 79<br>0800-1600  | Crim Law<br>Adm&Civ Law                                  | MAJ Thomas Williams<br>112 East Main<br>Greenfield, IN 46140<br>Ofc: 317-462-7758<br>Home: 317-462-6052  |
| 6 | Phoenix, AZ<br>219th JAG Det (includes 20th<br>JAG Det, Tucson)<br>USAR Center<br>6201 East Oak Street<br>Phoenix, AR 85008  | 15 Dec 79<br>0800-1600 | Adm&Civ Law<br>Crim Law (Tape)                           | MAJ Daniel F. McIlroy<br>2108 East Geneva Drive<br>Tempe, AR 85282<br>Ofc: 602-262-8541<br>Home: 602-838-1773                                    |

|   | <i>City, Host Unit<br/>&amp; Training Site</i>  | <i>Date &amp; Time</i>    | <i>Subjects</i>                             | <i>Action Officer, Address &amp;<br/>Phone No.</i>  |
|---|---|---------------------------|---|---|
|   | Los Angeles, CA<br>78th Mil Law Cen/63d<br>ARCOM<br>Antes Restaurant<br>729 South Palos Verdes<br>San Pedro, CA 90731<br>213-837-5375                                 | 16 Dec 79<br>0800-1700    | Crim Law (Tape)<br>Adm&Civ Law<br>Int'l Law | LTC Cliff Larson<br>704 La Mirada<br>San Marino, CA 91108<br>Ofc: 213-688-4670<br>Home: 213-284-4180<br>and<br>WO Leon Bennett<br>c/o 78th Military Law Center<br>Building 32<br>Fort MacArthur, CA 90731<br>213-831-7211 (ask for 78th<br>JAG) |
| 7 | Vancouver Barracks, WA<br>(Includes Portland, OR)<br>222d JAG Det/104th Div<br>(Tng)<br>Bldg 987, Vancouver Barracks<br>Vancouver, WA 98661                           | 19 Jan 80<br>1800-1700    | Adm&Civ Law<br>Crim Law (Tape)              | CPT Baron C. Sheldahl<br>18707 Bryant Road<br>Lake Oswego, OR 97034<br>Ofc: 503-248-3107<br>Home: 503-638-7991  |
|   | Seattle, WA<br>6th Mil Law Cen/124th<br>ARCOM<br>Harvey Hall<br>Ft Lawton, WA 98199   | 19 Jan 80<br>0800-1700    | Crim Law<br>Int'l Law                       | LTC John P. Cook<br>2838 43d West<br>Seattle, WA 98199<br>Ofc: 206-624-7990<br>Home: 206-285-7241   |
|   | San Francisco, CA<br>6th Army Conference Room<br>Bldg #35<br>Presidio, CA   | 20 Jan 80<br>0800-1700    | Int'l Law<br>Crim Law<br>Adm&Civ Law        | CPT Sylvani Marchesi<br>875 Hamilton Drive<br>Pleasant Hill, CA 94523<br>Ofc: 415-372-2054<br>Home: 415-939-1480<br>or<br>Mr. Carnecer-415-561-2038   |
|   | Honolulu, HI<br>Bruyeres Quadrangle<br>302 Maluhia Road<br>Fort DeRussy<br>Honolulu, HI 96815   | 22-23 Jan 80<br>1830-2230 | Int'l Law<br>Crim Law<br>Adm&Civ Law        | COL George W. I. Yim<br>2445 Ferdinand Avenue<br>Honolulu, HI 96822<br>Ofc: 808-548-2905<br>Home: 808-946-4260<br>and<br>CPT Frank Yap, Jr.<br>c/o HQ IX (Aug)<br>ATTN: APIX-JA<br>Ft. DeRussy<br>Honolulu, HI 96815<br>Ofc: 808-524-5803       |
| 8 | Kansas City, MO<br>(Includes Topeka and<br>Wichita)<br>8th Mil Law Cen/113th Mil<br>Law Cen/89th ARCOM<br>USAR Center<br>1528 Central Street<br>Kansas City, MO 64108 | 26-27 Jan 80              | Adm&Civ Law<br>Crim Law                     | LTC Robert S. Clark<br>1000 West 57 Terrace<br>Kansas City, Mo 64113<br>Ofc: 816-231-4474<br>Home: 816-444-2852   |

|    | City, Host Unit<br>& Training Site   | Date & Time               | Subjects   | Action Officer, Address &<br>Phone No.   |
|----|--|---------------------------|--|--|
| 9  | San Antonio, TX<br>5th U. S. Army<br>USAR JA Training Workshop<br>El Tropicano Hotel<br>San Antonio, TX  | 2 Feb 80                  | Crim Law<br>Adm&Civ Law  | LTC Robert W. Jones<br>Office of the SJA<br>5th U. S. Army<br>Fort Sam Houston, TX 78234<br>Ofc FTS: 746-4329/4515<br>or 512-221-4329/4515   |
|    | San Antonio, TX<br>(Includes all JAG's in<br>Texas)<br>1st Mil Law Cen/90th<br>ARCOM USAR JA<br>Technical Training<br>5th Army Main Conference<br>Room<br>The Quadrangle<br>Fort Sam Houston, TX 78234 | 3 Feb 80<br>0800-1600     | Adm&Civ Law<br>Crim Law<br>Contr Law   | LTC John Compere<br>2000 Frost Bank Tower<br>San Antonio, TX 78205<br>Ofc: 512-225-3031<br>Home: 512-824-7162<br><br>LTC Theodoro Arevalo<br>106 Pinewood Lane<br>San Antonio, TX 78216<br>Ofc: 512-220-2321<br>Home: 512-824-2052   |
| 10 | Washington, DC<br>10th Mil Law Cen/310th<br>TAACOM/97th ARCOM<br>Southern Maryland USAR<br>Center<br>Dower House Road<br>Washington, D.C. 20315  | 9-10 Feb 80               | Int'l Law (9 Feb)<br>Contr Law (9 Feb)<br>Adm&Civ Law<br>(10 Feb)<br>Crim Law (10 Feb) | MAJ George R. Borsari<br>6107 Princeton Avenue<br>Glen Echo, MD 20768<br>Ofc: 202-296-8900<br>Home: 301-229-4555   |
|    | San Juan, Puerto Rico<br>Conference Room<br>HQ Puerto Rico National<br>Guard   | 11-12 Feb 80<br>1830-2230 | Int'l Law<br>Crim Law<br>Contr Law<br>Adm&Civ Law                                      | MAJ Otto Riefkohl<br>P. O. Box 5-949<br>Old San Juan, PR 00902<br>Ofc: 809-763-3313<br>Home: 809-783-8821  |
| 11 | Atlanta, GA<br>(Includes all GA and FL<br>personnel)<br>USAR Center<br>2385 Carroll Avenue<br>Chamblee, GA 30341<br>(In conjunction with 81st<br>ARCOM/213th Mil Law<br>Cen Regional Conference)       | 23-24 Feb 80              | Adm&Civ Law<br>Int'l Law<br>Crim Law   | MAJ Kenneth A. Griffiths<br>P. O. Drawer 1734 (Code<br>M10L)<br>Atlanta, GA 30301<br>Ofc: 404-898-3270<br>Home: 404-457-7935<br><br>LTC Alden N. Drucker<br>(for Miami, FL personnel)<br>420 Lincoln Road, Suite 601<br>Miami Beach, FL 33139<br>Ofc: 305-538-1401<br>Home: 305-756-7535 |



|    | <i>City, Host Unit<br/>&amp; Training Site</i>  | <i>Date &amp; Time</i> | <i>Subjects</i>                             | <i>Action Officer, Address &amp;<br/>Phone No.</i>  |
|----|---|------------------------|---|---|
|    |   |                        |   | LTC Charles Prather<br>(for Orlando, FL personnel)<br>17 South Lake Avenue, Suite 103<br>Orlando, FL 32801<br>Ofc: 305-843-3170<br>Home: 305-876-2607 |
|    |   |                        |   | MAJ James R. Livingston<br>445 South Commerce Avenue<br>Sebring, FL 33870<br>Ofc: 813-385-5156<br>Home: 813-385-0327                                  |
| 12 | Birmingham, AL<br>JAG Dets/121st ARCOM<br>USAR Center<br>142 W. Valley Avenue<br>Birmingham, AL 35209               | 1 Mar 80               | Adm&Civ Law<br>Crim Law (Tape)              | LTC Edwin A. Strickland<br>213 Jefferson County Court-<br>house<br>Birmingham, AL 35203<br>Ofc: 205-325-5688<br>Home: 205-322-3936                    |
|    | *Jackson, MS<br>11th Mil Law Cen  | 2 Mar 80               | Adm&Civ Law<br>Crim Law (Tape)              | LTC Edward L. Cates<br>1022 Deposit Guaranty Plaza<br>P. O. Box 2005<br>Jackson, MS 39205<br>Ofc: 601-948-2333<br>Home: 601-362-2263                  |
|    | * In conjunction with the Mississippi State Bar As-<br>sociation Mid-winter convention                              |                        |   |   |
| 13 | Denver, CO<br>Bldg T-339 FAMC<br>Denver, CO 00240   | 8 Mar 80               | Adm&Civ Law<br>Crim Law<br>Contr Law (Tape) | LTC Stevens P. Kinney II<br>50 South Steele Street<br>Denver, CO 80203<br>Ofc: 303-320-1005<br>Home: 303-422-4637                                     |
|    | Salt Lake City, UT<br>87th Mil Law Cen<br>Bldg 107<br>Ft. Douglas, UT 84113   | 9 Mar 80<br>0800-1700  | Crim Law<br>Adm&Civ Law                     | LTC Jimi Mitsunaga<br>2649 Dearborne Street<br>Salt Lake City, UT 84106<br>Ofc: 801-322-3551<br>Home: 801-467-8711                                    |
| 14 | Memphis, TN<br>USAR Center<br>360 W. California Avenue<br>Memphis, TN 38106   | 15 Mar 80              | Contr Law<br>Adm&Civ Law                    | MAJ Robert G. Drewry<br>251 Adams Avenue<br>Memphis, TN 38103<br>Ofc: 901-526-0542<br>Home: 901-726-4753  |
|    | Tulsa, OK<br>29th and 35th JAG Dets<br>John N. Reese Jr., USAR<br>Center<br>400 East 15th Street<br>Tulsa, OK 74112 | 16 Mar 80              | Int'l Law (Tape)<br>Contr Law               | LTC Clifford O. Stone<br>2934 East 48th Place<br>Tulsa, OK 74105<br>Ofc: 918-560-6151<br>Home: 918-749-4945   |

|    | <i>City, Host Unit<br/>&amp; Training Site</i>   | <i>Date &amp; Time</i> | <i>Subjects</i>                                    | <i>Action Officer, Address &amp;<br/>Phone No.</i>   |
|----|--|------------------------|--|--|
|    | New Orleans, LA<br>2d Mil Law Cen<br>USAR Center<br>5010 Leroy Johnson Drive<br>New Orleans, La 70146<br>(includes Baton Rouge)              | 16 Mar 80              | Adm&Civ Law  | CPT Bruce W. Shreves<br>One Shell Square, 43th Floor<br>New Orleans, LA 70139<br>Ofc: 504-522-3030<br>Home: 504-283-8629   |
| 15 | Philadelphia, PA<br>(includes Norristown)<br>153d Mil Law Cen/79th<br>ARCOM<br>USAR Center<br>Willow Grove NAS, PA 19090                     | 22 Mar 80              | Crim Law<br>Adm&Civ Law                            | CPT Charles M. J. Nester<br>RFD #1, Old Schuylkill Rd,<br>Lot #2<br>Pottstown, PA 19464<br>Ofc: 215-431-6315/6316/6317<br>Home: 215-326-7983                     |
| 16 | Edison, NJ<br>78th Division (Tng)<br>Kilmer USAR Center<br>Edison, NJ 08817  | 29 Mar 80              | Adm&Civ Law<br>Crim Law<br>Int'l Law (Tape)        | MAJ Robert Baldwin<br>11 Overlook Road<br>Chatham, NJ 07928<br>Ofc: 212-578-2495<br>Home: 201-377-3131   |
|    | New York, NY<br>4th Mil Law Cen/77th<br>ARCOM<br>Patterson<br>2181 Loring Place North<br>Bronx, NY   | 30 Mar 80              | Int'l Law (Tape)<br>Adm&Civ Law<br>Crim Law        | LTC Michael Bradie<br>26 Riveria Court<br>Malverne, NY 11565<br>Ofc: 516-295-3344<br>Home: 516-593-2018  |
| 17 | Hartford, CT<br>USAR Center<br>West Hartford, CT 06110   | 12 Apr 80              | Int'l Law (Tape)<br>Crim Law (Tape)<br>Adm&Civ Law | LTC Jason Pearl<br>19 South High Street<br>New Britain, CT 06050<br>Ofc: 203-229-1603<br>Home: 203-224-0740  |
|    | Boston, MA<br>Boston USAR Center<br>666 Summer Street<br>Boston, MA 02210  | 12-13 Apr 80           | Int'l Law (Tape)<br>Crim Law<br>Adm&Civ Law        | CW4 Paul Kennedy<br>c/o SJA<br>Ft. Devens, MA<br>Ofc: 617-796-2063   |
| 18 | Louisville, KY<br>148th JAG Det/100th Tng Div<br>Hangar #7, Bowman Field<br>Louisville, KY 40205<br>(includes 143d JAG Det<br>Lexington, KY) | 19 Apr 79<br>0800-1630 | Adm&Civ Law<br>Crim Law (Tape)<br>Contr Law (Tape) | LTC Martin F. Sullivan<br>3714 Hillsboro Road<br>Louisville, KY 40207<br>Ofc: 502-587-0145/0587/0228<br>Home: 502-897-2987                                       |
| 19 | Harrisburg, PA<br>Bldg #442<br>New Cumberland Army<br>Depot  | 27 Apr 79              | Adm&Civ Law  | LTC Harvey S. Leedom<br>Legal Office<br>New Cumberland Army Depot<br>New Cumberland, PA 17070<br>Ofc: 717-782-6310<br>FTS Ofc: 80-594-6310<br>Home: 717-238-2072 |

|    | <i>City, Host Unit<br/>&amp; Training Site</i>   | <i>Date &amp; Time</i> | <i>Subjects</i>                             | <i>Action Officer, Address &amp;<br/>Phone No.</i>  |
|----|--|------------------------|---|---|
| 20 | Minneapolis, MN<br>(In conjunction with Min-<br>neapolis Chapter of FBA)<br>214th Mil Law Cen/88th<br>ARCOM<br>Bldg #501<br>Ft. Snelling, MN | 26 Apr 80              | Adm&Civ Law<br>Crim Law<br>Contr Law (Tape) | MAJ Gerald Duffy<br>Suite 580, Northwestern<br>National Bank Building<br>St. Paul, MN 55101<br>Ofc: 612-291-1611<br>Home: 612-777-4234        |
|    | Detroit, MI<br>USAR Center<br>West Eleven Mile Road<br>Southfield, MI  | 27 Apr 80              | Contr Law (Tape)<br>Adm&Civ Law<br>Crim Law | LTC Mark A. Loush<br>1151 Hollywood<br>Grosse Pointe Woods, MI 48236<br>Ofc: 313-226-6070<br>Home: 313-886-3087                               |
| 21 | Richmond, VA<br>USAR Center<br>1305 Sherwood Avenue<br>Richmond, VA  | 3 May 80               | Contr Law (Tape)<br>Adm&Civ Law             | MAJ Robert H. Cooley<br>628 High Street<br>Petersburg, VA 23803<br>Ofc: 804-732-4667<br>Home: 804-861-2478                                    |
| 22 | Pittsburgh, PA<br>42d Mil Law Cen<br>Hay Armory<br>950 Sawmill Run Blvd.<br>Pittsburgh, PA 15226   | 10 May 80              | Adm&Civ Law<br>Crim Law                     | CPT Arthur Kellum<br>6508 Frank's Town Avenue<br>Pittsburgh, PA 15206<br>Ofc: 412-362-6900<br>Home: 412-243-2737                              |
| 23 | Norfolk, VA<br>Norfolk USAR Center<br>East 29th and Gazel Streets<br>Norfolk, VA 23504   | 18 May 80<br>0800-1700 | Crim Law (Tape)                             | LTC John M. Cloud<br>214 Executive Bldg, Janaf<br>Shopping Center<br>Norfolk, VA 23502<br>Ofc: 804-461-6803 or 461-2316<br>Home: 804-428-0822 |

## CLE News

### 1. TJAGSA Course Descriptions.

#### Staff Judge Advocate Orientation Course (5F-F52)

LENGTH: 4½ days.

PURPOSE: To inform newly assigned staff judge advocates of current trends and developments in all areas of military law.

PREREQUISITES: Active duty field grade Army judge advocate whose actual or anticipated assignment is as a staff judge advocate or deputy staff judge advocate of a command with general court-martial jurisdiction. Security clearance required: None.

Selection for attendance is by The Judge Advocate General.

SUBSTANTIVE CONTENT: Major problem areas and new developments in military justice, administrative and civil law, contract, and international law.

#### Military Lawyer's Assistant Course (512-71D/20/30)

LENGTH: 7½ days.

PURPOSE: The course provides essential training in the law for legal clerks and civilian employees who work as professional assistants to Army judge advocate attorneys. The course

is specifically designed to meet the needs of the Army legal clerk, MOS 71D, for skill level three training in paralegal duties.

**PREREQUISITES:** The course is open only to enlisted service members and civilian employees who are serving as paraprofessionals in a military legal office, or whose immediate future assignment entails providing professional assistance to an attorney. Students must have served a minimum of one year in a legal clerk/legal paraprofessional position and must have satisfactorily completed the Law for Legal Clerks Correspondence Course.

**SUBSTANTIVE CONTENT:** The course focuses on Army legal practice, with emphasis on the client service aspects of legal assistance and criminal law. The course builds on the prerequisite foundation of field experience and correspondence course study. Coverage includes legal research and bibliography; administrative eliminations and board procedures; legal assistance areas of Soldiers' and Sailors' Civil Relief Act; family law, consumer protection, landlord-tenant and taxation; military criminal law areas of crimes and defenses, role of court personnel, jurisdiction, pretrial procedures and evidence; legal research; written communication; interviewing techniques; and professional responsibility.

**Senior Officers' Legal Orientation Course  
(5F-F1)**

**LENGTH:** 4½ days.

**PURPOSE:** To acquaint senior commanders with installation and unit legal problems encountered in both the criminal and civil law fields.

**PREREQUISITES:** Active duty and reserve component commissioned officers in the grade of colonel or lieutenant colonel about to be assigned as installation commander or deputy; service school commandant; principal staff officer (such as chief of staff, provost marshal, inspector general, director of personnel) at

division, brigade or installation levels; or as a brigade commander. As space permits, those to be assigned as battalion commanders may attend. Security clearance required: None.

**SUBSTANTIVE CONTENT:** Administrative and Civil Law: Judicial review of military activities, military aid to civil authorities, installation management, labor-management relations, civilian personnel law, military personnel law, nonappropriated funds, civil rights, legal assistance, claims, environmental law, and government information practices. Criminal Law: Survey of principles relating to search and seizure, confessions, and nonjudicial punishment. Emphasis is placed on the options and responsibilities of convening authorities before and after trial in military justice matters, including the theories and effects of sentencing. International Law: Survey of Status of Forces Agreements and Law of War. Contract Law: Survey of the Anti-Deficiency Act.

**Contract Attorneys' Course  
(5F-F10)**

**LENGTH:** 2 weeks.

**PURPOSE:** To provide basic instruction in the legal aspects of government acquisition at the installation level. Completion of this course also fulfills one-half of the requirements of Phase VI of the nonresident Judge Advocate Officer Advanced Correspondence Course and covers one-half of the material presented in the USAR School Judge Advocate Officer Advanced Course (BOAC) ADT Phase VI.

**PREREQUISITES:** Active duty or reserve component military attorneys or appropriate civilian attorneys employed by the U.S. Government, with six months or less contract experience. Security clearance required: None.

**SUBSTANTIVE CONTENT:** Basic legal concepts regarding the authority of the Government and its personnel to enter into contracts; contract formation (formal advertising and negotiation), including appropriations, basic contract types, service contracts, and socio-economic policies; contract performance, in-

cluding modifications, disputes, including remedies and appeals.

### **Contract Attorneys' Advanced Course (5F-F11)**

**LENGTH:** 1 week.

**PURPOSE:** To provide continuing legal education and advanced expertise in the statutes and regulations governing government acquisition. To provide information on changes at the policy level.

**PREREQUISITES:** Active duty or reserve component military attorneys or appropriate civilian attorneys employed by the U.S. Government. Applicants must have successfully completed the Contract Attorneys' Course (5F-F10), or equivalent training, or have at least one year's experience as a contract law attorney. Security clearance required: None.

**SUBSTANTIVE CONTENT:** Advanced legal concepts arising in connection with the practical aspects of contracting, funding, competitive negotiation, socio-economic policies, government assistance, state and local taxation, modifications, weapons system acquisition, truth in negotiations, terminations, labor relations problems, contract claims, and litigation. Course will normally be theme oriented to focus on a major area of contract law. Intensive instruction will include current changes in the laws, regulations and decisions of courts and boards.

### **Fiscal Law Course (5F-F12)**

**LENGTH:** 3½ days.

**PURPOSE:** To provide a basic knowledge of the laws and regulations governing the obligation and expenditure of appropriated funds and an insight into current fiscal issues within the Department of the Army. The course covers basic statutory constraints and administrative procedures involved in the system of appro-

priation control and obligation of funds within the Department of Defense. This course emphasizes the methods contracting officers and legal and financial personnel working together can use to avoid over-obligations.

**PREREQUISITES:** Active duty commissioned officer of an armed force, or appropriate civilian employee of the U.S. Government actively engaged in contract law, contracting or administering funds available for obligation on government contracts. Must be an attorney, contracting officer, comptroller, finance & accounting officer, budget analyst or equivalent. Attendees should have completed TJAGSA Contract Attorneys' Course, a financial manager's course, a comptrollership course or equivalent.

**SUBSTANTIVE CONTENT:** Practical legal and administrative problems in connection with the funding of government contracts. Basic aspects of the appropriations process, administrative control of appropriated funds, the Anti-Deficiency Act, Industrial and Stock Funds, and the Minor Construction Act will be covered.

### **Contract Claims, Litigation and Remedies (5F-F13)**

**LENGTH:** 3 days.

**PURPOSE:** The Contract Claims, Litigation and Remedies course is designed to develop an understanding of Rule 4 and litigation files, preparation of witnesses and development of the Government case for litigation, litigation techniques and rules in the Boards of Contract Appeals and the Court of Claims. Remedies available to both the Government and the contractor will be covered. The course is a combination of lectures, seminars and will include a moot litigation before a Board of Contract Appeals. This course is not recommended for attorneys who are experienced in government contract litigation.

**PREREQUISITES:** Active duty or reserve component military attorney or appropriate

civilian attorney employed by the U.S. Government, with at least one year of contract experience. Applicants must have successfully completed the Contract Attorneys' Course (5F-F10) or equivalent.

**SUBSTANTIVE CONTENT:** This course will focus on preparation for litigating contract claims, techniques of litigation, rules of the Boards of Contract Appeals and remedies available to both the government and contractors.

**Negotiation, Changes, and Terminations Course  
(5F-F14)**

**LENGTH:** 5 days.

**PURPOSE:** To provide the experienced contract attorney with a more in depth examination of the negotiation method of acquisition with emphasis on pricing such negotiated contracts and to examine the changes and termination aspects of contract administration for both fixed price and cost contracts with a view toward attorney involvement in the change or termination action and how such actions affect the pricing of the original contract. The impact of the Truth in Negotiation Act and the Cost Principles on the above areas will be discussed. The course will be a mix of lecture, seminars and small workshops.

**PREREQUISITES:** Active duty or reserve component military attorneys or civilian attorneys employed by the U.S. Government. Applicants must have successfully completed the Contract Attorney's Course (5F-F10) or equivalent training, or have at least one year's experience as a contract attorney. Security clearance required: None.

**SUBSTANTIVE CONTENT:** The course will focus on legal concepts in negotiating larger fixed price and cost type contracts, the authority for modifying a contract whether by change or by termination, determining the reasonableness of price of negotiated contracts, pricing

changes to existing contracts, and making cost allowability decisions in light of the cost principles. The Truth in Negotiations Act, and DAR Sections III, VIII, and XXVI will serve as the statutory and regulatory basis for course materials.

**Contract Attorneys' Workshop  
(5F-F15)**

**LENGTH:** 2 days.

**PURPOSE:** The workshop provides an opportunity to examine, in the light of recent developments, and discuss in depth current contract problems encountered in installation and activity legal offices. Attorneys desiring to attend will be asked to submit problems in advance. Some will be collected, researched and arranged for seminar discussion under the direction of the Contract Law faculty.

**PREREQUISITES:** Active duty or reserve component military attorneys or appropriate civilian attorneys employed by the U.S. Government with not less than 12 months contract experience who are currently engaged in the practice of contract law at installation level. Security clearance required: None.

**SUBSTANTIVE CONTENT:** Discussion of current developments in contract law and their application to the problems currently experienced in installation level contracts.

**Civil Law Course  
(5F-F21)**

**LENGTH:** 2 weeks.

**PURPOSE:** To provide a working knowledge of legal assistance and claims. (Students may attend either the week of claims instruction or the week of legal assistance instruction, or both.) This course is specifically designed to fulfill one-half of the requirements of Phase IV of the nonresident Judge Advocate Officer Advanced Correspondence Course. It also covers

one-half of the material presented in the USAR School Judge Advocate Officer Advanced Course ADT Phase IV.

**PREREQUISITES:** Active duty or reserve component military attorney, 02-04, or appropriate civilian attorney employed by the U.S. Government. Although appropriate for active duty personnel, enrollment is not recommended unless the individual is working toward completion of the Graduate Course by correspondence. Security clearance required: None.

**SUBSTANTIVE CONTENT:** Legal Assistance: Statutes, regulations, and court decisions which affect members of a military community, including personal finances, consumer protection, family law, taxation, survivor benefits, civil rights, and state small claims procedures. Claims: Statutes, regulations and court decisions relating to the Military Personnel and Civilian Employees Claims Act, Military Claims Act, Army National Guard Claims Act, Federal Tort Claims Act and claims in favor of the government.

**Federal Labor Relations Course  
(5F-F22)**

**LENGTH:** 4½ days.

**PURPOSE:** To provide a basic knowledge of federal civilian personnel law pertaining to civilian employees, and federal labor-management relations.

**PREREQUISITES:** Active duty or reserve component military attorney or civilian attorney employed by the U.S. Government. Reserve officers must have completed the Judge Advocate Officer Basic Course. Although appropriate for reservists, enrollment is not recommended unless the individual is working or expected to start working in the area covered by the course. Persons who have completed this course or the Graduate Course (previously Advanced Class) within the one year period immediately preceding the date of this course are not eligible to attend. Security clearance required: None.

**SUBSTANTIVE CONTENT:** Law of Federal Employment: Hiring, classification, promotion, and discharge of employees under current civil service laws and regulations; roles of the Office of Personnel Management and Merit Systems Protection Board; grievance and adverse action procedures; substantive standards for adverse actions; reduction-in-force procedures; and equal employment opportunity law. Federal Labor-Management Relations: Rights and duties of management and labor under Title VII of the Civil Service Reform Act of 1978; representation activities; negotiation of labor contracts; unfair labor practice complaints; administration of labor contracts and procedures for arbitration of grievances. Government Contract Law. An overview of the responsibility of military officials when government contractors experience labor disputes.

**Legal Assistance Course  
(5F-F23)**

**LENGTH:** 3½ days.

**PURPOSE:** A survey of current problems in Army legal assistance providing a knowledge of important legal trends and recent developments.

**PREREQUISITES:** Active duty or reserve component military attorney or civilian attorney employed by the U.S. Government. Reserve officers must have completed the Judge Advocate Officer Graduate Course. Enrollment is not recommended unless the individual is working in the area covered by the course. Security clearance required: None.

**SUBSTANTIVE CONTENT:** New developments in the areas of legal assistance rendered military personnel including consumer protection, family law, state and federal taxation civil rights, survivor benefits, Soldiers' and Sailors' Civil Relief Act, and small claims court procedures. The instruction is presented with the assumption that students already have a fundamental knowledge of legal assistance.

**Military Administrative Law Developments Course**  
(5F-F25)

LENGTH: 3½ days.

**PURPOSE:** To provide knowledge of important legal trends and recent developments in military administrative law, judicial review of military actions, and decisions relating to the operation of military installations.

**PREREQUISITES:** Active duty or reserve component Army lawyer or civilian attorney employed by the Department of the Army. Reserve officers must have completed the Judge Advocate Officer Graduate Course. Although appropriate for reservists, enrollment is not recommended unless the individual is working in the area covered by the course. All students are expected to have experience in the subject area. Security clearance required: None.

**SUBSTANTIVE CONTENT:** New developments in the areas of military administrative law including military personnel, civilian personnel, military assistance to civil authority, legal basis of command (military installation law) and nonappropriated funds, with particular emphasis on developing case law in the areas of administrative due process, vagueness, and constitutionality of regulations, including first and fourteenth amendment considerations. Developments in the area of judicial review of military activities, including procedures for control and management of litigation involving the Army as required by AR 27-40. The instruction is presented with the assumption that students already have a fundamental knowledge of the areas covered.

**Environmental Law Course**  
(5F-F27)

LENGTH: 3½ days.

**PURPOSE:** To provide instruction in the basic principles of environmental law as they affect federal installations and activities.

**PREREQUISITES:** Active duty or reserve component military lawyer or civilian attorney employed by the U.S. Government. Reserve officers must have completed the Judge Advocate Officer Basic Course. Security clearance required: None.

**SUBSTANTIVE CONTENT:** Basic principles of environmental law applicable to military installations, including the National Environmental Policy Act and its requirement for preparation of environmental impact statements, the Clean Air Act, and the Clean Water Act. The course also includes a brief discussion of other environmental laws and the roles of the Environmental Protection Agency and the Army Corps of Engineers in environmental regulation.

**Government Information Practices Course**  
(5F-F28)

LENGTH: 2½ days.

**PURPOSE:** To provide basic knowledge of the requirements of the Freedom of Information Act and the Privacy Act. This course is designed primarily for practicing military lawyers in the field.

**PREREQUISITES:** Active duty or reserve component military lawyer or civilian attorney employed by the U.S. Government. Reserve officers must have completed the Judge Advocate Officer Basic Course. Persons who have completed this course or the Graduate Course (previously Advanced Class) within the two-year period immediately preceding the date of this course are not eligible to attend. Security clearance required: None.

**SUBSTANTIVE CONTENT:** The access provisions of the Freedom of Information Act; the exemptions from disclosure and their interpretation by the federal courts; the restrictions on the collection, maintenance, and disclosure of personal information imposed by the Privacy Act; the relationship between the two Acts and their implementation by the Army.



### **Litigation Course (5F-F29)**

**LENGTH:** 3½ days.

**PURPOSE:** To provide basic knowledge and skill in handling litigation against the United States and officials of the Department of Defense in both their official and private capacities.

**PREREQUISITES:** Active duty military lawyer or civilian attorney employed by the Department of Defense. Enrollment is not recommended unless the individual is responsible for monitoring, assisting or handling civil litigation at his or her installation. Anyone who has completed the resident Army Judge Advocate Officer Graduate Course (previously Advanced Class) within two years of the date of this course is ineligible to attend. Persons who have completed this course within the two-year period immediately preceding the date of this course are not eligible to attend. Security clearance required: None.

**SUBSTANTIVE CONTENT:** The following areas will be covered: Reviewability and justiciability, federal jurisdiction and remedies, scope of review of military activities, exhaustion of military remedies, Federal Rules of Civil Procedure, civil rights litigation, FTCA litigation, and official immunity. There will be a practical exercise in the preparation of litigation reports and pleadings.

### **Law Office Management (7A-713A)**

**LENGTH:** 4½ days.

**PURPOSE:** To provide a working knowledge of the administrative operations of a staff judge advocate office and to provide basic concepts of effective law office management to military attorneys, warrant officers, and senior enlisted personnel.

**PREREQUISITES:** Active duty or reserve

component JAGC officer, warrant officer or senior enlisted personnel in grade E-8/E-9 in any branch of the armed services. Persons who have completed this course or the Graduate Course (previously Advanced Class) within the three-year period preceding the date of this course are not eligible to attend. Officers who have been selected for Graduate Course attendance also are ineligible to attend. Security clearance required: None.

**SUBSTANTIVE CONTENT:** Management theory and practice including informal and formal leadership, leadership styles, motivation, and organizational effectiveness. Law office management techniques including management of military and civilian personnel, equipment, law library, office actions and procedures, and budget management and control.

### **United States Magistrate Court Workshop (5F-F53)**

**LENGTH:** 2 days.

**PURPOSE:** Aimed primarily at the prosecutor in a U.S. Magistrate Court, this Workshop presents an opportunity for exchange of new ideas on current problems experienced in the operation of a U.S. Magistrate Court on military installations. Installations desiring to send attorneys to attend the Workshop will be asked to submit a problem for presentation in the Workshop.

**PREREQUISITES:** Civilian or active duty military attorney of the Department of Army. Preference will be given to attorneys serving as prosecutors in a U.S. Magistrate Court. Security clearance required: None.

**SUBSTANTIVE CONTENT:** Jurisdiction: statutes affecting the jurisdiction; types of federal crimes; the Assimilative Crimes Act, and the authority of JAG officers to prosecute. Practice and Procedure in the United States Magistrate Court: forfeiture of collateral plans; violation notices, informations and complaints; bench warrants and contempts; right

to appointed counsel and trial by jury; providency of plea inquiries and authority of prosecutor to dismiss cases. In addition, eight hours of workshop problems will cover current topics of interest to the attorney involved with the U.S. Magistrate Court.

**Prosecution Trial Advocacy Course  
(5F-F32)**

**LENGTH:** 4½ days.

**PURPOSE:** To improve and polish the experienced trial counsel's advocacy skills.

**PREREQUISITES:** Active duty military attorney certified as counsel under Article 27b(2), UCMJ, with at least six months' experience as a trial attorney. Must presently be serving as trial counsel or designated to fill position upon course completion.

**SUBSTANTIVE CONTENT:** Intensive instruction and exercises encompass problems confronting trial counsel from pretrial investigation through appellate review. Issues in evidence, professional responsibility, procedure, trial advocacy, and topical aspects of current military law are considered.

**Military Judge Course  
(5F-F33)**

**LENGTH:** 3 weeks.

**PURPOSE:** To provide military attorneys advanced schooling to qualify them to perform duties as full-time military judges at courts-martial.

**PREREQUISITES:** Active duty or reserve component military attorneys. Security clearance required: None. Army officers are selected for attendance by The Judge Advocate General.

**SUBSTANTIVE CONTENT:** Trial procedure, substantive military criminal law, defenses, instructions, evidence, current military legal problems, and professional responsibility.

**Defense Trial Advocacy Course  
(5F-F34)**

**LENGTH:** 4½ days.

**PURPOSE:** To improve and polish the experienced trial attorney's defense advocacy skills.

**PREREQUISITES:** Active duty military attorney certified as counsel under Article 27b(2), UCMJ, with 6-12 months' experience as a trial attorney and with present or prospective immediate assignment as a defense counsel at the trial level. Security clearance required: None.

**SUBSTANTIVE CONTENT:** Intensive instruction, keyed to defense counsel's needs, encompass problems from pretrial investigation through appellate review. Issues in evidence, professional responsibility, procedure, trial advocacy and topical aspects are considered.

**International Law II Course  
(5F-F41)**

**LENGTH:** 2 weeks.

**PURPOSE:** To provide familiarization with the law of war, including customary and conventional (Hague and Geneva Conventions) laws, and the national and international legal rules affecting military operations during times of armed conflict and of occupation. This course fulfills approximately one-third of the requirements of Phase VI of the nonresident Judge Advocate Officer Advanced Correspondence Course. It also covers approximately one-third of the materials presented in the USAR School Judge Advocate Officer Advanced Course ADT Phase VI.

**PREREQUISITES:** Active duty or reserve component military attorney 02-04, or appropriate civilian attorney employed by the U.S. Government. Security clearance required: None.

**SUBSTANTIVE CONTENT:** International customary and treaty rules affecting the conduct of U.S. military forces in military operations in all levels of hostilities; the Hague and Geneva Conventions and the 1977 Geneva Protocols and their application in military operations and missions, to include rules of engagement and mission plans, problems on handling war crimes, control of civilians, Article 5 tribunals for the classification of detainees, occupation and civil affairs matters, law of war training and the Code of Conduct.

**Law of War Workshop  
(5F-F42)**

**LENGTH:** 4½ days.

**PURPOSE:** To provide both judge advocate and non-judge advocate officers basic knowledge of the law of war, of the major changes now impending in this field and of the practical aspects of mission planning and accomplishment in accordance with the law of war and of law of war advice and instruction.

**PREREQUISITES:** Active duty or reserve component military attorney or appropriate civilian attorney employed by the Department of Defense, as well as non-attorney officers who are to be involved in any aspect or level of the law of war process: command, operational, staff, advisory or instructional. Security clearance required: None.

**SUBSTANTIVE CONTENT:** International customary and treaty rules affecting the conduct of forces in military operations in all levels of hostilities; the Hague and Geneva Conventions and their application in military operations, to include problems on reporting and investigating war crimes, treatment and control of civilians, treatment and classification of detainees; the substantial change to the law of war impending as a result of the 1977 Protocols Additional to the 1949 Geneva Conventions, including extensive new obligations of commanders and military attorneys. Practical emphasis is given to all levels of mission

planning and accomplishment in accordance with the law of war, to the law of war responsibilities of attorney and non-attorney staff officers and of commanders and to law of war instruction, including techniques and instructional aids.

**Legal Aspects of Terrorism  
(5F-F43)**

**LENGTH:** 2½ days.

**PURPOSE:** To provide knowledge of the legal aspects of terrorism and counterterrorism, focusing on the questions confronting military commanders both in the United States and overseas concerning terrorism and the legality of counterterrorism measures.

**PREREQUISITES:** Active duty military or appropriate civilian attorney employed by the U.S. Government whose present or immediately impending major duties include advice to staff or command on the legal aspects of counterterrorism. Security clearance required: Secret. Attendees will assure that orders reflect clearance status.

**SUBSTANTIVE CONTENT:** What is the terrorism problem, and what measures are being contemplated to counter it both within and outside the United States; relevant international law and agreements, and national legislation in regard to terrorism; the use of force and limitations on the use of force in foreign countries; legal rules applicable to terrorism during armed conflict; counterterrorism authority of U.S. commanders overseas; the use of force to counterterrorism within the United States both on and off federal installations; the Posse Comitatus Act; relationships within DOD, with federal or local agencies outside DOD, and in regard to other states.

**SJA Responsibilities Under New Geneva  
Protocols  
(5F-F44)**

**LENGTH:** 2½ days.

**PURPOSE:** To familiarize attorneys with the new responsibilities for military legal advisors impending as a result of the formulation of the 1977 Protocols Additional to the Geneva Conventions of 1949. The course will examine the substantive changes and shifts in emphasis in the law of war which may result from the Protocols, assess their likely impact upon the judge advocate function at all levels, and explore methods for assuring effective judge advocate law of war support to command and staff.

**PREREQUISITES:** Active duty or Reserve component military attorney or appropriate civilian attorney employed by the Department of Defense whose present or impending responsibilities include providing law of war support to command or staff.

**SUBSTANTIVE CONTENT:** Overview of changes to the law of war impending as a result of the 1977 Geneva Protocols and their effect upon those, including the judge advocate, who are involved in planning and conducting military operations at all levels of conflict. Particular emphasis of the significant impact of the Protocols upon the judge advocate's law of war responsibilities during peace and conflict, including the areas of law of war advice, operational planning, law of war instruction, war crimes reporting, investigation and prosecution. Practical exposure to techniques, resources and materials which might enhance judge advocate effectiveness and economy in these areas.

## 2. TJAGSA CLE Courses.

November 13-16: 10th Fiscal Law (5F-F12).

November 14-16: 4th Government Information Practices (5F-F28).

November 26-30: 50th Senior Officer Legal Orientation (5F-F1).

December 4-5: 3d Contract Attorneys' Workshop (5F-F15).

December 10-13: 7th Military Administrative Law Developments (5F-F25).

January 7-11: 10th Contract Attorneys' Advanced (5F-F11).

January 7-11: 13th Law of War Workshop (5F-F42).

January 14-18: 1st Negotiations, Changes & Terminations (5F-F14).

January 21-24: 9th Environmental Law (5F-F27).

January 28-February 1: 8th Defense Trial Advocacy (5F-F34).

February 4-April 4: 92d Judge Advocate Officer Basic (5-27-C20).

February 4-8: 51st Senior Officer Legal Orientation (5F-F1).

February 11-15: 6th Criminal Trial Advocacy (5F-F32).

February 25-29: 19th Federal Labor Relations (5F-F22).

March 3-14: 83d Contract Attorneys' (5F-F10).

March 10-14: 14th Law of War Workshop (5F-F42).

March 17-20: 7th Legal Assistance (5F-F23).

March 31-April 4: 52d Senior Officer Legal Orientation (5F-F1).

April 8-9: 2d U.S. Magistrate's Workshop (5F-F53).

April 9-11: 1st Contract, Claims, Litigation & Remedies (5F-F13).

April 21-25: 10th Staff Judge Advocate Orientation (5F-F52).

April 21-May 2: 84th Contract Attorneys' Course (5F-F10).

April 28-May 1: 53d Senior Officer Legal Orientation (War College) (5F-F1).

May 5-16: 2d International Law II (5F-F41).

May 7-16: 2d Military Lawyer's Assistant (512-71D20/50).

May 19-June 6: 20th Military Judge (5F-F33).

May 20-23: 11th Fiscal Law (5F-F12).

May 28-30: 1st SJA Responsibilities Under New Geneva Protocols (5F-F44).

June 9-13: 54th Senior Officer Legal Orientation (5F-F1).

June 16-27: JAGSO.

June 16-27: 2d Civil Law (5F-F21).

July 7-18: USAR SCH BOAC/JARC C&GSC.

July 14-August 1: 21st Military Judge (5F-F33).

July 21-August 1: 85th Contract Attorneys' (5F-F10).

August 4-8: 10th Law Officer Management (7A-713A).

August 4-8: 55th Senior Officer Legal Orientation (5F-F1).

August 18-22 May: 29th Judge Advocate Officer Graduate (5-27-C22).

September 10-12: 2d Legal Aspects of Terrorism (5F-F43).

September 22-26: 56th Senior Officer Legal Orientation (5F-F1).

### 3. Civilian Sponsored CLE Courses

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

AAJE: American Academy of Judicial Education, Suite 539, 1426 H Street NW, Washington, DC 20005. Phone: (202) 783-5151.

ALI-ABA: Donald M. Maclay, Director, Office of Courses of Study, ALI-ABA Committee on Continuing Professional Education, 4025 Chestnut St., Philadelphia, PA 19104. Phone: (215) 243-1630.

ATLA: The Association of Trial Lawyers of America, Education Department, P.O. Box 3717, 1050 31st St. NW Washington, DC 20007. Phone: (202) 965-3500.

FBA (FBA-BNA): Conference Secretary, Federal Bar Association, Suite 420, 1815 H Street NW, Washington, DC 20006. Phone: (202) 638-0252.

FPI: Federal Publications, Inc., Seminar Division Office, Suite 500, 1725 K Street NW, Washington, DC 20006. Phone: (202) 337-7000.

GWU: Government Contracts Program, George Washington University, 2000 H Street NW, Rm. 303 D2, Washington, DC 20052. Phone: (202) 676-6815.

ICM: Institute for Court Management, Suite 210, 1624 Market St., Denver, CO 80202. Phone: (303) 543-3063.

NCAJ: National Center for Administration of Justice, 1776 Massachusetts Ave., NW, Washington, DC 20036. Phone: (202) 466-3920.

NCDA: National College of District Attorneys, College of Law, University of Houston, Houston, TX 77004. Phone: (713) 749-1571.

NJC: National Judicial College, Reno, NV 89557. Phone: (702) 784-6747.

NPI: National Practice Institute, 861 West Butler Square, Minneapolis, MN 55403. Phone: 1-800-328-4444 (In MN call (612) 338-1977).

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

### November

4-7: NCDA, Management in the Prosecutor's Office, Houston, TX.

4-8: NCDA, Organized Crime, Miami, FL.

4-9: NJC, Alcohol and Drugs, University of Nevada, Reno, NV.

4-8: NJC, Court Management—Managing Delay, University of Nevada, Reno, NV.

5-7: FPI, Changes in Government Contracts, Sheraton National, Arlington, VA. Cost: \$525.

5-9: GWU, Cost Reimbursement Contracting, George Washington University, Washington, DC. Cost: \$525.

8-10: ALI-ABA, Estate Planning for Retiring or Dying Clients, Atlanta, GA.

8-9: FBA, 4th Annual Administrative Law Workshop, Georgetown, Washington, DC.

11-12: NJC, Search and Seizure, University of Nevada, Reno, NV.

12-15: ICM, Building and Evaluating Court Information Systems, Seattle, WA.

12-13: PLI, Practical Will Drafting, The Brown Palace Hotel, Denver, CO. Cost: \$185.

13-16: ICM, Building and Evaluating Court Information Systems, Houston, TX.

15-16: PLI, Construction Claims Workshop, Hyatt Regency, Phoenix, AZ. Cost: \$225.

26-28: FPI, Government Contract Trial Techniques, San Diego Hilton, San Diego, CA. Cost: \$525.

27-30: ICM, Space Management, New Orleans, LA.

28-1 Dec: NCDA, Prosecution of Arson, Denver, CO.

29-30: PLI, Post Mortem Estate Planning, Los Angeles Bonaventure Hotel, Los Angeles, CA. Cost: \$190.

30-1 Dec: ALI-ABA, Unfair Competition, Trademarks and Copyrights, Philadelphia, Pa.

#### December

2-14: NJC, Decision Making: Process, Skills, and Techniques (Graduate), University of Nevada, Reno, NV.

3-5: GWU, Patents and Technical Data, San Francisco, CA. Cost: \$450.

5-7: FPI, Contract Costs Course, Hospitality House, Williamsburg, VA. Cost: \$525.

6-7: PLI, Construction Claims Workshop, New York Sheraton Hotel, New York, NY. Cost: \$225.

9-14: NCDA, Advanced Prosecutor's Investigators School, Huntsville, TX.

9-14: NJC, Court Administration, University of Nevada, Reno, NV.

13-28: European Seminar in Criminal Justice, Freiburg, Germany. Cost: Approx. \$800 including air fare and lodging. Contact Robert E. Page, Lake City Community College, Lake City, Lake City, FL 32055.

13-15: FBA, Seminar on Equal Employment Opportunity Law, Don Ceasar Beach Hotel, St. Petersburg Beach, FL.

13-14: PLI, Hospital Liability 1979, Los Angeles Bonaventure Hotel, Los Angeles, CA. Cost: \$185.

#### January

6-11: NCDA, Prosecutor's Office Administrator Course, Part I, Houston, TX.

20-23: NCDA, Prosecution of Arson, Atlanta, GA.

24-26: ALI-ABA, The New Federal Bankruptcy Code, New Orleans, LA.

### JAGC Personnel Section

#### PPTO, OTJAG

#### 1. RA Promotions

##### COLONEL

BRIGHT, Fred Jr. 1 Sep 79

##### LIEUTENANT COLONEL

BOLLER, Richard R. 9 Sep 79  
COKER, James R. 9 Sep 79  
O'ROARK, Dulaney L., Jr. 21 Sep 79  
RYKER, George C. 9 Sep 79

SMITH, Robert B. 10 Sep 79  
SU BROWN, James C. 8 Sep 79

##### MAJOR

BOZEMAN, John R. 29 Sep 79  
BRAWLEY, Michael J. 22 Sep 79  
DE BERRY, Thomas P. 22 Sep 79  
DELINE, Donald A. 20 Sep 79  
EDWARDS, John T. 20 Sep 79  
RICHARDSON, John W. 21 Sep 79  
SMITH, Edgar A. P., Jr. 25 Sep 79

ZIMMERMAN, Charles 22 Sep 79

## 2. AUS Promotions

### BG

ALLEY, Wayne E. 28 Aug 79  
OVERHOLT, Hugh R. 30 Aug 79

### COLONEL

MC CUNE, James 8 Aug 79  
STEWART, Ronald B. 7 Aug 79

### LIEUTENANT COLONEL

BOZEMAN, John R. 2 Aug 79  
CREAN, Thomas M. 5 Aug 79  
DARLEY, Roger G. 4 Aug 79  
WILLIAMS, Herbert D. 14 Aug 79

### MAJOR

ARQUILLA, Alfred F. 2 Aug 79  
BURKE, Robert J. 4 Aug 79  
COOKE, John S. 6 Aug 79  
EARL, James D. 10 Aug 79  
FINKLEA, Alfred M. 2 Aug 79  
FRANKLIN, Douglas P. 3 Aug 79  
GRAHAM, David E. 4 Aug 79  
HARGUS, Patrick K. 5 Aug 79  
HELMCAMP, Dewey E. 2 Aug 79

### MAJOR

HILTBRAND, Lance K. 3 Aug 79  
KEARNS, Michael B. 5 Aug 79  
LONG, Clarence D. 7 Aug 79  
LONG, James D. 7 Aug 79

MEYER, Carl F. 3 Aug 79  
NORSWORTHY, Levator 8 Aug 79  
POLLARD, Ivry J. 4 Aug 79  
SISSON, George H. 4 Aug 79  
SQUIRES, Malcolm H. 8 Aug 79  
TOOMEY, Allan A. 7 Aug 79  
TROMEY, Thomas N. 3 Aug 79  
WALCZAK, Alexander 2 Aug 79  
YUSTAS, Vincent P. 6 Aug 79

## 3. Reassignments

| <i>Lieutenant Colonel</i> | <i>FROM</i>     | <i>TO</i>                   |
|---------------------------|-----------------|-----------------------------|
| FOREMAN, Leroy            | Korea           | ACMR                        |
| <i>Captain</i>            |                 |                             |
| GOOD, Barbara L           | Korea           | FT Knox, KY                 |
| MARKS, Robert J           | Europe          | USALSA                      |
| MCBRIDE, John P           | Europe          | Presidio, San Francisco, CA |
| ROCHLIS, Steven           | FT Sheridan, IL | FT Gillem, GA               |
| ROSE, Maria S             | FT Dix, NJ      | MTMC, Bayonne, NJ           |
| WALLIS, William           | FT Lewis, WA    | Korea                       |
| <i>CW2</i>                |                 |                             |
| FORD, Mitchael            | FT Meade, MD    | Schofield Barracks, HI      |

## Current Materials of Interest

### Articles

Defense-Requested Lineups, by CPT Charles E. Trant, 11 *The Advocate* 161 (1979).  
Defense Testing of Physical Evidence at Government Expense, by Mr. James H. Gilliam, 11 *The Advocate* 184 (1979).

How the Government Obtains Patent Rights Under the ASPR and FPR Patent Rights Clauses—Part I: When Is the Government Entitled to Patent Rights?, by Capt. Steven R. Fuscher, USAF, 20 A.F.L. Rev. 209 (1978).

Limiting Court-Martial Jurisdiction: A Con-

tinuing Process, by Col. Earl E. Hodgson, USAF, 20 A.F.L.Rev. 256 (1978).

Resources Available to Military Accused and Counsel, by David F. Addlestone, Esq., 11 *The Advocate* 176 (1979).

The Service Contract Act of 1965: A Review,

by Mr. Brian M. Kingston, 20 A.F.L.Rev. 286 (1978).

**Pamphlet**

Department of the Army Pamphlet No. 27-161-1, Law of Peace, Volume I, (1 September 1979).