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Law

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OPR: AFLSA/JAJM (Col Robert E. Reed)

Certified by: HQ AFLSA/CC
(Col Olan J. Waldrop, Jr.)

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This manual describes the organization, function, and operation of the Judge Advocate General's Department, Directorate of the Air Force Judiciary (AFLSA/JAJ). It also enumerates certain duties of key USAF Judiciary personnel but the list of duties is not exclusive. Refer to AFI 51-201, *Administration of Military Justice*, for guidance on detailing judiciary personnel to courts-martial.

SUMMARY OF REVISIONS

This manual contains information on the structure of the USAF Judiciary originally contained in AFR 111-1, *Military Justice Guide*.

1. Organization and Personnel:

1.1. The Judge Advocate General (TJAG) exercises overall responsibility for the USAF Judiciary through the Commander, Air Force Legal Services Agency (AFLSA). TJAG designates geographical areas as USAF Judiciary Circuits (Circuits), and assigns military judges, counsel to circuit offices and to AFLSA. Unless otherwise stated, all personnel mentioned hereafter are judge advocates appointed or assigned by TJAG.

1.2. The Director, USAF Judiciary (AFLSA/JAJ) exercises overall supervisory responsibility for the Air Force Judiciary, including the Field Judiciary. The Field Judiciary includes all members assigned to AFLSA who are detailed to perform full-time duties as a chief circuit military judge (CCMJ), military judge (MJ), chief circuit trial counsel (CCTC), circuit trial counsel (CTC), chief circuit defense counsel (CCDC), circuit defense counsel (CDC), area defense counsel (ADC), defense paralegal (DP), circuit court superintendent (CtS) or assistant circuit court superintendent (ACtS). The Field Judiciary is not an organizational element.

1.2.1. Air Force Trial Judiciary. The Trial Judiciary includes all military judges assigned to AFLSA detailed to perform full-time duties as military judges. It is not an organizational element.

1.3. The Chief Trial Judge, USAF Trial Judiciary (AFLSA/JAJT), is a military judge designated by TJAG under Article 26(c), Uniform Code of Military Justice (UCMJ), whose duties include supervising military judges and detailing them to courts-martial.

1.4. The Chief, Government Trial and Appellate Counsel Division (AFLSA/JAJG), supervises all CCTCs and CTCs. This individual may detail CCTCs and CTCs to courts-martial and supervises all Air Force appeals before the Air Force Court of Criminal Appeals (AFCCA), the U.S. Court of Appeals for the Armed Forces (USCAAF), and the U.S. Supreme Court. This individual may delegate authority to the CCTC of each circuit to detail himself/herself to courts-martial within the circuit.

1.5. The Chief, Trial Defense Division (AFLSA/JAJD), supervises all CCDCs, CDCs and ADCs. Duties also include detailing CCDCs, CDCs and ADCs to courts-martial, and serving as the appellate authority on individual military defense counsel requests made under AFI 51-201, *Administration of Military Justice*. This individual may delegate authority to the CCDC of each circuit to detail himself/herself to courts-martial within the circuit.

1.6. The Chief, Appellate Defense Division (AFLSA/JAJA), supervises all appeals before the AFCCA, USCAAF, and the U.S. Supreme Court made by active duty Air Force members after their court-martial convictions.

1.7. The Chief, Military Justice Division (AFLSA/JAJM), is responsible for providing field support of ongoing cases, development and dissemination of Air Force military justice policy, and supervision of reviews and other UCMJ actions required of the Office of The Judge Advocate General. For all purposes under the UCMJ, AFLSA/JAJM is considered a component of the Office of The Judge Advocate General.

1.8. The Chief, Clemency, Corrections and Officer Review Division (AFLSA/JAJR), recommends Secretary of the Air Force action on court-martial sentences that include a dismissal and TJAG and Secretary of the Air Force action on cases in which sentence clemency is appropriate.

1.9. The Chief Court Superintendent assists and advises the Director, USAF Judiciary, on all enlisted matters affecting circuit court superintendents, assistant circuit court superintendents and all defense paralegals.

2. Responsibilities:

2.1. Chief Circuit Military Judge. The military judge designated as the chief judge of a circuit and who is the immediate supervisor of all military judges and CtSs assigned to that circuit. The CCMJ's secondary duty is to serve as a military judge. The CCMJ is the administrative chief of the circuit and may detail military judges to courts-martial. Except as provided elsewhere in this manual, the CCMJ is responsible for the administrative support of all functional areas within the circuit.

2.2. Military Judge. A judge advocate designated as a military judge according to Article 26(b) or (c), UCMJ, and assigned to a designated circuit or to the Chief Trial Judge. Military judges may detail themselves to courts-martial, if delegated such authority. In addition to their duties in courts-martial, judges may perform the following duties, subject to availability as determined by the CCMJ:

2.2.1. Serve as legal advisors for administrative boards convened under AFI 36-3206, *Administrative Discharge Procedures*; AFI 36-3207,; AFI 36-3207, *Administrative Separation of Commissioned Officers*; and AFI 36-3208, *Administrative Separation of Airmen*.

- 2.2.2. Serve as Article 32, UCMJ, investigating officers. Courts-Martial and administrative boards under AFI 36-3206 take precedence.
- 2.2.3. Serve as legal advisors on other administrative discharge boards. Courts-Martial, boards under AFI 36-3206 and Article 32 investigations take precedence.
- 2.2.4. Serve as hearing officer for contingent confinement hearings as provided for in AFI 51-201.
- 2.2.5. Upon the request of a convening authority, serve as pretrial confinement hearing officers.
- 2.2.6. With the consent of the Chief Trial Judge, conduct other investigations.
- 2.2.7. With the approval of the Chief Trial Judge, perform administrative law functions, such as presiding officer at draft environmental impact statement hearings, Superfund Amendment and Reauthorization Act hearings, and other administrative actions.

2.3. Chief Circuit Trial Counsel. The CCTC supervises the CTCs in each circuit. The CCTC's duties are to perform CTC duties and to detail CTCs to courts-martial. The CCTC may detail herself/himself to courts-martial if delegated that authority.

2.4. Circuit Trial Counsel. A judge advocate certified under Article 27(b)(2), UCMJ, whose primary duties include the following in order of priority:

- 2.4.1. Serve as trial counsel in general courts-martial (GCM) and administrative boards convened under AFIs 36-3206 and 36-3207 when requested.
- 2.4.2. Serve as trial counsel in special courts-martial (SPCM) when requested.
- 2.4.3. Train, advise, and assist other personnel involved in the prosecution of courts-martial.
- 2.4.4. Serve as the government representative in Article 32, UCMJ, investigations when requested by a staff judge advocate (SJA) as other duties permit.
- 2.4.5. Serve as recorder for administrative boards convened under and AFI 36-3208, as other duties permit.
- 2.4.6. Detail other CTCs as trial counsel for courts-martial, in the CCTC's absence.
- 2.4.7. SJAs will use the expertise and services of the CCTC and the CTCs to the maximum extent possible. SJAs have overall responsibility for each court-martial. Trial counsel (TC) represents the SJA in fulfilling that responsibility on particular cases to which the TC is detailed.

2.5. Chief Circuit Defense Counsel. The CCDC supervises all defense personnel within each circuit or region, as applicable, and details CDCs and ADCs to courts-martial. The CCDC's secondary duty is to perform CDC duties as time allows. CCDCs may detail themselves to courts-martial if delegated that authority.

2.6. Circuit Defense Counsel. A judge advocate certified under Article 27(b)(2), UCMJ, whose primary duties include the following:

- 2.6.1. Serve as defense counsel in courts-martial.
- 2.6.2. Train, advise, and assist other defense personnel in the circuit.
- 2.6.3. Assist the CCDC with the administration of defense services in the circuit, including detailing other CDCs and ADCs if delegated that authority.

2.6.4. Serve as respondent's counsel in administrative boards convened under AFIs 36-3206, 36-3207 or 36-3208.

2.6.5. Detail defense counsel to courts-martial in the absence of the CCDC.

2.7. Area Defense Counsel. A judge advocate certified under Article 27(b)(2), UCMJ, and assigned to a designated ADC office within a circuit. An ADC is responsible for providing all defense services at the base where assigned, unless disqualified or another counsel is detailed to represent a particular individual. The senior ADC is also responsible for the administration of the office. ADC duties include the following in order of priority:

2.7.1. Serve as counsel in all actions under the UCMJ, such as:

2.7.1.1. General courts-martial.

2.7.1.2. Special courts-martial.

2.7.1.3. Article 32, UCMJ, investigations.

2.7.1.4. In interrogation situations.

2.7.1.5. Nonjudicial punishment actions under Article 15, UCMJ.

2.7.2. Serve as counsel in administrative discharge actions; such as:

2.7.2.1. Administrative discharge boards convened under AFIs 36-3206, 36-3207, and 36-3208.

2.7.2.2. Administrative discharge notification actions.

2.7.3. Serve as military legal advisor in foreign criminal jurisdiction cases.

2.7.4. Pursuant to AFI 44-109, *Mental Health Evaluations*, provide advice to members referred for other than emergency mental health evaluations.

2.7.5. Represent Air Force members in other adverse actions, such as reports of survey, administrative demotions and flying evaluation boards in which counsel for an individual is required or authorized.

2.7.6. ADCs are encouraged to perform nonconflicting duties for the base SJA's office, as workload permits.

2.8. Circuit Court Superintendent (CtS). The senior noncommissioned officer assigned to the circuit, whose primary duty is to assist the CCMJ in docketing courts-martial and circuit administration. The CtS is the immediate supervisor of all ACTs assigned to a circuit. The CtS also provides training as appropriate for defense paralegals within the circuit.

2.9. Assistant Circuit Court Superintendent (ACtS). A noncommissioned officer assigned to the circuit, whose primary duty is to assist the CtS docket courts-martial and provide general administrative services for the circuit.

2.10. Defense Paralegal (DP). An airman, noncommissioned officer, or civilian employee assigned to the ADC office, whose primary duty is to support the ADC in the management and operation of the ADC office.

2.10.1. The active duty DP must participate in a proficiency training program in the base SJA's office a minimum of 16 hours per month. Active duty DP's in upgrade training are required to per-

form 24 hours training in the SJA's office each month. The law office manager (LOM) of the base office manages the proficiency training and formal on-the-job training for skill level upgrade. The LOM prepares a semi-annual training plan for each DP assigned to the base, coordinates the plan with the senior ADC, and ensures the training objectives are satisfied. SJAs and ADCs will cooperate to provide the DP proficiency in all facets of base legal office operations, while arranging training to avoid the fact and appearance of a conflict of interest on any particular case.

3. Assignment and Jurisdiction:

3.1. All personnel designated to perform Field Judiciary services are assigned to AFLSA.

3.2. All personnel assigned to AFLSA are attached to the 11th Wing (11 WG), Bolling AFB DC, for court-martial jurisdiction, actions under Article 15, UCMJ, and various administrative actions, including, but not limited to actions under AFI 36-3206 and 36-3207. The Commander, AFLSA, retains concurrent authority with 11 WG/CC to take Article 15, UCMJ, and administrative action against personnel assigned to AFLSA, with the exception of military judges. See also AFI 25-201, *Nonjudicial Punishment*.

4. Administrative and Logistical Support:

4.1. Installation commanders where a judiciary field office is located is responsible for the administrative and logistical support of Field Judiciary personnel. In particular, support of ADC offices will be no less than the support of units assigned to the host command. Host commanders will provide support to the Field Judiciary, as set forth in AFI 25-201. This support includes, but is not limited, to the following:

4.1.1. Private office space, including necessary furniture and supplies and access to law library facilities, clearly designated an AFLSA Field Judiciary or ADC office, for each of the judiciary functional areas--judicial, prosecution, defense, and court administration. ADC offices shall be physically separated from the offices of the SJA and the convening authority, unless it is not possible to do so. AFI 32-1024, *Standard Facility Requirements*, sets forth minimum space requirements.

4.1.2. Class A telephone services, including direct dial capability where possible.

4.1.3. Military transportation support. Military transportation support of the Field Judiciary is a "mission essential" function.

4.1.4. Military family housing on the same basis as other personnel of like grade, rank, and responsibility.

4.1.5. Processing travel vouchers and leave authorizations.

4.1.6. Civilian personnel services normally provided by the Civilian Personnel Office (CPO).

4.1.7. Publications support normally furnished tenant units.

4.1.8. Funding for necessary nonexpendable and expendable supplies.

4.1.9. Suitable office space, administrative assistance, transportation, and private quarters for Field Judiciary members on temporary duty (TDY) to the installation.

4.2. AFLSA furnishes travel costs and per diem. AFLSA/JAJ provides blanket travel orders to Judiciary personnel when necessary.

4.3. SJAs assist in obtaining appropriate support for Field Judiciary personnel performing TDY at their bases by arranging appropriate lodging, messing, and transportation in advance to ensure TDY Field Judiciary personnel may devote full attention to their duties.

5. Supervision of Personnel. Although the Field Judiciary is divided into three main divisions of responsibility, the organizational and functional structure of each circuit office requires the CCMJ, CCTC, and CCDC to coordinate the circuit activities with one another to manage the mission effectively and economically.

NOLAN SKLUTE, Maj General, USAF
The Judge Advocate General