

ANNEX F:

MANPOWER



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SUBJ: MANPOWER ANNEX

1. Purpose. To provide an overview of judge advocate manning, personnel management, and individual career issues as part of the Legal Services Strategic Action Plan, 2010-2015.

2. Background

a. Manpower Management. Manpower in the Marine Corps consists of officer judge advocates (4402s), warrant officer legal administration officers (4430s) and enlisted legal service specialists (4421s). The Staff Judge Advocate to the Commandant of the Marine Corps (SJA to CMC) is the legal services Occupational Field Manager¹ for the Marine Corps and manages a continuous manpower analysis process utilizing subject matter experts (SMEs)² to evaluate each of the three legal Military Occupational Specialties (MOS). These SMEs forecast future requirements and essential resources based on several considerations:

1. How many legal services billets do we have?
2. Are those billets in the right places, i.e., where the mission requires them?
3. Are there enough 4402s, 4430s, and 4421s of the appropriate grade to fill those billets?
4. Are the Marines we have to fill the billets the “right kind” of Marines, e.g., do they have the requisite experience and training to successfully fill the billet?

Related considerations include:

1. Are we recruiting the right kind of Marines to meet the mission in the future?
2. Are we retaining the Marines we want and need to retain?

These questions are constantly readdressed as mission priorities, budgetary constraints and emergent requirements change over time. The fluid nature of military manpower management requires continuous monitoring of this process in order for the legal community to evolve to meet mission and capitalize on emerging opportunities.

The Judge Advocate Support Branch (JAS) manages and continually evaluates these considerations on behalf of the SJA to CMC by ensuring a constant dialogue and analysis of where legal billets are located in the Marine Corps, how those billets are “coded,” who fills the billets, and whether there are sufficient school seats in the right training courses to make sure the legal community is qualified to perform the mission.

The Marine Corps legal services community’s manpower management (retention, graduate education programs, and law education programs) is ultimately controlled by the Deputy

¹ Defined in MCO 5311.1D as “the principal point of contact between the Commandant and the total force with regard to capabilities and force structure, intended structure changes, training, and unique operational considerations pertaining to a specific OccFld. OccFld managers are assigned purview over a grouping of Military Occupational Skills (MOS) and their respective MOS managers.” U.S. MARINE CORPS ORDER 5311.1D, TOTAL FORCE STRUCTURE PROCESS (MCO 5311.1D) (26 Feb 2009)

² Defined in MCO 5311.1D as ‘MOS Managers.’ The MOS Manager for 4402s is the JAS Branch Head, for 4421s, the Legal Chief of the Marine Corps and for 4430s, the Legal Administrative Officer of the Marine Corps.

Commandant for Manpower & Reserve Affairs (M&RA). The structure is managed by the Deputy Commandant for Combat Development and Integration via Total Force Structure Division (TFSD), and our recruiting is managed by Marine Corps Recruiting Command (MCRC). Judge Advocate Division (JAD) has a close working relationship with each of these agencies. Through the various MOS Specialists, JAD manages and makes recommendations to each agency based on the needs of the legal community as a whole.

b. Structure (Billets). Since 2005, JAS has worked to organize and realign the Marine Corps judge advocate structure³ to maximize efficiency. Prior to 2005, judge advocate structure remained relatively unchanged for twenty years, while the delivery of legal services and judge advocate deployment requirements evolved significantly. During this period, the inventory of available and assignable officers remained relatively constant, with the number of active duty judge advocates hovering around 400.⁴

c. Inventory. From 2003 to 2008, M&RA set the annual accession quota at 35 judge advocates per year, which allowed the Marine Corps to replace personnel losses resulting from active service attrition (EAS, retirement, and resignations). In FY09, the accession quota increased to 45 judge advocates per year and in FY10, M&RA increased the annual recruiting mission to 60, in order to increase the judge advocate inventory. Warrant Officers and enlisted Marine recruiting and retention has also remained relatively constant over the past ten years with the exception of the 2008 elevation of accession standards for enlisted Marines.⁵ The increase provides a more capable enlisted population able to function at a higher level in an intellectually demanding MOS.

3. Discussion

a. Training, Education, and Resources

(1) Training and Readiness (T/R) Manual. In May 2009, JAD and Training and Education Command (TECOM) began a bottom up review of training standards in the legal services community and used the review to rewrite the T/R Manual. Since the last manual was published, in 2007, the mission had evolved, but performance requirements had not been incorporated as training standards.⁶ With the publication of the new manual, curriculum development for new courses will begin in areas noted as having deficiencies in training, particularly for enlisted legal service specialist advanced training.

(2) Judge Advocate Initial training. Upon completion of The Basic School, all Marine judge advocates attend the Naval Justice School (NJS) for the Basic Lawyer Course (BLC) in Newport, Rhode Island. The BLC is a 10-week course that trains Navy, Marine Corps,

³ MCO 5311.1D defines force structure as “the number, size, and composition of Marine Corps units required to perform the Marine Corps mission essential tasks.”

⁴ See Figure (1).

⁵ The MOS Manual, specifies prerequisites for the awarding of particular military specialties. From 2002 until 2009, the requirement to become a Legal Service Specialist (4421) was a General Technical (GT) score on the ASVAB test of 100. In 2009, the new requirement was for a Clerical (CL) score of 105 and a GT score of 100. U.S. MARINE CORPS ORDER 1200.17A, MILITARY OCCUPATIONAL SPECIALTIES MANUAL (MCO 1200.17A) (4 Jun 2009).

⁶ Operational Law is just one example of mission expansion and evolution beyond traditional Law of War training requirements to real time advice on myriad issues ranging from detention operations to information/cyber operations.

and Coast Guard judge advocates in the fundamentals of military justice, administrative law, investigations, legal assistance and basic operational law. The BLC emphasizes trial advocacy skills required for new military attorneys to serve as counsel at courts-martial. Upon completion of NJS, judge advocates are certified as trial/defense counsel, legal assistance attorneys and ethics advisors, and are admitted to practice in Military Courts. The Marine Corps augments the instructor staff at NJS with five active duty judge advocates.

(3) Follow-on training/Continuing Legal Education (CLE). After graduating the BLC, judge advocates are sent to their permanent duty station and are typically assigned to military justice as either trial or defense counsel, or to legal assistance as a legal assistance attorney. Once at their duty station, judge advocates are given the opportunity to attend CLE courses for continued training and education. Courses on such varied topics as trial advocacy, computer crimes, legal assistance, the law of military operations, and prosecuting and defending complex cases are offered. Primarily, these courses are held at NJS or at the Army's Judge Advocate General's Legal Center and School (TJAGLCS) in Charlottesville, VA. A complete list of the CLE courses available is published annually and posted on the JAS website.

(4) Law Education Programs. The Marine Corps provides law education programs for Marine officers to compete to become judge advocates. Over 90 judge advocates have been accessed through these programs since 2002. The Marine Corps also provides programs for judge advocates pursuing postgraduate education.

(a) Funded Law Education Program (FLEP). Pursuant to 10 U.S.C § 2004, as implemented by DoD Directive 1322.12 and SECNAVINST 1520.7, commissioned officers of the Marine Corps, while continuing to draw full pay and allowances, may be ordered at Government expense to American Bar Association (ABA) accredited law schools located in the United States for education leading to the degree of *Juris Doctor* or recognized equivalent degree.⁷

(b) Excess Leave Program (Law) (ELP(L)). Pursuant to 37 U.S.C. § 502(b), commissioned officers of the Marine Corps may be permitted leave without pay and allowances in excess of that authorized by 10 U.S.C. § 701 (b), to attend ABA accredited law schools located in the United States at no expense to the Government for education leading to the degree of *Juris Doctor* or recognized equivalent degree.⁸

(c) Post-Graduate Programs. The Marine Corps has identified and validated several judge advocate billets that are required to be staffed by officers who possess a Master of Laws (LL.M) degree. There are currently three programs by which judge advocates may attain this education: the Special Education Program (SEP), Advanced Degree Program (ADP), and the Graduate Course at The Judge Advocate General's Law Center and School (TJAGLCS). Through SEP and ADP the Marine Corps offers its judge advocates the opportunity to earn an LL.M in criminal, environmental, labor, procurement or

⁷ U.S. MARINE CORPS ORDER P5800.16A, MARINE CORPS MANUAL FOR LEGAL ADMINISTRATION (MCO P5800.16A) (31 Aug 1999).

⁸ *Id.*

international law.⁹ The primary feeder for LL.M qualified attorneys in the Marine Corps is the Graduate Course at TJAGLCS in Charlottesville, VA. Ten Marine Corps judge advocates attend the Graduate Course each year. The Marine Corps provides two instructors, (increasing to three in FY 2011), and the school allows five students per Marine Corps instructor. In contrast to civilian schools, the Graduate Course curriculum is focused on areas of expertise required to fulfill a billet as a command advisor or staff judge advocate. The curriculum produces well-rounded judge advocates capable of entering any billet and excelling in a variety of subject matter areas.¹⁰

(5) Additional MOS (AMOS). Upon receipt of an LL.M, a judge advocate receives an additional MOS. This allows for Manpower tracking of judge advocate qualifications and gives the Marine Corps visibility when inventories in a specific area of concentration are lacking. It allows oversight and facilitates current and future planning to prevent deficits in any area of expertise. There are six different AMOSs provided for by MCO 1200.17A: International Law, Environmental Law, Labor Law, Procurement Law, Criminal Law, and General Law.

(6) Funding. CLE is available to all judge advocates and legal service specialists and is funded by TECOM (if required by the T&R Manual), or by the Marine's local command. CLE quotas are centrally managed by JAS, and locally assigned, recommended, and requested by a Marine designated to coordinate CLE, (usually the LAO or Legal Services Chief). JAS manages the various law education programs, but they are funded by TECOM.

(7) Legal Service Specialists and Court Reporters. JAD will continue to take a leading role in developing and implementing court reporter training and education for Marine Corps legal services specialists.

(a) Training Enlisted Legal Service Specialist. During Recruit Training, potential legal service specialists (MOS 4421) are screened based on test scores, general aptitude, and disciplinary history. Upon completion of Recruit Training and Marine Corps Combat Training, 4421's attend NJS for their formal legal training (Legal Service Specialist Course). This course of instruction lasts nine weeks and trains Legal Marines in military justice, post-trial review, legal administration, and legal assistance issues and procedures. Upon graduation, new 4421s are assigned to fulfill a 36-month tour of duty.

Occasionally, the Marine Corps permits a Marine to make a lateral move into the legal community from another MOS. In order to make the lateral move, the Marine must be interviewed by the Legal Services Chief at a major installation and by the Legal Services Chief at Headquarters Marine Corps. M&RA must also approve and have structure in place for the Marine to fill.

JAD is developing a legal non-commissioned officer course for corporals and sergeants to provide follow-on legal training after a Marine has been in the fleet for two to three years. Additionally, a senior enlisted legal course is being developed for Marines (Staff Sergeant

⁹ Tuition for SEP students is paid by the Marine Corps, while ADP students pay their own tuition.

¹⁰ The Graduate Course allows attorneys to specialize in Administrative and Civil Law, Criminal Law, Contract and Fiscal Law, or International and Operational Law.

and above) to provide more advanced and specialized legal training. Both of these courses will be several weeks long are scheduled to begin in the summer of 2011. Each course will be offered once annually.

The Marine Corps trains its legal service specialists differently from the way the Navy trains its Legalmen. The Navy Legalman school is also located at NJS. The 11 week Navy course includes eight weeks of courses at Roger Williams University. The credits earned at Roger Williams are an incentive for young Legalman to work towards an associate's degree in paralegal studies. The Navy starts their Legalmen pipeline at the grade of E-4 rather than the entry level.

(b) Legal Services Court Reporter Course (Speech Recognition). In 2007, the Marine Corps transitioned from stenography to speech recognition as the primary means of capturing courts-martial. Each fiscal year, two speech recognition courses are held at NJS. Each course has 10 allocations and provides training over 11 weeks. The instruction for the course covers exhibit handling and preparation, grammar, operation of computer aided transcription systems, courts-martial proceedings, closed mask capture of proceedings, preparation of results of trial, and the preparation of verbatim and summarized records of proceedings. Upon completion of this course the Marine is sworn as a court reporter and an officer of the court.

(c) TECOM Coordination. JAD and NJS play an instrumental role in the development of curriculum for the Legal Services School in Newport, and other formal Marine Corps schools. JAD maintains a relationship with TECOM to assist in the maintenance and validation of formal Marine Corps school curriculum in the areas of basic and advanced legal skills, including speech recognition court reporting. JAD provides instructors consistent with staffing goals to support the TECOM mission. Structure has been moved from the Personnel Administrative School at Camp Johnson, Camp Lejeune, to meet the LSS requirement at NJS. With the development of new courses, it is anticipated that the need for instructors at NJS will increase.

b. Recent JAS Initiatives

(1) Funding for Legal Service Specialists. Enlisted career progression training has been historically non-existent. Significant efforts have been made to identify and gain TECOM funding for courses that would enhance the ability of the enlisted legal service specialist to become a more integral part of a legal team. The goal is to maximize personnel efficiency and allow for judge advocates to focus on tasks that require a licensed attorney.

(2) Increasing SEP Opportunities for Judge Advocates. Over the past two years, five SEP students (up from three) have been funded.

(3) Return to Active Duty (RAD) Board. Over the past two years, increases in judge advocate structure at the rank of major have caused the total number of majors in the inventory to fall below 70% of the total Marine Corps requirement for 4402s. Officer inventory planners instituted a RAD board in an attempt to quickly make up for the shortfall. Although this solves the short term deficiency, it will not fully offset the experience deficit at the mid-level leadership ranks. M&RA has also scheduled a RAD board in the fall of 2010.

The eligible population consists of former active duty judge advocates as well as former Marines who held other occupational specialties, but have since completed their law degree and passed the bar.

(4) Increased accession mission. In FY10, DC M&RA increased the accession quota for new judge advocates from 45 to 60 per year. This will make up for losses to attrition and allow for inventories to meet the projected growth in structure over the long term. JAD is working with MCRC to ensure that we attract the best qualified officers among these additional accessions. In order to minimize OCS attrition among candidates with law contracts, MCRC must recruit candidates who possess the required physical and mental toughness to complete OCS and become a Marine officer.

(5) Shaping the Legal Community. Although Marine judge advocates are generalists by design, the Marine Corps has designated billets to require a secondary MOS to ensure necessary levels of expertise in critical billets (usually field grade). There is currently structure for 32 specialized billets spread across various offices in the Marine Corps in International/Operational Law (MOS 4405), Environmental Law (MOS 4406), Labor and Employment Law (MOS 4407), Procurement and Fiscal Law (MOS 4408) and two requiring General LLM degrees (4410). There is also a request pending for three new billets to reflect the growing need for contingency contracting attorneys to support deploying operating forces and to designate billets requiring military justice expertise (MOS 4409).

(6) Shaping the court reporter community

(a) Update of the Legal Administrative Manual. JAD recently revised Chapter 18 of the Marine Corps Manual for Legal Administration (LEGADMINMAN) (MCO P5800.16A) with new instructions and qualifications for speech recognition court reporters.

(b) Update of Speech Recognition Course. Since the transition to speech recognition court reporting, several modifications to the size and duration of the court reporter course have been made to ensure optimum training and performance output by the Marines attending. The future mission requirements in this area will be met by stabilizing the course at 20 school seats per year by FY12.

c. JAS's Vision and Strategic Goals

(1) JAD's goal is to provide, by 2015, a realistic opportunity for every judge advocate to obtain an LL.M by the time they reach Lieutenant Colonel.

(a) For FY11, the SEP quota was increased from three judge advocates to five after confirming budget allocations from TECOM. TECOM will re-evaluate the additional quotas for FY12 in view of budget constraints.

(b) Change MCO 1520.9G (Special Education Program) to provide for waivers in exceptional circumstances for junior Lieutenant Colonels to participate in SEP.

(c) Increase the number of judge advocates attending the Graduate Course at TJAGLCS from 10 to 15 per year.

(2) Develop plan for staffing judge advocates from the RAD board and FLEP/ELP students in order to capitalize on the experience and maturity levels of these officers.

(3) Compete with other services on accession/retention incentive pay.

4. Conclusion. Manpower management inevitably relies on projections and predictions and, therefore, will always be a challenge. Statistical models help with planning, but cannot accurately account for all factors. JAD is working closely with TFSD and M&RA to ensure that the legal community structure and inventory matches the needs of the Marine Corps. Through JAS's and the Legal Services Chief's advice to M&RA, JAD continually strives to maximize manpower efficiency by placing the right Marines in the right billets. By working through these channels, the legal services community is responding to new challenges in order to improve efficiency and increase the quality of legal services across the Marine Corps.

5. Resources

a. References

- (a) MCO 5311.1D, Total Force Structure Process
- (b) MCO P5800.16A, LEGADMINMAN, Chapter 19 and 21
- (c) MCO P1300.8R, Marine Corps Assignment Policy
- (d) MCO 1200.17A, Military Occupational Specialty Manual
- (e) MCO 1520.9G, Special Education Program (SEP)
- (f) MCO 1560.19E, Advanced Degree Program (ADP)

b. Figures

- (1) Historic Judge Advocate Inventory and Ratio/1,000 Marines
- (2) A Brief Timeline of Recent Manpower, Structure and Planning Efforts

Figure (1)

STATUS	CYEAR	4402 Inventory	9914 (Colonel MOS) Inventory*	Total	USMC End Strength	JA/1,000	
ACTIVE	1990	422	28	450	196,577	2.3	
	1991	370	29	399	193,963	2.1	
	1992	348	26	374	184,548	2.0	
	1993	387	27	414	178,336	2.3	
	1994	347	32	379	174,103	2.2	
	1995	362	32	394	174,506	2.3	
	1996	343	31	374	174,817	2.1	
	1997	371	26	397	173,810	2.3	
	1998	359	23	382	173,072	2.2	
	1999	337	23	360	172,633	2.1	
	2000	370	24	394	173,291	2.3	
	2001	393	23	416	172,914	2.4	
	2002	413	23	436	173,749	2.5	
	2003	411	26	437	177,756	2.5	
	2004	385	31	416	177,159	2.3	
	2005	395	34	429	180,025	2.4	
	2006	402	32	434	180,414	2.4	
	2007	418	*The 9914 MOS was discontinued and JA Colonels reverted to the 4402 MOS.		418	186,471	2.2
	2008	409		409	198,505	2.1	
	2009	407		407	202,786	2.0	
2010	444		444	202,100	2.2		

Forecast

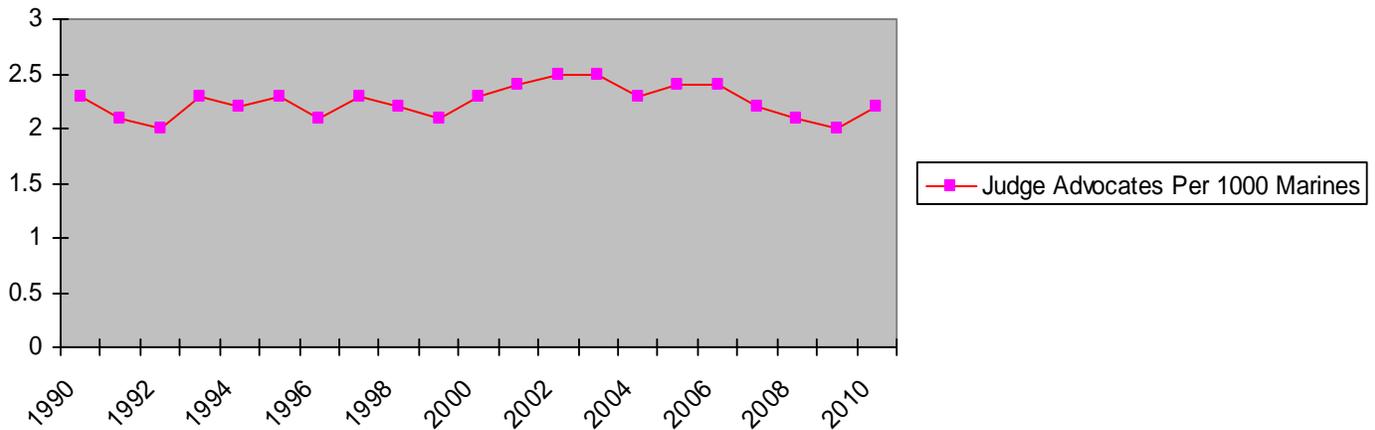


Figure (2)

A Brief Timeline of Recent Manpower, Structure, and Planning Efforts:

Key events/timeline:

Jan 03	Navy JAG removes last of three Navy judge advocates assigned to Legal Service Support Sections at Camp Pendleton, Camp Lejeune and Okinawa.
May 03	Request to re-align O-3 historically unfilled O-3 billet from Marine Corps Equal Opportunity Office to the Defense Institute for International Legal Studies due to emerging requirements in the U.S. Security Assistance Program mission. Approved.
Oct 03	Law School Education Debt Subsidy (LSEDS) instituted as a force shaping tool due to shortage of judge advocate captains (LSEDS renewed every year until the present--\$30k over 3 years, for career designated captains).
Feb 04	Request to re-align O-4 billet from Marine Corps Logistics Base, Albany, GA to Marine Central Command (MARCENT), creating a MARCENT SJA billet due to wartime requirements. Approved.
Oct 04	Request to re-align O-3 billet from Navy Formal Physical Evaluation Boards to Marine Forces Reserve to serve as trial counsel due to workload requirements. Approved.
Jan 05	Request to re-align O-3 billet from Naval Support Activity, Naples, Italy to the Naval Trial Services Office Southeast, Pensacola, FL due to workload requirements and overall value to the Marine Corps. This corrected an 'unstructured' requirement that had been staffed by a judge advocate since 2000. Approved.
Jan 06	Request to re-align a military judge from Camp Lejeune to Naval Air Station Jacksonville. Approved.
May 06	MOS Manual changed to reflect new MOSs available to judge advocates after their completion of Master of Law degree.
Dec 06	USMC announced end strength increase to 202k.
Feb 07	JAS sent data call to collect input on Command needs and T/O requirements.
May 07	SJA to CMC letter to ASN (M&RA). Subj: Undocumented Requirements for USMC Judge Advocates, responding to request by ASN M&RA as to why USMC had so many judge advocates on active

duty if there were not Table of Organization (T/O) billets for them (at the time, T/O=306, inventory=454).

- Jun 07 Office of the Staff Judge Advocate created at MCRC, allowing for increased judge advocate involvement in judge advocate recruiting.
- Jul 07 SJA to CMC signed Memo to CMC and routed recommendations on T/O adjustments to CMC ("Structure/Review").
- Aug 07 SJA to CMC asked by CMC "Do we have enough lawyers?"
- Oct 07 Counsel for the Commandant (CL) input on Structure Review received.
- Oct 07 MCRC developed "Platoon Leader's Class (PLC) Mentorship Program" for lawyers in the recruiting pipeline.
- Dec 07 TFSD re-routed Structure Review to Marine Forces Commands for concurrence.
- Jan 08 JAS participated in the joint student loan working group to address increasing debt loads among judge advocates and service initiatives to address problems in recruiting and retention.
- Feb 08 Uncompensated Review Board (URB) announced and Structure Review diverted into that process.
- May 08 JAD requested change to MCO 1210.9 (Supplementary MOS (SMOS) Program and Voluntary Lateral Move Program For Marine Corps Officers) to permit lateral moves into the 4402 MOS.
- May 08 MCRC established internship program to allow student judge advocates to begin active duty 180 days prior to reporting to TBS. Student judge advocates assigned to legal offices across the Marine Corps.
- May 08 SJA to CMC briefed the URB on JAD proposal of an increase of 34 4402s and 29 4421s; validated but no new structure granted.
- Jun 08 7 MEU billets, MOS 0530 (Civil Affairs), approved for conversion to 4402.
- Jul 08 Judge Advocate initial accession mission for FY09 increased from 35 to 45.
- Jul 08 Re-code of 14 CL Billets (7 billets as 4406, 3 as 4408 and 4 as 4407).
- Oct 08 College Cost Reduction Act passed by Congress providing loan forgiveness for public service employees (to include military attorneys)

if certain provisions are met. JAS briefed judge advocates and briefed Manpower for use in recruiting all officers.

- Nov 08 17 officer and 7 enlisted billets added by TFSD (13 required by Presidential Directive Memorandum (PDM) III) as “permanent” structure through 2012 in support of the Defense Legal Services Administration (Office of the Military Commissions).
- Jan 09 Re-coded Assistant Branch Head billet at JAO as 4405 MOS and Navy JAG International and Operational Law (Code 10) billet as 4405 MOS.
- Apr 09 Moved Military Judge Billet from Jacksonville, FL to Parris Island, SC to align with case volume requirements (approved May 09).
- May 09 Deputy SJA to CMC briefed URB on JAD proposal—32 4402s and 29 4421s; validated but no new structure granted.
- Jun 09 MCRC Order 1131.1 (MCRC Law Programs) signed, adding structure, organization and standards for the recruitment of judge advocates. Formalized a pre-active service internship program to assist with retention and help develop judge advocates before TBS. Also implemented program to allow student judge advocates the opportunity to complete judicial clerkships or LL.Ms before accessing to active duty.
- Jun 09 Submitted proposal re-coding of billets: (pending final approval): 37 4409; 9 4405; 7 4410.
- Aug 09 JAD submitted request to Capability Assessment Review (CAR) (202K Re-look) for 19 judge advocates and 1 civilian.
- Aug 09 Manpower Policy and Procedure, Officer Plans, raised concern regarding the health of judge advocate population.
- Aug 09 Judge advocate initial accession mission for FY10 increased from 45 to 60.
- Nov 09 MCRC agreed to fund a CNA study devoted to Law Programs and judge advocate recruiting.
- Jan 10 JAS submitted additional billets for re-coding: 8 4405 and 4 4409.
- Jan 10 T&R Conference to re-write training standards for Marine Corps legal mission requirements.
- Feb 10 RAD board convened to make up for a shortage in the mid-level leadership ranks.

- Mar 10 Meeting with TFSD & Manpower to discuss solutions such as designating the 4402 community for 100% fill on the Authorized Strength Report.
- Apr 10 New Legal Services T&R Manual signed, standardizing formal school and on-the-job training requirements for all judge advocates, legal administrative officers, and legal service specialists.
- May 10 Second RAD Board announced – convenes in August 2010.