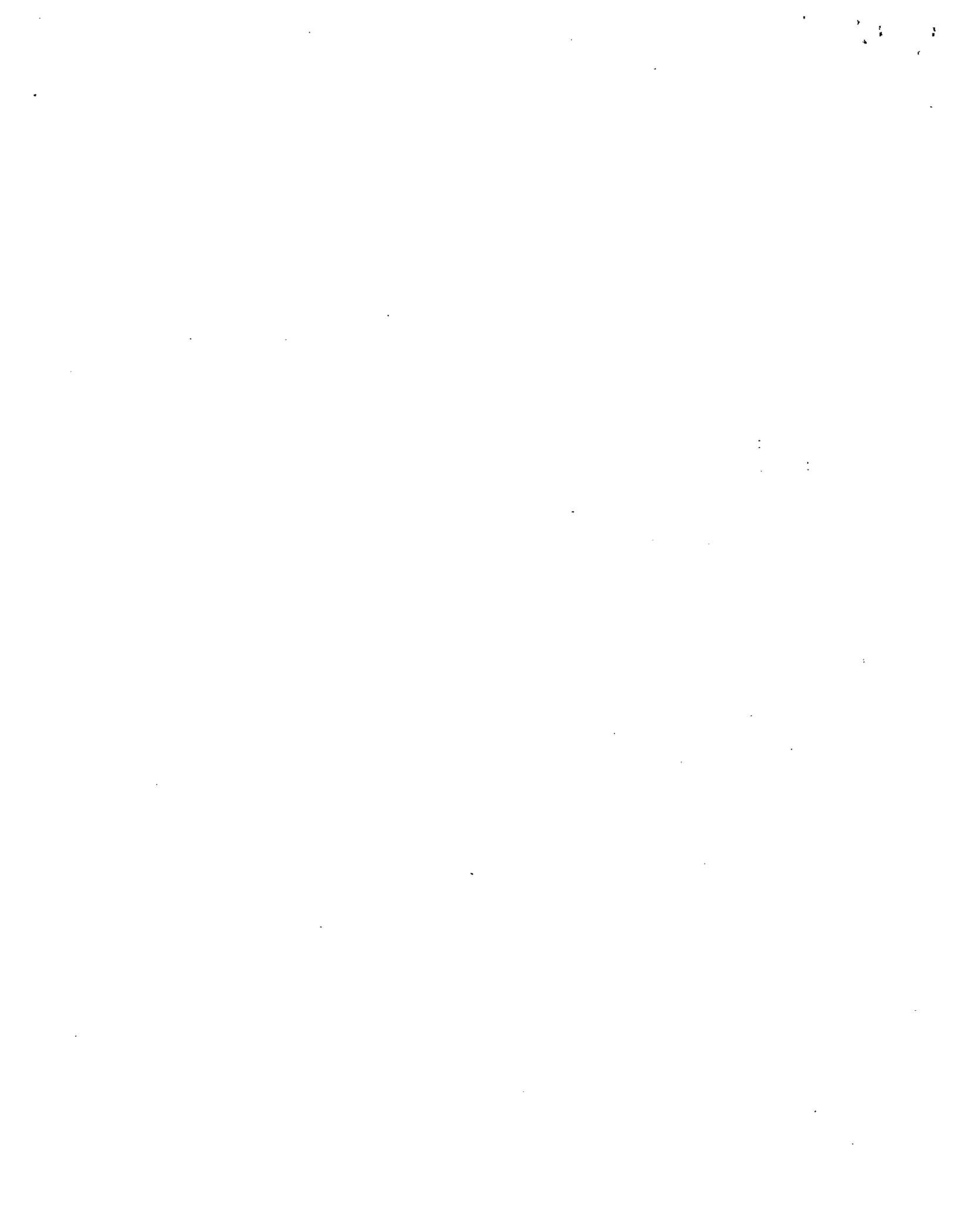




# Legal Service Support

## Master Plan 1990 - 2000

Service Plan





DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
WASHINGTON, D.C. 20380-0001

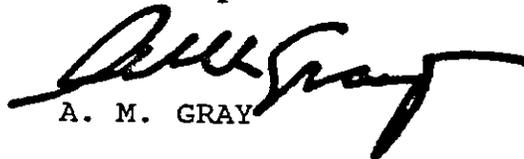
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21 DEC 1989

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Subj: LEGAL SERVICE SUPPORT MASTER PLAN (LSSMP)

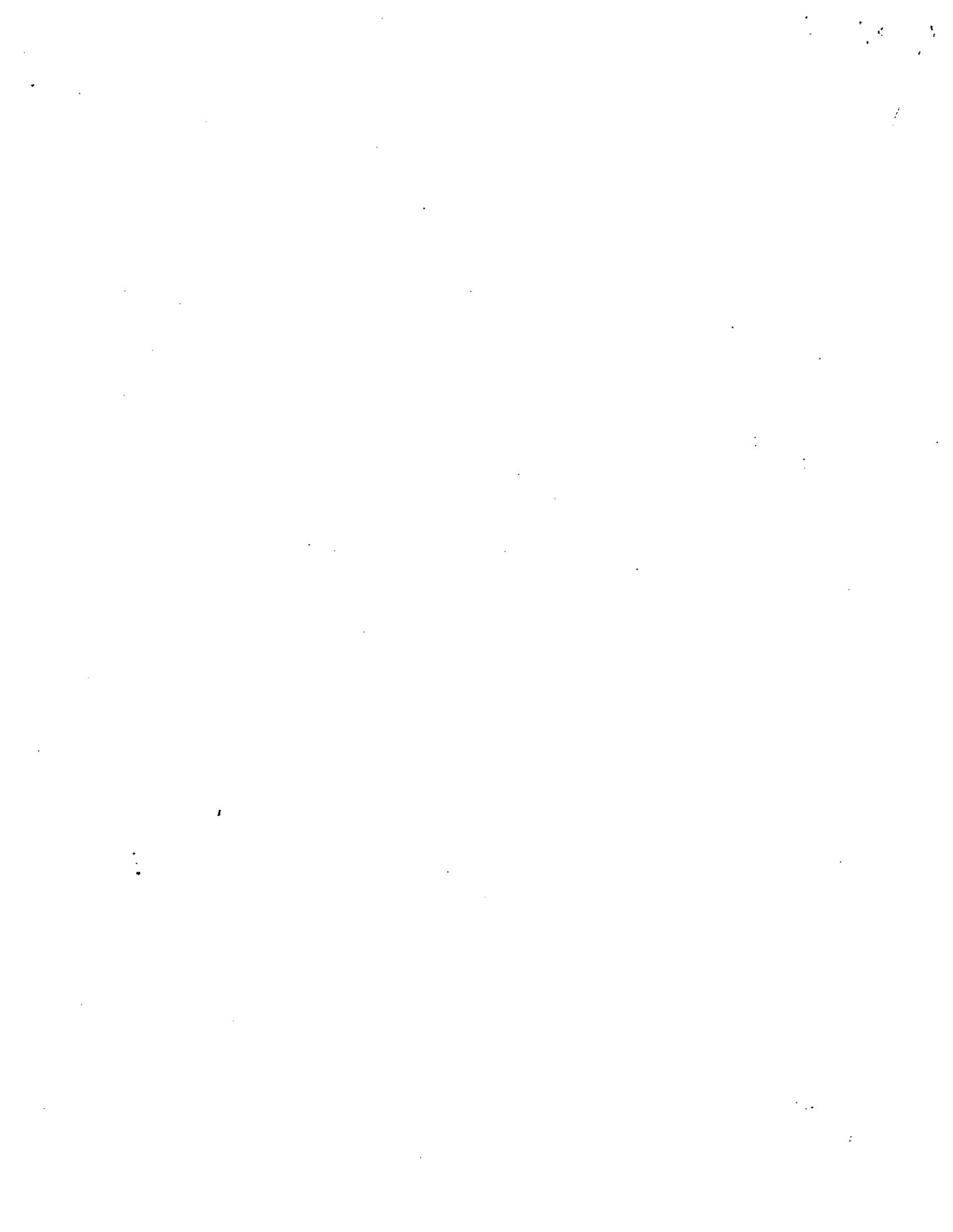
1. I have approved the initial Legal Service Support Master Plan for internal service use. The LSSMP will provide the basis for requirements determinations, capability assessments, and program development. The dialogue between my Staff Judge Advocate and Counsel, and field commanders and their SJAs which led to this plan will continue. I encourage Marines to read the LSSMP and use it to ensure the best legal support to our Corps.

  
A. M. GRAY

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# LEGAL SERVICE SUPPORT MASTER PLAN

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# LEGAL SERVICE SUPPORT MASTER PLAN

## SECTION 1

### INTRODUCTION

101. Purpose. The Legal Service Support Master Plan (LSSMP) provides detailed guidance for the organization, manning, equipping, training and direction of Marine Corps legal support to the year 2000. The LSSMP is the single authoritative statement of Marine Corps legal service support planning objectives and of the supporting actions necessary to achieve them.

102. Scope. The LSSMP provides a comprehensive view of how the Marine Corps can best meet its legal service support requirements during the 1990s. It is the principal planning document for legal support. It must be followed carefully when planning action affecting any aspect of Marine Corps legal support. The LSSMP consists of four sections and four annexes.

1. Section 1: General Information.
2. Section 2: Marine Corps legal support requirements for the next decade are reviewed.
3. Sections 3 and 4: How the Marine Corps will meet those requirements is discussed.
4. Annex A: Detailed information on determining future legal support requirements is provided. This annex supplements Section 2.
5. Annex B: Tasks directed by this plan are compiled.
6. Annex C: Relationships among the principal legal officers within the Secretariat, Headquarters Marine Corps, Operating Forces, and the Supporting Establishment are described. A clear understanding of the responsibilities of each and their relationships to one another is essential to full understanding of this plan.
7. Annex D: A career progression chart is provided. The assignments are not listed in any particular order, but do reflect the most likely billets for judge advocates.

103. Relationship to Other Plans. The MAGTF Master Plan and Supporting Establishment Master Plan provide the framework and guidance for this overall review of Marine Corps legal support. Those plans envisage a future that will require the Marine Corps legal community to provide increased legal support with increased levels of expertise. They do not, however, provide the detailed analysis necessary to chart the course for legal support

throughout the 1990s. The LSSMP responds to these plans by identifying, analyzing, and providing guidance on the specific legal service support issues that must be addressed to meet the projected needs of the Marine Corps.

#### 104. Background

1. During the 1980s commanders faced ever-increasing legal support requirements. The Marine Corps responded in three principal ways:

a. First, consolidation provided efficiency. FMF legal support was consolidated into the Legal Service Support Sections (LSSS) of the Force Service Support Groups (FSSG). Similar consolidations occurred between FMF and supporting establishment commands at most small installations and an area counsel office test proved successful on the West Coast.

b. Second, increased expertise was developed in different areas of the law. Experienced judge advocates received advanced training in a particular area of the law and then were repeatedly assigned duties in that area to enhance their expertise.

c. Third, additional civilian attorneys were hired.

2. Commanders found that those solutions met their requirements. The LSSMP continues the legal support trend of the past decade by building on that foundation to find ways to do even more with available assets.

105. The Staff Judge Advocate. This plan refers throughout to the role of the staff judge advocate in the areas of resource allocation and employment. Clearly, these are privileges and responsibilities which inhere in command. This plan does not change that. It does, however, recognize that the staff judge advocate is both the commander's principal legal advisor and manager of legal assets within the command.

#### 106. Assumptions

1. The Marine Corps statutory roles and mission will remain unchanged.

2. The MAGTF Master Plan, Supporting Establishment Master Plan, and the Combat Service Support Subordinate Plan will remain relatively unchanged on matters affecting legal support to the Marine Corps.

3. The MAGTF operational concept will continue to mature and develop but the requirements for legal support during deployments will not change significantly.

4. The organization, size and location of the supporting establishment will not undergo significant changes.
5. Reserve forces will only be available for extended active duty during significant national security crises.
6. The requirement for expert legal support in legal assistance, operational, land use, environmental, labor, and civil law will increase.
7. Increases in legal support and legal expertise will be gradual.
8. Grade structure and the total number of legal personnel in the Marine Corps will not grow.
9. Funding to support legal training, equipment and facilities will not grow.
10. LSSS personnel will retain their civil affairs function.



# LEGAL SERVICE SUPPORT MASTER PLAN

## SECTION 2

### MARINE CORPS LEGAL SUPPORT REQUIREMENTS AND GOALS

201. General. This section summarizes the legal service support requirements and states the goals of the LSSMP. Requirements determination is critical. The Marine Corps predicted requirements drive the entire LSSMP. Assumptions 106.6 and 106.7 predict increased requirements for legal support during the 1990s. Each principal area of legal support is analyzed in detail in Annex A. The Marine Corps' most likely legal requirements are determined from that analysis.

#### 202. Summary

1. The overall requirements for legal service support will increase slowly but steadily throughout the 1990s.
2. In some areas of the law (land use and environmental), the increase will be substantial. In others (operational, labor, procurement, and civil), it will be somewhat smaller. No area will have a decreased requirement.
3. In a few areas of the law (land use, environmental, labor, and procurement) personnel assets currently lag behind requirements and need attention. In the other areas of the law current personnel requirements are being met.
4. Legal support requirements might, although the possibility is small, significantly exceed the increased level predicted. Land use and environmental law are the most likely areas in which this could happen. The possibility that requirements will be less than predicted is almost nonexistent.

203. Goals. To aid judge advocates and civilian attorneys in meeting the commander's legal support requirements the LSSMP must:

1. Address each area of the law separately.
2. Retain a legal service support system that permits rapid task organization, as required, for immediate deployment.
3. Develop increased regional expertise in land use, environmental, civilian personnel, and procurement law.
4. Retain at least current levels of expertise in military justice, legal assistance, operational and civil law.

5. Create greater efficiency in operation to allow fewer personnel to provide more legal support.
6. Provide an integrated legal service system that allows commanders to mutually support each other in any area of the law.
7. Ensure that both the civil affairs and legal service missions of the LSSS are fully supported.

# LEGAL SERVICE SUPPORT MASTER PLAN

## SECTION 3

### CONCEPT OF LEGAL SERVICE SUPPORT

301. General. In this section policies are established to respond to legal service support requirements predicted in section 2. The scope, goals and principles of legal support that will guide policy development and implementation are set forth. Specific legal service support policy in eight key areas of the law is discussed. All actions affecting Marine Corps legal support during the next decade must follow these policies.

#### 302. Scope

1. Marine Corps legal support focuses exclusively on meeting the legal support needs of the command. It is a support function. As such, it seeks to meet those requirements while using the absolute minimum amount of personnel, equipment, facilities and funding necessary.

2. Marine Corps legal practice is limited to those areas of the law that directly affect accomplishment of the Marine Corps mission. These areas are specifically addressed in Annex A. The minimal degree of expertise required in each area is that needed to provide the required support. As commanders identify a need for expertise in a new field, or for an increased level of expertise in a particular field that is beyond their capacity to meet, the Staff Judge Advocate to the Commandant (SJA to CMC) and the Counsel for the Commandant (CL) will take steps to meet that need.

303. Goals. The goals of Marine Corps legal service support are:

1. To meet every command's legal service support requirements (see Section 2) in a timely, effective manner.

2. To operate efficiently, using only essential personnel, equipment, facilities and funding.

3. To ensure those Marines providing legal support remain capable of effectively serving in combat operations should the need arise.

304. Key Principles. There are three key principles of legal service support: integration, consolidation, and area of concentration.

305. Integration. Marine Corps legal service support is fully integrated. This simply means that judge advocates and civilian

attorneys work together on installation law issues as a unified Marine Corps legal community.

1. Integration explains why paragraph 308.1 addresses "primary" and not "exclusive" cognizance over installation law support. Commands often need cooperative effort from both the civilian and uniformed Marine Corps legal support structure to meet their installation law requirements. One component alone cannot accomplish the mission.

2. Pooling our civilian and military legal support assets also maximizes efficiency and effectiveness by minimizing legal support resource requirements. Such integration helps accomplish the Area Counsel Office's goal of providing timely and effective legal support to client commands.

306. Consolidation. Marine Corps legal service support is mutually supporting. This means that one command provides a certain type of legal support for other commands. It maximizes efficiency and improves effectiveness. Current examples include the formation of the LSSS, joint legal assistance offices, and joint installation/FMF legal offices.

1. Consolidation may be regional or local. No "right" way to consolidate exists. For example:

a. Regional. The Area Counsel Office concept is a regional consolidation of installation law support.

(1) Full-service offices have been established on both the east and west coasts. Smaller offices may be task-organized to meet the needs of Hawaii and Japan. The internal organization and command relationships of each office will be as locally established.

(2) An area counsel heads each office and is primarily responsible for providing all required/requested installation law support to all commands in the region. The staffs are filled by other judge advocates, civilian attorneys and support personnel. The area counsel reports directly to CL.

b. Local. Local consolidation means that one command will provide legal support in a given area of the law to all other commands in that geographic location. Examples of successful local consolidation include the military justice function at Camp Pendleton (under the LSSS) and the legal assistance function (under the Base).

2. Consolidation is more than collocation (see paragraph 309). Normally, it includes control of personnel, equipment, facilities assignment, and certain aspects of funding. The supporting commands exercise this control. The supported commands "give"

the supporting commands a set number of personnel and other necessary equipment, space, etc. Supported commands must ensure they retain the ability to rapidly reconstitute their legal support structure in the event of deployment. Memoranda of Agreement or other methods may be used to establish consolidation.

3. Local consolidation will be studied at each location where there is more than one command with organic legal support. The senior FMF commander in each geographic location has responsibility for this review. It may be formal or informal, as required. The issue will then be reviewed annually to ensure the local consolidation solution remains appropriate. There is a presumption in favor of consolidation of military justice, investigations, and legal assistance. Other areas may be consolidated if the local situation dictates.

307. Area of Concentration. This is the third of the key principles of legal support. It is the primary means to develop the expertise commanders require in each area of the law. An area of concentration means that each judge advocate and civilian attorney will be required to develop and maintain expertise in a particular assigned area of the law. Details of the concept follow:

1. Civilian Attorney. The civilian attorney must be able to provide advice and guidance in all aspects of business and commercial law affecting the Marine Corps. In addition, the civilian attorney will develop and maintain recognizable expertise in an area of concentration as determined by the needs of the office to which the attorney is assigned.

2. Judge Advocate

a. For the judge advocate, the concept begins with three premises:

(1) Judge advocates must be fully qualified as unrestricted officers of Marines.

(2) Judge advocates who attain the grade of colonel must be first, generalist judge advocates able to provide advice to commanders on all legal issues, regardless of subject area; and second, leaders able to run any legal office, evaluate the legal advice of subordinates in any area of the law, and develop Marines to their highest potential.

(3) Judge advocates must develop and maintain significant expertise in an assigned area of the law.

b. Combining these three premises results in the area of concentration concept. Before setting forth the idea, a caution. This concept is only guidance in general terms. The needs of the Marine Corps or specifics of an individual case will require exceptions. Therefore, while this concept will be followed closely it will not be followed rigidly.

c. The key points of the area of concentration concept for judge advocates are:

(1) An area of concentration is not specialization. Judge advocates will not specialize in any area of the law. The requirements of the Marine Corps capsulized in the first two premises addressed above lead away from specialization. The third premise may be met without requiring specialization.

(2) Judge advocates will normally serve initial tours in assignments involving military justice duties. During this and the follow-on tour they should develop their legal skills of research, analysis, writing and speaking, begin mastering the different substantive areas of Marine Corps legal practice, and learn how best to serve the supported commands. Under normal circumstances SJAs and LSSS OICs should allow these judge advocates at least 12 months in their respective billets to develop their skills fully and effectively.

(3) Upon completion of two tours of duty as a judge advocate or selection to attend intermediate level school, the Special Education Program (SEP), or the TJAGSA graduate course, judge advocates will be assigned an area of concentration by the SJA to CMC. Assignments will be made based on the needs of the Marine Corps, the desires of the individual Marine, and the particular facts of each case.

(4) Areas of concentration will be military justice, operational law, land use law, environmental law, labor law, and procurement law.

(5) For ease of administration, areas of concentration will be in one of two tracks, military law or installation law. Military justice and operational law are the areas of concentration in military law; and land use, environment, labor, civilian personnel, and procurement law are the areas of concentration in installation law. See Annex D.

(6) Whenever possible, judge advocates will serve a series of tours as majors and lieutenant colonels in the assigned area of concentration. They will develop the expertise required by commands in that area. When such assignments are not possible, or when the needs of the Marine Corps dictate, the next choice for assignments will be from within the appropriate track.

However, there will be occasions when judge advocates will serve outside their track (e.g., in WestPac where installation billets are few in number, when filling 9910 billets, or when the needs of the Marine Corps or individual require).

(7) Judge advocates assigned an area of concentration are personally responsible for developing and maintaining an expertise in that area. That responsibility remains theirs for the rest of their career, is unaffected by assignment to formal school and continues even when serving in billets not related to their area of concentration.

(8) Whenever possible, judge advocates will be assigned to formal schools or periods of continuing legal education in the area of concentration. However, assignment of an area of concentration does not mean that a given judge advocate is guaranteed a particular school/class.

308. Ancillary Principles. These principles guide Marine Corps legal service support policy to meet the goals established in paragraph 303, and support the key principles outlined in paragraphs 305-307. They are both general and specific. They cover virtually every aspect of legal service support. They are the key to understanding how the Marine Corps legal service support system is to operate.

1. CL has primary cognizance over the delivery of installation law support and exclusive cognizance over the traditional areas of business and commercial law. See Annex C.
2. The SJA to CMC has exclusive Headquarters Marine Corps staff cognizance over military law which includes military justice, operational law, military personnel law, claims, legal assistance, and such facets of the law not under the primary cognizance of CL. See Annex C.
3. Staff judge advocates (SJAs), LSSS OICs, and senior judge advocates have exclusive cognizance throughout the Marine Corps over military law.
4. CL, the SJA to CMC, SJAs, OICs and area counsel share cognizance over civil law issues, which include standards of conduct/conflicts of interest, government information law, inter governmental relations and support, and other aspects of statutory and regulatory law and administrative law practice not encompassed by military law or installation law.
5. All Marines in the legal field are fully proficient in their MOS. See paragraph 405.

6. All Marines in the legal field are fully qualified to serve effectively in combat operations.
7. Marine Corps legal support is total force legal support. USMCR legal personnel are a significant part of the legal support team. They are qualified to assume full duties in their assigned billets. See paragraph 310.
8. The military justice system operates, and is perceived as operating, in a fair, efficient and effective manner. See paragraph 311.
9. The legal assistance programs at each command provide the most complete service practicable to the most personnel possible. See paragraph 312.
10. The personnel of the LSSS are fully qualified to provide civil affairs support when required. See paragraph 313.
11. Marine Corps legal service support is as efficient as possible. See section 4.

309. Collocation. To improve effectiveness and efficiency, legal support resources should generally be located in the same, adjacent or nearby buildings. However, collocation is not a goal in and of itself. It is important only when it directly contributes to more effective and efficient legal support. Collocation normally should not apply to the SJA whose more appropriate location is with the commander. Similarly, at geographically dispersed commands (e.g., Okinawa, Camp Pendleton) it may be far more effective and efficient to have branch offices.

1. The common use of computer assisted legal research, of law libraries, of courtrooms, etc. make collocation a significant step toward providing more legal support more efficiently. For similar reasons, other staff/tenant organizations that work closely with the legal support providers should also be collocated whenever possible. Examples include PMO/CID, NIS, and Family Service Centers.
2. Collocation does not include any measure of control. Thus, the legal assistance office run by a base might be collocated with the military justice office run by the LSSS with each retaining total control over its respective office.
3. The senior FMF commander at each location with more than one command with organic legal support will coordinate an annual review of collocation. This review may be part of the consolidation review addressed in paragraph 306.

310. Total Force Legal Support. Marine Corps Reserve legal personnel provide significant legal support throughout the Marine Corps. They provide essential legal support to the Reserves and also bring valuable assistance to active duty Marines. During the decade ahead Marine Corps Reserve legal personnel can provide much-needed resources in meeting legal support requirements.

1. The primary responsibility of Reserve judge advocates is to develop and maintain proficiency in an assigned billet. Drills and periods on active duty for training must first be geared to developing the skills and expertise required to perform the billet assigned and preparing the Reserve to assume full duties if recalled to active duty. SJAs and LSSS OICs are responsible for utilizing Reserve judge advocates in this manner.

2. The Reserve judge advocate's individual expertise outside of the billet assignment may be used where it will serve the needs of the Marine Corps only after a satisfactory level of proficiency is attained. Examples of this include:

a. Providing much of the extensive legal research, analysis and work product involved in a major command's critical and protracted battle for water. Much of the time this team of Reserves devotes to this project is non-drill, volunteer time.

b. Providing expert legal assistance for Marines and their families in specialized areas beyond the scope of the local legal assistance program.

c. Providing extensive after-hours and weekend legal assistance for eligible personnel whose schedules do not fit the normal work hours.

d. Providing commanders detailed legal research and analysis on complex issues in their particular area of legal expertise when the command's active duty judge advocates do not possess the requisite expertise. This has proved particularly useful in procurement, tax, and litigation support matters.

311. Military Justice. Military justice includes the functions of trial counsel, defense counsel, military justice officer, military judge, court reporter, review officer, and those responsible for promulgation and administrative separations for cause. Because the great bulk of all Marine Corps legal service resources are used in providing military justice support any increase in efficiency or effectiveness in this area will pay enormous cumulative benefits to the Marine Corps. SJAs and OICs must continually strive to improve efficiency and effectiveness.

1. Military Justice Expertise. Every field grade judge advocate must have a firm, complete knowledge of all aspects of

military justice and must maintain that proficiency regardless of current billet assignment. In addition, however, a substantial cadre of true military justice experts (field grade officers and SNCOs) is required. These experts will carry the primary burden of military justice and will train those who will one day take their places. They must teach, but more importantly they must lead by example. Accordingly, all field grade officers filling key military justice billets such as senior defense counsel, chief trial counsel, military justice officers and heads of a legal service support team, when appropriate, will try cases. Similarly, SNCOs will assume responsibility for the proper preparation of charges and related military justice administration.

2. Defense Counsel. Military justice depends on defense counsel who zealously represent their clients within the bounds of the law. Commanders expect, and the Marine Corps requires, that all defense counsel will accomplish that mission. To exercise supervision over the delivery of defense services within the Marine Corps the Chief Defense Counsel of the Marine Corps (CDC) and three Regional Defense Counsel (RDC) billets have been established. The Marine Corps performance evaluation system provides that fitness reports reflecting performance of defense counsel duties will only be prepared by the CDC and RDCs. This "defense chain" has served the Marine Corps well. The RDCs have developed one of the finest trial technique courses anywhere. They have acted as much-needed senior advisors to defense counsel with complex cases and issues and have been effective spokesmen to commanders on defense matters. The Marine Corps will continue the current defense system and make improvements as necessary to ensure full and fair representation.

312. Legal Assistance. This is the principal legal support program designed to help service personnel and their families. This tremendously important benefit to thousands today will increase in importance during the 1990s as more Marines get married younger and intra-familial problems grow. Commanders must take an active interest in their legal assistance programs and dedicate sufficient resources so the program adequately serves the command.

1. Scope. Chapter 19 of the Manual of the Judge Advocate General of the Navy (the JAG Manual) lists services that all legal assistance offices should strive to provide. The list is not mandatory. However, it is an important goal because all service personnel should receive the same quality and scope of legal assistance regardless of duty station.

2. Doing More. SJAs/OICs should carefully consider the role Reserve judge advocates can play in their legal assistance programs (see paragraph 310). Consolidation (see paragraph 306)

and collocation (see paragraph 309) should also be considered. Commanders may gain program improvement by establishing mutual support agreements with legal assistance offices at nearby Army, Navy or Air Force commands.

3. Expanded Legal Assistance Program (ELAP). This program brings in-court service to service personnel and their families who could not otherwise afford it. Though relatively new, ELAP has greatly benefited commands that use it. ELAP agreements, when established, must be developed with the local bar and judiciary. Often, judge advocates participating in ELAP must be members of the local state bar. Providing them time to do so and paying their legitimate expenses are methods some commands have used to excellent effect. All commanders are encouraged to take similar steps to establish ELAP programs.

4. Expertise. Legal assistance is not an area of concentration. Nonetheless, commanders of large legal assistance offices require field grade judge advocates with legal assistance expertise to run those offices. The SJA to CMC will maintain a list of billets held by each judge advocate. Based on that list he will recommend permanent change of station assignments for appropriately experienced field grade judge advocates to run the legal assistance offices at major commands. Local commanders retain the authority to assign such officers. However, they should give special consideration to the recommendations provided by the SJA to CMC.

313. Civil Affairs. Civil affairs is not a legal service support mission. However, the LSSS is tasked with maintaining a pool of school-trained individuals to provide active duty civil affairs capabilities to the MAGTF commander. When performing the civil affairs function these Marines will normally be assigned to the MAGTF command element. The MAGTF Master Plan projects increased operations in the low intensity conflict environment. Those scenarios are civil affairs intensive. The LSSS, therefore, must be capable of meeting two separate, distinct and equally important requirements. The impact on legal service support from the loss of LSSS personnel to civil affairs functions is examined in Annex A.



# LEGAL SERVICE SUPPORT MASTER PLAN

## SECTION 4

### LEGAL SERVICE SUPPORT ADMINISTRATION

401. General. This section, as a complement to section 3, addresses administrative support steps that will improve the efficiency and effectiveness of overall legal service support to Marine Corps commands.

402. Goal. The goal of legal service support administration is to make legal support to commands faster, better, and less labor intensive.

403. Legal Administrative Officer. The legal administrative officer (LAO) is responsible for the administrative management functions of the OSJA/LSSS. The duty of a LAO is essentially that of an "office manager." His experience and ability make him the duty expert for all administrative, logistical, and personnel requirements for the law office. During the 1990s technological advances will no doubt provide more efficient and expedient ways to perform administrative functions. The task of all LAOs is to employ the technology and expertise available to ensure that the goal of legal service support administration is met.

404. Staff Noncommissioned Officer. Staff noncommissioned officers (SNCO) provide leadership, knowledge, and experience to legal service support units. They perform the critical duties of review chief, military justice chief, and administrative chief. Most importantly, they lead junior Marines. The quality of support provided by the legal community is dependent upon the leadership and training that the SNCO provides. Every SNCO, therefore, must set the example in dedication to duty and MOS proficiency that their subordinates can strive to emulate. Accordingly, SJAs and LSSS OICs must ensure that SNCOs are assigned positions of responsibility and are afforded the opportunity to develop into effective law office managers.

405. Education and Training. Education and training also hold keys to enhanced legal support effectiveness. They are the building blocks of MOS proficiency. Commanders should expect constant revision and improvement of on-the-job legal support training programs. The senior judge advocate in each legal office bears this responsibility. Commanders should also expect senior judge advocates to utilize continuing legal education opportunities. This paragraph addresses various aspects of legal support education and training.

1. Funded Legal Education Program (FLEP) and Excess Leave Program (ELP). The FLEP and ELP allow for the accession of judge advocates from within the Marine Corps. Because these officers

are not fully apprised of the particular requirements of Marine Corps legal support, the SJA to CMC will approve their course selection. In doing so he shall consider the needs of the Marine Corps, the career development policies addressed in this plan, and the appropriate state bar examination requirements.

2. Legal Courses, Personnel Admin School, Camp Pendleton. The Commanding General, Marine Corps Combat Development Command will review the curriculum of and need for the basic, mid-level, and advanced courses at this school.

3. Special Education Program (SEP). The SJA to CMC and CL will ensure that the disciplines available each academic year for this program fit the most compelling needs of the Marine Corps. They will also seek to increase the number of seats available for judge advocates in this program through the Marine Corps and the Navy. Finally, they will approve the course selection of all officers accepted into a SEP legal discipline.

4. The Judge Advocate General's School, U.S. Army (TJAGSA) Graduate Course. This course provides exceptional overall legal education to judge advocates. It can also provide specialized education in the areas of concentration identified in this plan. Accordingly, the SJA to CMC will take steps to ensure that a sufficient number of judge advocates are selected to attend the TJAGSA graduate course and will assign areas of concentration to those selected.

5. Continuing Legal Education (CLE). Numerous public and private organizations offer a wide variety of courses specially designed to teach various aspects of the law. The Marine Corps profits greatly from these courses. To conserve scarce resources during the next decade, Marine Corps personnel must attend only those courses that best satisfy Marine Corps requirements. Accordingly, the SJA to CMC and CL will establish a system to evaluate the CLE courses which legal personnel attend, continually update that evaluation, and publish the results to commands.

6. Paralegals. Paralegals enhance legal service support. The SJA to CMC and CL will jointly review hiring civilians and/or training SNCOs as paralegals.

7. Individual Training Standards (ITS). ITS are established by Marine Corps Order for all Marines. The Commanding General, Marine Corps Combat Development Command (CG, MCCDC) has begun a review of the ITS for all legal field personnel. The SJA to CMC will assist as requested in this review. Once completed, revised ITS will be promulgated and all commands will take steps to ensure each Marine can perform to the appropriate standards. Thereafter, the SJA to CMC will advise the CG, MCCDC at least every 2 years on the adequacy of the ITS for the legal field.

8. On the Job Training (OJT). OJT is the best training available. It is mission specific and easily reinforced by immediate practice. Essential to daily improvement through training is the leadership, initiative, and creativity of SNCOs and officers. This is the key to maximizing the performance of every Marine. All officers will ensure that SNCOs have the necessary authority to develop the required MOS proficiency in their subordinates. This duty is primarily one of the SNCO, but the responsibility is shared by both the SNCO and officer in charge.

406. Computers and Legal Research. Legal research is vital to effective legal support. During the next decade computer assisted research will replace law libraries for many legal research functions. The Marine Corps as a whole and each command in particular must implement these new procedures to do more complete legal research faster, for less money, and using far less space.

1. The SJA to CMC and CL will develop a plan to improve and update the Marine Corps legal research system. The plan will include: a listing of the legal research tools the Marine Corps uses today; the development of a model law library that local commands can use as an interim guide; an analysis of what such libraries should hold at the end of the next decade (i.e., what mix of books, microfiche, CD ROM, etc.); an analysis of what computer assisted legal research systems (e.g., WESTLAW, LEXIS) the Marine Corps should be using at the end of the next decade; consideration of whether HQMC funding and/or procurement of legal research would benefit the Marine Corps; and, an analysis of what form of legal research is most deployable. The plan should include milestones to reach the goals established in it.

2. The SJA to CMC and CL will assist the Assistant Chief of Staff for Command, Control, Communications and Computer, Intelligence and Interoperability (AC/S C4I2) in developing a plan to guide the implementation of advanced legal support automated data processing capabilities.

407. Standard Legal Forms and Procedures. The least possible administrative burden should be imposed in satisfying the command's legal support requirements. Consolidation and collocation (see paragraphs 306 and 309) provide an ideal opportunity to review the Marine Corps legal forms and procedures to create the proper mix of uniformity and flexibility necessary for efficient legal support. The SJA to CMC will review current legal forms and procedures throughout the Marine Corps and will recommend actions to make legal support as easy for commands to use as possible.

408. Personnel Requirements Criteria. Having the right number of people with the right mix of skill and experience in the right place at the right time is a principal goal of Marine Corps personnel policy. Deciding how best to implement that policy is properly a manpower matter. The legal field can assist the M&RA Department by reviewing current personnel requirements criteria and proposing appropriate changes. The SJA to CMC and CL in concert with the M&RA Department will conduct a Manpower Requirements Determination Program (MRDP) study to substantiate manpower requirements for the SJA.

# LEGAL SERVICE SUPPORT MASTER PLAN

## ANNEX A

### DETAILED LEGAL SUPPORT REQUIREMENTS DETERMINATION

A01. General. This Annex contains the detailed analysis of Marine Corps legal service support requirements discussed in Section 2 of the LSSMP.

A02. Methodology. Requirements determination for each principal area of legal support begins with an assessment of the current status of support. Analysis of the effect of likely changes in law/regulation, caseload, and key variables (discussed in more detail in the next three subparagraphs) follows. The individual area analysis concludes with an overall assessment of what the command's support requirements in that particular area are most likely to be.

1. Law/Regulation. This analysis provides a careful review of what changes to law/regulation are currently pending, what changes are likely to arise, and how the anticipated changes will affect Marine Corps legal support requirements.

2. Caseload. This analysis provides a careful review of who might affect legal support requirements during the next decade (e.g., commanders, alleged offenders, clients, third parties), whether their demands will increase or decrease required legal support, and how much of an aggregate increase/decrease there will be.

3. Key Variables. This analysis provides a look at possible, but less likely, changes that would significantly alter the requirement determinations of the LSSMP.

4. The principal areas of legal support analyzed are: military justice, operational law, legal assistance, land use, environmental, labor, civilian personnel, procurement, and civil law. For reasons explained in paragraph A11, civil affairs is also analyzed.

### A03. Military Justice

1. Current Status. The commander's military justice support requirements are being met.

2. Law/Regulation. This element will change frequently but will probably not increase significantly in complexity or administrative burden.

3. Caseload. Shrinking demographics will probably cause the quality of recruits to fall. Assuming that the Marine Corps

decides to maintain its current end strength, this will cause a gradual increase in disciplinary and administrative caseload.

4. Key Variables. If the Court of Military Appeals enters the administrative discharge review process, military justice support requirements should significantly increase.

5. Overall Assessment. Military justice requirements are being met. Slow and gradual increase in caseload is possible.

#### A04. Operational Law

1. Current Status. The commander's operational law support requirements are being met.

2. Law/Regulation. The law/regulations in this area (e.g., security assistance, humanitarian aid, sensitive activity oversight) will change substantially but should not significantly affect the Marine Corps legal support requirements.

3. Caseload. Commanders have increasingly required operational law support during exercises and operations. This requirement is likely to continue as we emphasize low intensity conflict which is extremely law/regulation intensive. Because the Marine Corps already provides much of this anticipated requirement the need for operational law support should increase only slightly.

4. Overall Assessment. Operational law requirements are being met but should increase slightly.

#### A05. Legal Assistance

1. Current Status. The command's legal assistance support requirements are being met. These requirements are set by SJAs based on the quantity and quality of judge advocate support available to the command to meet the essentially unlimited demand for legal assistance. Therefore, only demand that can be met will actually be a requirement of the command.

2. Law/Regulation. The law will change constantly in this area but should not affect our support requirements. Regulatory changes will make administration more burdensome but not enough to significantly raise support requirements.

3. Caseload. As our society continues to be increasingly litigious and law/regulation oriented, more people will seek legal assistance.

4. Key Variables. The demand for legal assistance already outstrips the Marine Corps ability to provide the service. If some level of legal assistance is made a right, legal assistance support requirements will increase substantially.

5. Overall Assessment. Legal assistance requirements are being met and are expected to remain relatively constant within the limited capabilities to provide this service.

A06. Land Use Law

1. Current Status. Increased land use support, especially regional expertise, is needed.

2. Law/Regulation. Both law and regulation should grow substantially in scope and complexity and significantly increase the land use law support requirement.

3. Caseload. Civilian demands and restrictions on installations will continue to increase. Commanders have virtually no unused land remaining and must attempt to retain as much installation use as possible. More confrontations taking much more time and resulting in more law suits and regulatory hearings will occur. This will substantially increase the land use law support requirement.

4. Key Variable. Our current structure, even with planned increased personnel, can only handle a certain number of land use issues. That ceiling may be exceeded during the next decade. If so, the entire land use system within the Marine Corps will have to be reviewed and revised.

5. Overall Assessment. The land use support requirement is currently being met. Increases in personnel will be required to meet significant increases in demand.

A07. Environmental Law

1. Current Status. Increased environmental law support, especially regional expertise, is needed.

2. Law/Regulation. Both law and regulation should grow substantially in scope and complexity and significantly increase the environmental law support requirement.

3. Caseload. Federal, state and local governments will increase enforcement of environmental claims against the Marine Corps. Private citizens will increase their use of environmental laws and regulations in fighting proposed Marine Corps action that they desire to stop. Commanders will require increased legal support in ensuring compliance and in defending alleged noncompliance of environmental regulations. This will greatly increase the environmental law support requirement.

4. Key Variables. If at one time in one geographic region the Marine Corps faces a significantly large number of serious environmental challenges, or more than a handful of extremely complex and labor-intensive cases, the environmental law support system for that region will be overwhelmed.

5. Overall Assessment. The environmental law support requirement is currently being met. Increases in personnel will be required to meet significant increases in demand.

#### A08. Civilian Personnel Law

1. Current Status. The commander's civilian personnel law support requirements are being met.

2. Law/Regulation. Frequent changes to law/regulation will not significantly affect civilian personnel law support requirements.

3. Caseload. This factor will remain fairly constant.

4. Overall Assessment. The civilian personnel law support requirement is being met and will remain relatively constant.

#### A09. Procurement Law

1. Current Status. Increased procurement law support is needed.

2. Law/Regulation. Law/regulation will continually change but should have little effect on procurement law support requirements. However, due to the recent fraud investigations the procurement reform movement may result in significant increases in legal requirements in this area.

3. Caseload. The procurement law support requirement should increase as the current procurement fraud investigations result in greater demand for legal review of pending actions.

4. Overall Assessment. The requirement for procurement law support is currently being met. Increases in personnel will be required to meet significant increases in demand.

#### A10. Civil Law

1. Current Status. The commander's requirements for civil law support are being met.

2. Law/Regulation. Certain proposed changes could impose new, heavy administrative burdens on commands. This could substantially increase the support requirements.

3. Caseload. Civilian neighbors of our installations will make ever-increasing requests for use of facilities and other help. Thus, our commanders' requirements for support will grow. As litigation increases so will the need for litigation support.

4. Overall Assessment. The requirement for civil law support is being met but will grow slightly.

All. Civil Affairs. Civil affairs, although not a legal service support mission, is a significant function of the LSSS in the sense that it is tasked to train and maintain a pool of civil affairs-qualified Marines for contingency service in MAGTF command elements. This plan discusses civil affairs to consider the effect of that task on the ability of the LSSS to perform its legal service support mission.

1. Current Status. Increased expertise and experience among personnel assigned the civil affairs mission is needed.

2. Law/Regulation. Changes in the laws/regulations affecting civil affairs should not affect the civil affairs requirement.

3. Caseload. As the MAGTF Master plan projects, commanders will focus on low intensity conflict that can be civil affairs intensive. That focus will increase the requirement for the LSSS to provide more experienced civil affairs personnel with a higher level of expertise to the civil affairs mission of the MAGTF command element.

4. Key Variable. The introduction of MAGTFs into low intensity conflict environments, increased civil affairs training requirements, or greater civil affairs play on exercises/operations will increase the civil affairs requirement significantly.

5. Overall Assessment. The increased civil affairs requirement may result in the transfer of LSSS personnel to the MAGTF command elements for operations and exercises. These personnel are ordinarily engaged in providing legal service support and their commitment to the MAGTF could result in a diminution of legal service support. Other local Marine Corps legal offices should be prepared to assist the LSSS in these circumstances.



# LEGAL SERVICE SUPPORT MASTER PLAN

## ANNEX B

### TASKING MATRIX

B01. General. This annex serves as a quick guide for those tasked by the LSSMP. The tasks are identified and referenced to the detailed paragraph in the text. The purpose of this annex is to serve as a reference. It is not meant to substitute for the detail and guidance in the referenced sections.

B02. Commanding General, Marine Corps Combat Development Command. The CG, MCCDC will:

1. Review the need for and curricula of the Legal Courses, Personnel Admin School, Camp Pendleton. Ref: 405.2.
2. Review the ITS for all legal field personnel. Ref: 405.7.

B03. Counsel for the Commandant. CL will:

1. Exercise primary cognizance over installation law support. Ref: 308.1.
2. Develop, with SJA to CMC, a Marine Corps-wide plan to improve, update, and implement an effective legal research system. Ref: 406.1.
3. Evaluate, with SJA to CMC, CLE programs and publish findings and recommendations to commands. Ref: 405.5.
4. Coordinate with SJA to CMC and M&RA a review of current personnel requirements criteria and recommend appropriate changes. Ref: 408.

B04. Staff Judge Advocate to the Commandant. The SJA to CMC will:

1. Exercise exclusive cognizance over military law at HQMC. Ref: 308.2.
2. Assign all judge advocates an area of concentration upon completion of either two tours of duty as a judge advocate, selection to attend intermediate level school, the SEP, or the TJAGSA graduate course. Ref: 307.2.c.(3).
3. Where possible, assign judge advocates tours within their assigned area of concentration. Ref: 307.2.c.(6).
4. Where possible, assign judge advocates to formal schools or continuing legal education programs within their assigned area of concentration. Ref: 307.2.c.(8).

5. Assist CG, MCCDC in developing the ITS and advise at least biannually on their currency and effectiveness.  
Ref: 405.7.
6. Review, and implement where appropriate, the training of SNCOs as paralegals. Ref: 405.6.
7. Recommend PCS moves of qualified field grade judge advocates to ensure that major legal assistance offices are run by experienced OICs. Ref: 312.4.
8. Develop, with CL, a plan to improve, update, and implement an effective legal research system. Ref: 406.1.
9. Develop, in cooperation with AC/S C<sup>4</sup>I<sup>2</sup>, a Marine Corps plan to guide the implementation of effective automated data processing capabilities. Ref: 406.2.
10. Approve the course selection of FLEP, ELP, and SEP students. Refs: 405.1, 405.3.
11. Seek to increase the number of SEP seats available to judge advocates and ensure that the disciplines available reflect the needs of the Marine Corps. Ref: 405.3.
12. Evaluate, with CL, the CLE programs taken by judge advocates and publish findings and recommendations to commands. Ref: 405.5.
13. Review current legal forms and procedures in use Marine Corps-wide and recommend action to ensure legal support is as simple to use as possible. Ref: 407.
14. Coordinate with CL and M&RA the review of current personnel requirements criteria and recommend appropriate changes.  
Ref: 408.

B05. Supported Commanders. Supported commanders will:

1. Implement the policies of the LSSMP. Ref: 102, 301.
2. Identify to CL or the SJA to CMC needs for expertise in a new field or for an increased level of expertise in a particular field. Ref: 302.2.
3. Ensure that deployability and unit integrity are maintained when consolidating with legal resources outside of the command. Ref: 306.2.

4. The senior FMF commander in an area with more than one command with organic legal support will initiate consolidation and collocation studies and take appropriate action. Review the findings and action taken annually. Ref: 306.3.

5. Implement, where possible, mutual support agreements with local Army, Navy, and Air Force commands to fulfill legal assistance requirements. Ref: 312.2.

6. Implement, where possible, ELAP programs. Ref: 312.3.

7. Ensure LSSS personnel are trained in civil affairs. Ref: 313.

B06. Area Counsel. Area Counsel will:

1. Implement the policies of the LSSMP. Ref: 102, 301.

B07. Staff Judge Advocates/LSSS Officers in Charge. SJAs and LSSS OICs will:

1. Implement the policies of the LSSMP. Ref: 102, 301.

2. Ensure Reserve judge advocates are proficient in their assigned billet and prepared to assume duties if recalled to active duty. Ref: 310.1.

3. Consider consolidation and collocation to maximize efficiency and effectiveness. Ref: 312.2.

4. Ensure SNCOs are assigned positions of responsibility, have the necessary authority to, and are held accountable for, the development of MOS proficiency in their subordinates, and are afforded the opportunity to develop into law office managers. Ref: 404, 405.8.

5. The OIC of an LSSS will provide the required civil affairs support to the MAGTF. Ref: 313.

B08. Civilian Attorneys. Civilian attorneys will:

1. Develop and maintain expertise in an assigned area of concentration. Ref: 307.1.

B09. Judge Advocates. Judge advocates will:

1. Develop and maintain expertise in an assigned area of concentration. Ref: 307.2.a.(3), 307.2.c.(7).

2. Reserve judge advocates will develop and maintain proficiency in the billet assigned to prepare for recall to active duty. Ref: 310.1.



# LEGAL SERVICE SUPPORT MASTER PLAN

## ANNEX C

### STAFF RELATIONSHIPS

C01. General. A thorough understanding of the relationships among the various legal entities within the Department of the Navy is essential to the development of a master plan for which the primary goal is the most efficient utilization of legal resources resident within the Marine Corps. Accordingly, this annex will attempt to identify these legal entities, describe the jurisdiction of each, and clarify to the extent possible the areas where that jurisdiction may abut or overlap.

C02. Legal Entities. Three separate and independent legal entities coexist within the Navy Department (referring to the central executive offices of the Department of the Navy located at the seat of government): the Office of General Counsel (OGC), the Office of the Judge Advocate General (OJAG), and Judge Advocate Division, Headquarters Marine Corps (JAD). The first two are headed by the General Counsel and Judge Advocate General, respectively, both of whom are statutory Departmental officers (10 U.S.C. § 5014 and §§5019 and 5149, resp.). The latter is headed by the Staff Judge Advocate to the Commandant, who is a statutory (10 U.S.C. § 5046) Service officer.

1. In addition to these officers and the offices they head within the Navy Department, there exists throughout the operating forces and shore establishment of the Department of the Navy numerous other "independent" legal entities consisting of the legal staffs of the various commands. Nearly all Marine Corps judge advocates and most of those Navy judge advocates who are not members of the Naval Legal Services Command fall within this category.

2. Among those not included within the category of "independent" legal entities are the Counsel for the Commandant, other field attorneys of the Office of General Counsel, Marine Corps Area Counsel Offices, and the Naval Legal Service Offices worldwide.

C03. Organization. This matter of "independence" is manifested in the way the Department's legal resources are organized.

1. The General Counsel and the Judge Advocate General each head an essentially "stovepipe" organization. Thus all OGC attorneys within the Department of the Navy, including the Counsel for the Commandant (and beneath him the Area Counsel Offices, including any judge advocates assigned), report to or through the General Counsel and in that sense "belong to" the General Counsel. Likewise, the Deputy Judge Advocate General, in his capacity as Commander, Naval Legal Service Command, commands all Navy judge advocates assigned to Naval Legal Service Offices.

2. On the other hand, the Staff Judge Advocate to the Commandant only "commands" the HQMC staff agency he heads, viz., Judge Advocate Division. Most all other Marine Corps judge advocates, like their Navy counterparts serving with operating forces and shore establishment of the Department of the Navy, belong to the organization to which assigned and to its commander. The only "privity" which exists between these officers is the UCMJ, Article 6 entitlement of any staff judge advocate "to communicate with the staff judge advocate. . .of a superior or subordinate command."

C04. Statutory Duties. By statute the General Counsel "shall perform such functions as the Secretary of the Navy may prescribe," and the Judge Advocate General shall

(1) perform duties relating to legal matters arising in the Department of the Navy as may be assigned to him;

(2) perform the functions and duties and exercise the powers prescribed for the Judge Advocate General in [the UCMJ];

(3) receive, revise, and have recorded the proceedings of boards for the examination of officers of the naval service for promotion and retirement; and

(4) perform such other duties as may be assigned to him.

The Staff Judge Advocate to the Commandant has no express statutory duties other than those which any staff judge advocate has under the UCMJ.

C05. Regulatory Duties. The duties of the General Counsel and the Judge Advocate General are further delineated in Departmental directives (SECNAVINST 5430.25\_\_ and 5430.27\_\_, resp.).

1. The former designates the General Counsel as the "principal legal advisor to the Secretary" and provides that he shall,

provide legal advice, counsel, and guidance to the Secretary and the other Civilian Executive Assistants on any issue or matter that they may direct to him, and may, in addition, volunteer his advice, counsel and guidance to these same officials upon any matter that he determines should be brought to their attention. He shall also be responsible for furnishing guidance to the staffs of the Secretary and the other Civilian Executive Assistants. The General Counsel shall perform such other duties as the Secretary may direct. Nothing

herein is intended to infringe in any way upon or interfere with the responsibilities of the Judge Advocate General for the administration of military justice and such other matters as may be assigned to the Judge Advocate General by statute or by the Secretary of the Navy.

The General Counsel is specifically assigned responsibility for providing legal services throughout the Department in the field of business and commercial law, contract claims, civilian personnel law within the Navy Department, and patent legal matters, as well as litigation arising out of all such matters.

2. By this same directive the Counsel for the Commandant is charged with responsibility "for providing in the Marine Corps . . . all legal services for which the General Counsel is assigned responsibility. . . ."

3. In the second directive, the Judge Advocate General duties are described as follows:

In addition to military justice and military law, the Judge Advocate General has cognizance of such legal duties and services throughout the Department of the Navy as are not provided by the General Counsel of the Navy. The Judge Advocate General will maintain a close working relationship with the General Counsel on all matters of common interest.

4. The Staff Judge Advocate to the Commandant has no Departmental responsibilities whatsoever. Although he serves as the occupational field sponsor for judge advocates, legal services officers and enlisted, he does not exercise any supervisory authority over such personnel. Such authority remains with the chain of command, except in matters of judge advocate certification in which ultimate authority lies with the Judge Advocate General.

#### C06. Relationships

1. The Judge Advocate General of the Navy is the Commandant's Judge Advocate General, and although in most routine matters he will normally advise, support, and communicate with the Commandant through his Staff Judge Advocate, the relationship between the two officers is direct and unimpeded. Moreover, in matters under his cognizance the Judge Advocate General speaks ex cathedra within the Marine Corps just as he does within the Navy and the Department of the Navy.

2. Within the Marine Corps the Counsel for the Commandant and the Staff Judge Advocate to the Commandant have effected a division of labor along functional lines while maintaining close coordination and mutual support.

a. Installation law issues, e.g., labor/ civilian personnel law, procurement law, environmental law and land use law, are under the cognizance of Counsel.

b. Military law issues, e.g., military justice, military personnel law, operational law, and legal assistance, are under the cognizance of the Staff Judge Advocate.

c. Some areas, such as standards of conduct and government ethics, are under their joint cognizance. No comprehensive delineation of jurisdiction is likely possible or, for that matter, desirable. Close coordination and daily liaison between the principals and among their staffs is essential to ensuring against inconsistent advice and duplication of effort.

LEGAL SERVICE SUPPORT MASTER PLAN

ANNEX D

NOTIONAL JUDGE ADVOCATE CAREER PROGRESSION CHART

Certification as a JA

Trial/Defense Counsel  
Legal Assistance Officer  
Review Officer/Civil Law AO  
MEU SJA/OP Law Officer LSSS  
NLSO JA/AO OJAG AO/JAD HQMC  
SplAsst US Atty  
DepSJA, Major FMF Command

Assignment of Area of Concentration

(Upon completion of two tours as a JA,  
or selection for SEP, TJAGSA or Command & Staff)

Military Law  
Senior TC/DC  
AO, JAM  
NAMARA/OJAG AO  
Naval Justice School Staff  
Hd, LSST  
SPCM Judge

Legal Assistance Officer  
AO, JAR/JAL/JAS  
Navy OLA  
Either  
Installation Law  
Civil Law Officer, MCB/MCAS  
AO, CL/Navy OGC/OJAG/Area Cnsl  
AO, MPL  
SJA, MCRDAC

AOIC/MJO/LSS  
AOIC, LSSS

Hd, Legal Assistance at  
Major Installation  
DSJA, Major Installation  
SJA, Small Installation

SJA, FSSG/MEB  
OIC, LSSS

DOD OLA  
Asst Hd, OJAG Division  
Hd, JAR/JAL  
Deputy Area Cnsl  
Associate CL

Hd, JAO/JAM

Selection for Colonel

NMCMR/GCM Judge  
SJA Major Cmd  
CDC  
DSJA to CMC  
AJAG  
OJAG Division Head

