

ANNEX E:

LEGAL ADMINISTRATION



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SUBJ: LEGAL ADMINISTRATION ANNEX

1. Purpose. To provide an overview of legal administration and the roles, responsibilities, and duties of the Legal Administrative Officer within the Marine Corps as part of the Legal Services Strategic Action Plan, 2010-2015.

2. Background

a. Although the myriad legal administrative functions and tasks associated with the provision of general legal services are too numerous to detail completely, legal administration is generally considered to include the actions necessary to deliver the services associated with the legal service practice areas of military justice, administrative and civil law, personal and family legal assistance, and operational law. Accordingly, legal administration at the General Court Martial Convening Authority (GCMCA) and Legal Service provider-level is a function of the entire 44XX legal community from private through major general. GCMCA-level legal administration does not directly provide the minimal organic unit level legal capabilities which handles the basic legal administrative tasks such as producing the unit punishment book, administrative entries in the service record book, and conducting administrative investigations.

b. As the legal mission continues to increase in complexity, the Marine legal community must efficiently manage its legal offices in order to provide continuous, efficient, and appropriate legal administration within the provision of general legal services to commanders, Marines, sailors, and their families.

3. Discussion. Legal administration is the underlying foundation in the provision of legal services addressed in the Strategic Action Plan. This annex specifically focuses on administrative functions associated with the operations and management of Marine Corps legal offices and the roles and responsibilities of the Legal Administrative Officer (LAO).

a. History. Historically, the day-to-day management of the LSSS and law centers was handled by the senior judge advocate present, whether the Staff Judge Advocate (SJA) or the Officer-In-Charge (OIC). The Marine Corps Legal Services Study of 1969 briefly discussed the concept of non-lawyer personnel [i.e. administrative officers or warrant officers] performing "some" legal services in order to permit lawyers to focus on those duties required by law to be performed by licensed attorneys. In the 1980's, the Marine legal community migrated toward a "law officer manager" concept, which essentially separated the business aspects of managing the practice of law (administration) from the legal aspects, thus allowing senior judge advocates to focus their efforts on the latter. The LAOs became the community's law office managers and were responsible for specific administrative law functions including reviewing and processing claims, administrative investigations, and involuntary administrative separations as well as managing the day-to-day operations of the larger law offices. The senior officer present did not abdicate responsibilities in handling these matters, but rather, entrusted the LAO with the day-to-day handling of those duties and responsibilities that did not require, by statute, regulation, or law, certification as a judge advocate.

b. Current Practice. In keeping with the Marine Corps ethos of decentralized execution, law offices are managed locally with little oversight of the day-to-day operation from the Judge Advocate Division (JAD) at Headquarters Marine Corps. This decentralized approach has the advantage of offering flexibility to commanders but has also resulted in law offices operating differently throughout the Marine Corps. Not only do law offices differ with regard to internal management, but also in terms of what legal services are offered to supported commands. This has created a number of inefficiencies. For example, the lack of standardization inhibits meaningful initial training at our schools and therefore requires extensive on-the-job training as no one system is in place throughout the Marine Corps. Further, when a legal services specialist PCS's to another duty station, the Marine is often required to learn a completely new way of doing business. This is especially true in the training and employment of LAOs throughout the Marine Corps Legal community.

c. Role and Duties of Legal Administrative Officers (WO – CW05). LAOs provide the following support where assigned:

(1) Provide administrative management/law office management and legal support to the SJA, Commanders and Staff at the GCMCA level, the OIC/SJA at the installation law center level, or the OIC of an LSSS.

(2) Provide Administrative Law services to include technical guidance: review and processing of administrative investigations; claims for or against the U.S. Government, and processing and acting as government recorder for involuntary administrative separations.

(3) Prepare and monitor internal budgets, property acquisitions, and other supply/fiscal-related matters. Supervise the maintenance, accountability, procurement, employment and deployment of information technology assets to include legal specific software and hardware requirements, audio recording devices and other information technologies required both in garrison and in the deployed environment.

(4) Supervise files and directives; safeguard sensitive, classified and privileged information; advise on proper correspondence procedures, compile reports, conduct legal briefings and inspections; determine legal office publication requirements; develop legal administrative standard operating procedures including building and courtroom security; monitor and update library resources to include commercially procured legal publications; process recommendations for awards, track and review fitness reports, review civilian performance evaluations; notarize documents, certify true copies, supervise the processing of temporary additional duty orders through the Defense Travel System and work closely with the senior enlisted Marine assigned on the assignments and training of enlisted personnel.

(5) Recommend improvements to office operations, monitor table of equipment and table of organization, and perform all other duties deemed necessary by the SJA or OIC that do not require certification as a judge advocate by statute, regulation, or law to ensure the accomplishment of providing timely and accurate legal service support.

d. Current Training and Education for the LAO. Currently, there are only two required training evolutions for the Marine Corps LAO upon selection for appointment. Subparagraphs (2) and (3) identify schools and billet assignments desired but not required.

- (1) LAO required schools at appointment:
 - (a) The Basic School (TBS)—(required for all Marine Corps Officers)
 - (b) Warrant Officer Basic Course, The Judge Advocate General Legal Center and School (TJAGLCS), Charlottesville, VA
- (2) Desired schools as enlisted (MOS 4421/4422 (formerly 4429)):
 - (a) Legal Services Specialist Course
 - (b) Legal Services Mid-Level Career Course—(no longer available)
 - (c) Stenography/Speech Recognition Course
 - (d) Corporal, Sergeant, Staff Noncommissioned Officer Courses
- (3) Desirable past assignments prior to appointment:
 - (a) Administrative Support Chief
 - (b) Administrative Law Chief
 - (c) Legal Chief
 - (d) Independent duty (Drill Instructor, Recruiting, Marine Security Guard)

e. LAO of the Marine Corps Vision and Strategic Goals for the LAO community. In keeping with the intent of the Strategic Action Plan, we will ensure that LAO core competencies are standardized and published, that LAOs are provided standardized training and educational opportunities to become competent in those core competencies, that LAOs are fully and properly employed across the Marine Corps to maximize their technical skill set, and ensure that the Legal Services community has the requisite number of LAOs required to effectively and efficiently execute the mission of providing general legal services to commanders, Marines, sailors, and their families.

(1) Setting the standard.

(a) The LAO core and individual events are detailed in Chapter 7 of the revised NAVMC 3500.82, Legal Services Training and Readiness Manual (Legal Services T/R Manual) (enclosure (j)). These core “events,” categorized as Administrative Law, Administration, Basic Common Legal Skills, Basic Common Non-Legal Skills, Management, and Operational Law are further broken down into specified tasks, which capture the minimum functions expected of an LAO. By identifying the minimum functions expected of an LAO, the manual supports the strategic goal of standardizing procedures and functions to foster a common operating scheme throughout the community of practice and creates standards for training and inspection.

(2) Training to the standard.

(a) Prior to the promulgation of the revised Legal Services T/R Manual, the majority of the LAO core events were trained via Military on-the-Job Training (MOJT). Because of the differing standards throughout the Marine Corps, the level of competence for each LAO could not be appropriately measured. The revised T/R manual establishes the requirement to formalize the training setting, which seeks to standardize the training and the overall capabilities of the individual LAO. To support the formal training setting, JAD is reviewing course curriculums and programs of instruction (POI) for both the Warrant Officer Basic (WOBC) and the Warrant Officer Advanced Courses (WOAC) sponsored by TJAGLCS. The goal is to develop a POI that includes Marine specific training events

derived from the Legal Services T&R Manual, to require all new LAO accessions to attend the WOBC, and to require all LAOs in the rank of CWO3 and above to attend the WOAC.

(b) JAD will continue to evaluate the training opportunities and funding available to the LAO community to ensure standardized training for LAOs assigned throughout the Legal Services community. Standardized training and education coupled with standardized employment and practices throughout the Legal Services community will enhance the overall provision of general legal services to commanders, Marines, and their families.

(c) During the annual LAO conference, the LAO of the Marine Corps will also conduct training and analysis to ensure standardization and continual review and sharing of best business practices.

(3) Structure/Manpower.

(a) Increased structure/inventory of LAOs. In 2005, JAD sponsored a Strategic Planning Panel to analyze how the 44XX community is organized, trained, and equipped and to recommend realistic improvements for consideration by the SJA to CMC. With regard to the LAO community, the panel supported the idea of increasing the inventory of LAOs from 18 to 26. The panel further recommended adding one LAO to the three respective LSSSs, MCAS Miramar and Cherry Point, 29 Palms, MCRD Parris Island, and Marine Corps Base Hawaii to further enhance legal administrative capabilities. The recommendation garnered no additional structure and the inventory of LAOs remains at 18.

(b) JAD's goal is to review current Warrant Officer structure, determine structure availability, and request five additional Warrant Officer billets for assignment as LAOs in the Legal Services community. These personnel additions coupled with the standardized training, education, employment, and practice standards should enhance the overall provision of legal services.

4. Conclusion. Efficient law office administration is essential to providing timely and quality legal service support. Standardizing training, employment, procedures and processes across the Marine Corps legal community will serve as a force multiplier, improving the delivery of legal services through the utilization of best business practices Marine Corps-wide.

5. Resources:

- (a) Manual for Courts-Martial (2008)
- (b) MARCORSEPMAN (MCO P1900.16F) ch 2
- (c) SECNAVINST 1920.6C
- (d) JAG MANUAL (JAGINST 5800.7E)
- (e) LEGADMINMAN (MCO P5800.16A) w/ch 1-5
- (f) IRAM (MCO P1070.12)
- (g) MILPERSMAN (NAVPERS 15560D)
- (h) DOD Directive 1332.14
- (i) NAVCOMPT MANUAL
- (j) NAVMC 3500.82 (Legal Services Training and Readiness Manual)