



Examining The Contribution of the Judge Advocate General's Corps to Unit Leadership in the US Army

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Editor's Note: A170 Tom Rozman served for almost 30 years in the US Army. The following article is based on his experiences as a leader within that context -- Anna-Michelle Shewfelt (ed).

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Not often a topic of leadership discussions, the Judge Advocate General's Corps is nevertheless, on reflection, a significant component of US Army leadership effectiveness at the unit level and broadly across the Army in the important and sometimes very difficult and challenging area of its function in the Army. One severe impact when the military justice system is perceived to work unfairly or that due process is not being adhered to is a loss of confidence in the system and their leaders by soldiers with significant impact on troop morale and chain of command leadership effectiveness.

This examination will primarily be from personal involvement with the system. That service was as a junior to senior service member, staff officer at battalion, brigade, division, senior Army command and Department of the Army and leader at platoon, detachment, company and battalion levels over almost 30 years on the Army's rolls. Some comment will also address aspects of the system through family members that served earlier than my active service and since.

On the whole, my observations of the corps have been positive. The officers I've interfaced with have for the most part been able and professional. There have been situations I thought could have been resolved more appropriately. But on balance, the corps performed a critical function that is important to leader effectiveness.

Before a discussion regarding my examination on what the corps' contribution is, the areas that inform the discussion and orient perspectives are relevant. One is the range of services and functions contributed by the corps and another is my specific functional engagement with it as a serving officer over a number of years.

The Judge advocate general's Corps performs a substantial list of functions within a military command. A sense of what these may be follows.

- Within the established command Uniform Code of Military Justice (UCMJ) jurisdictions the Judge Advocate general's Office organized at the levels of jurisdiction determined provides the commander(s) legal advice and recommendations regarding what actions or policy regarding the code are necessary, the parameters of the law as it applies generally and specifically within the command, and when actions must be prosecuted or when there is latitude to defer action.
- The Corps will provide judges when courts martial must be convened as part of the due process in the justice system.
- Corps offices within the command provide advisory capabilities and services to all members of the chain of command relative to appropriateness within the administrative and courts martial systems...what actions are most appropriate for developing situations and advice on how to proceed.
- Legal services to the commander relating to contract and community civil law interfaces.
- The Corps office provides legal services to soldiers of the command and their families concerning certain areas of law outside the Uniform Code that affect military personnel and families,
- The corps office provides legal advice to officers detailed/assigned to perform administrative board action to consider select soldier fitness or unsuitability for continued service and recommendation for subsequent soldier discharge and type of discharge, these services being especially made available to board presidents and the recorders as well as the command adjutant general, the office that normally prepares the administrative case and processes the findings of the boards.
- The corps office provides legal advice to officers assigned as report of survey officers. This advice become especially necessary when large determinations of government loss are determined to have resulted from negligence to gross negligence or criminal activity indicating findings that make monetary determinations against a subject of the survey or findings that recommend charges be brought under the non-judicial punishment system or that charges be brought under courts martial.
- The corps office within a command provides legal counsel to service members facing possible action under the UCMJ.

This is not a complete inventory of the Judge Advocate General's Office functions and services within commands but it does capture a large sense of what the office offers and does. Following is an outline of my interfaces with the corps over my military service/career.

- As an Army Reserve private for duty as an ROTC Scholarship cadet with the University of Connecticut Army ROTC unit I was sworn into the Army of the

United States and made aware of several aspects of the Code that applied to me. Though I did not at any time in the year I served in this capacity interface with the supporting JAG Office at Ft. Devens, Massachusetts I was made aware that poor performance or misconduct could lead to a board action to consider elimination from the program.

- After honorable discharge from the Army of the United States I immediately reentered the Army as a U.S. Cadet at The United States Military Academy. For four years I was subject to the Cadet Military Discipline System. However, as cadets we were subject to the Uniform Code of Military Justice for any criminal acts. We received substantial instruction on the Military Justice System and its Code. Over the course of my four years in that status, fellow cadets were prosecuted for charges brought against them under the code, some being convicted and removed to the Disciplinary Barracks at Ft. Leavenworth or otherwise separated from service.
- On commissioning as an infantry second lieutenant I proceeded to operate under and as a participant in the Military Justice System for the next 22 ½ years.
- I served for several months as a lieutenant with as an extra duty beyond my platoon leader and company executive officer assignments as a board recorder (something of a prosecutorial position) for some 16 soldier unsuitability/unfitness cases.
- As a company executive officer I did conduct company health and welfare inspections of the company barracks and did make a drug paraphernalia related apprehension and preferred court martial charges.
- As a captain I did perform reports of survey and make findings with JAG consultation.
- As a commander at company and battalion I did exercise company and field grade non-judicial punishment authority processing some 20-30 cases over a 15 months period for a soldier population of over 1,000. I judiciously used my supporting JAG to ensure all cases were sound and properly followed all existing due process guidelines in force.
- I did serve as an Article 32 (grand jury) officer as a field grade officer processing one very unfortunate rape of a very young daughter by a sergeant. The case based on the evidence that had been developed was determined prosecutable and went forward to court martial.
- As a field grade officer I did serve on a board and was assigned jury duty for court martial serving on a jury for a period of time.

This is only a summary of experiences. There were more. Personally, the ramifications of the military administrative and justice systems for the individual, even if the soldier had gone astray a bit, were always very sobering prospects from my view point. My personal priority was that every soldier, through involved leadership, be brought to a

successful end of service such that the soldier's prospects for transition back to civil life would be as promising as possible. I considered this necessary for the soldier's and the soldier's family's benefit and the greater benefit to the country.

The effects of "bad paper" to a soldier could be harsh and long lasting if not catastrophic in certain cases. This aspect of the administrative and justice systems was never lost on me. This is why it was especially important that all leaders in the system addressed an issue as early as possible and used an approach that applied the least stringent action initially, i.e., counseling, if possible, to change problematic behavior. Then, if the behavior failed to change, the next more stringent measure, or a progressive approach that at each level applied made clear to the soldier the behavior in question was to cease and recording the progression if stronger action later became necessary.

The majority of situations did resolve early in my experience and at "least stringent measure" level. Most soldiers want to do well and do understand consequences for their actions. This is particularly the case if their leaders keep them informed and oriented in the right direction and effective communication is real and at work.

In some cases, the misbehavior was so egregious that strong action became critical as an initial measure. In such cases one dynamic being dealt with was knowledge by other soldiers that the infraction had occurred and the measures being taken were not only appropriate to the soldier's misconduct but to signal to the ranks that the behavior would not be tolerated and would be addressed forthrightly.

A critical ally in this process was always the supporting JAG. While in command, if certain actions were indicated, I always consulted with the supporting JAG to ensure the action being contemplated was appropriate and confirmed the process elements that needed to be put in place and when.

In my case I found the JAG officers I worked with on target and a very good resource. The actions I was involved with always proceeded as expected with one exception. In this development the action taken was appropriate and properly conducted but in the following prosecution, a simultaneously occurring controlled substance amnesty policy caused a determination to suspend the prosecution. Subsequent events would indicate that this was not a good determination as the individual was later almost beaten to death by parties outside the service.

On examination of the above experience my work with the JAG was positive. The officers of the corps proving a valuable resource for navigating and employing the Uniform Code of Military Justice System and the allied administrative system. For the most part there was a constructive result that worked to underpin effective leadership. In my case the JAG proved a valuable partner in command and in leadership.

Anecdotally I am aware of situations where the JAG may not have been as effective and perhaps somewhat over zealous in the prosecutorial role. But as indicated, my dealings did not encounter Army lawyers who tended toward “loose cannon” or “hanging judge” mode. Most were ex-line officers who had gone on to law school as serving Army officers returning to the Army as JAG officers. They were professional and there for the right reasons, maintaining a fair and blind justice system that applied the system as intended.

I would in a long following career with state level government operate within a parallel sort of system that was for the most part applied fairly well with reasonably available counsel for advice in application. However, my sense is at this juncture that the JAG officers and their function as a system facilitator and resource to the military leader and soldier was a superior resource. The leader, especially in command roles who used the resource well and wisely, typically obtained a very useful synergy to their leadership function. The JAG, in my experience, earned its pay as a leadership resource.



Distinctive Unit Insignia of the Judge Advocate General's Corps