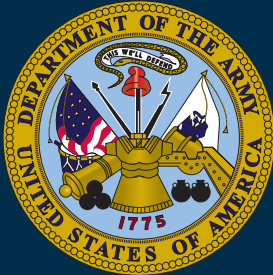


# Joint Publication 3-84



# Legal Support



02 August 2016





## PREFACE

### 1. Scope

This publication provides joint doctrine to plan, prepare, and execute legal support to joint operations.

### 2. Purpose

This publication has been prepared under the direction of the Chairman of the Joint Chiefs of Staff (CJCS). It sets forth joint doctrine to govern the activities and performance of the Armed Forces of the United States in joint operations, and it provides considerations for military interaction with governmental and nongovernmental agencies, multinational forces, and other interorganizational partners. It provides military guidance for the exercise of authority by combatant commanders and other joint force commanders (JFCs), and prescribes joint doctrine for operations and training. It provides military guidance for use by the Armed Forces in preparing and executing their plans and orders. It is not the intent of this publication to restrict the authority of the JFC from organizing the force and executing the mission in a manner the JFC deems most appropriate to ensure unity of effort in the accomplishment of objectives.

### 3. Application

a. Joint doctrine established in this publication applies to the Joint Staff, commanders of combatant commands, subunified commands, joint task forces, subordinate components of these commands, the Services, and combat support agencies.

b. The guidance in this publication is authoritative; as such, this doctrine will be followed except when, in the judgment of the commander, exceptional circumstances dictate otherwise. If conflicts arise between the contents of this publication and the contents of Service publications, this publication will take precedence unless the CJCS, normally in coordination with the other members of the Joint Chiefs of Staff, has provided more current and specific guidance. Commanders of forces operating as part of a multinational (alliance or coalition) military command should follow multinational doctrine and procedures ratified by the United States. For doctrine and procedures not ratified by the US, commanders should evaluate and follow the multinational command's doctrine and procedures, where applicable and consistent with US law, regulations, and doctrine.

For the Chairman of the Joint Chiefs of Staff:



KEVIN D. SCOTT  
Vice Admiral, USN  
Director, Joint Force Development

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**SUMMARY OF CHANGES  
REVISION OF JOINT PUBLICATION 1-04  
DATED 17 AUGUST 2011**

- **Joint publication (JP) 1-04, *Legal Support to Joint Operations*, has been renamed and renumbered as JP 3-84, *Legal Support*, per Director, Joint Staff J-7, Director for Joint Force Development, guidance.**
- **Modifies the scope statement to address overall joint legal support structure and integration at the Joint Staff, combatant commander, and joint task force levels.**
- **Replaces “domestic operations” with “defense support of civil authorities (DSCA).”**
- **Adds depth to the joint legal support role in DSCA.**
- **Adds civilian casualty report tracking as a key role under DSCA.**
- **Clarifies the role of the judge advocate general for the respective Services and departments.**
- **Clarifies the role of the Department of Defense General Counsel.**
- **Expands rule of engagement discussion by reviewing and enhancing advice on the law of war (often called law of armed conflict).**

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## EXECUTIVE SUMMARY COMMANDER'S OVERVIEW

- **Describes Legal Organizations, Missions, and Functions**
  - **Explains Legal Support to Joint Operation Planning**
  - **Discusses Legal Support to the Joint Task Force**
- 

### Legal Organizations, Missions, and Functions

*Legal organizations within the Department of Defense (DOD) that support joint operations perform a wide variety of tasks at the strategic, operational, and tactical levels of warfare.*

To achieve unity of effort, both the joint force commander (JFC) and the joint force staff judge advocate (SJA) should have a common understanding of who is responsible for performing which legal tasks at each level of military operations and how those tasks are performed.

#### *DOD General Counsel (GC)*

The General Counsel (GC) of the Department of Defense (DOD) provides legal advice to the Secretary of Defense (SecDef) and Deputy Secretary of Defense on all legal matters and services performed within, or involving, DOD. The DOD GC oversees all DOD legal services; establishes policy for and oversees the DOD Standards of Conduct Program; establishes DOD policy and positions on specific legal issues; and advises on international law issues, including those raised in major military operations, the DOD Law of War Program, and legality of weapons reviews. The DOD GC oversees the GCs of all DOD agencies and combat support agencies.

#### *GC of Combat Support Agencies*

There are eight combat support agencies (CSAs): the Defense Intelligence Agency, the Defense Information Systems Agency, the Defense Contract Management Agency, the Defense Logistics Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Defense Threat Reduction Agency, and the Defense Health Agency. Each of these CSAs is supported by a GC, and combatant command (CCMD) and other joint force SJAs,

when appropriate to provide competent legal advice to the combatant commander (CCDR) or JFC, may coordinate with GCs of the CSAs when additional subject matter expertise is needed in a specific combat support functional area.

***Legal Counsel, Office of the  
Chairman of the Joint Chiefs of Staff***

The legal counsel (LC) advises the Chairman of the Joint Chiefs of Staff (CJCS), Vice CJCS, joint directors, and Joint Staff on the full spectrum of legal issues. As directed by CJCS, the LC represents the CJCS in the US interagency process, and in coordination with the respective geographic CCDR's SJA, in discussions and negotiations with foreign governments and nongovernmental organizations.

***Military Departments, United States  
Coast Guard, and National Guard  
Bureau***

The GCs of the Military Departments, the judge advocates general (TJAGs), the SJA to the Commandant of the Marine Corps (CMC), and judge advocates (JAs) of the Services provide advice to the Secretaries of the Military Departments and Chiefs of the Services as they carry out their Title 10, United States Code, responsibilities to organize, train, and equip US military forces.

***Joint Force Staff Judge Advocate  
(SJA)***

The joint force SJA (also titled the JA or command JA) is the principal legal advisor to the JFC and a key member of a JFC's personal staff. In most cases, the joint force SJA is the principal legal advisor to the commander, deputy commander, and chief of staff, as well as any Service Element Commanding Officers, and coordinates as necessary with the legal staff of the other CCMDs. The joint force SJA reports directly to the JFC.

**Legal Support to Joint Operation Planning**

Legal advisors actively participate in the entire planning process from joint intelligence preparation of the operational environment development, to mission analysis, to course of action (COA) development and recommendation, through execution. Legal advisors assist decision makers at every echelon in translating policy

decisions into legally acceptable plans and orders that support national security objectives. For defense support of civil authorities, SecDef may direct the supported CCMD (US Northern Command or US Pacific Command) to provide forces to support another lead federal agency, which in turn may be supporting state and local governments or agencies.

### *Law of War Principles*

The law of war regulates the conduct of states and combatants engaged in armed conflict hostilities and is often referred to as the law of armed conflict. It is DOD policy that US forces follow the law of war in all military operations. Therefore, legal advisors help ensure that the JFC and staff consider law of war principles during the planning process for all joint military operations, and particularly during planning for combat operations. Some of the key law of war principles to be considered during the planning process are military necessity, humanity, distinction, and proportionality.

### *Legal Support to Strategic-Level Planning*

The strategic-level planning processes within the National Security Council System; the Planning, Programming, Budgeting, and Execution process; the Joint Strategic Planning System; and Adaptive Planning and Execution system take place primarily between the President and/or SecDef, the CJCS, and the CCDRs. Their legal advisors—the DOD GC, the LC, and the CCDRs’ SJAs—plan and coordinate DOD-wide and theater-level legal support for the full range of planning activities including mobilization, deployment, employment, sustainment, redeployment, and demobilization of forces.

### *Legal Support to Operational-Level Planning*

At the operational level, the supported CCDR may retain planning responsibility or delegate planning responsibility to a subordinate JFC, typically the commander, joint task force (CJTF), or a Service component commander. Throughout the operational planning process, the joint force SJA prepares the legal estimate and provides the commander, staff, and appropriate planning boards, centers, and cells with advice and recommendations regarding legal issues that

impact all aspects of the operation. The SJA reviews and monitors legal aspects of potential COAs and evaluates the potential legal consequences resulting from primary and secondary effects. The SJA must not only consider the law of war principles of military necessity, unnecessary suffering, distinction, and proportionality, but must also consider, among other disciplines, international law, fiscal law, and government contract law during planning.

### **Legal Support to the Joint Task Force**

#### ***Legal Support in the Joint Task Force (JTF) Battle Rhythm***

The battle rhythm is a primary factor that drives the legal support requirements for the joint task force (JTF) headquarters (HQ) including support to the cross functional staff organizations that plan and execute the JTF mission. An effective JTF SJA understands the JTF battle rhythm, as well as the collaborative information environment (CIE), and actively provides legal advice and counsel to the cross functional staff organizations of the JTF. In addition to the direct support provided to the cross functional staff organizations, the JTF SJA is prepared, either directly or through the CIE, to provide legal support to the CJTF and staff across the legal functional areas.

#### ***Forming the JTF SJA Section***

Because JTFs are established in a variety of different ways and for diverse missions, it is important for a JTF SJA to understand fully the legal support requirements of the particular JTF and how those requirements may change over time. Unlike Service component SJAs, who are responsible for their respective Service legal organizations, the JTF SJA integrates and synchronizes the wide range of legal capabilities available throughout the JTF. The JTF SJA should be familiar with the unique legal capabilities and limitations of the component forces and understand how best to employ them to support the CJTF's concept of operations.

#### ***JTF SJA Manning***

The JTF SJA develops the personnel requirements for the SJA section and submits them to the manpower and personnel directorate

for inclusion in the CJTF's proposed joint manning document. Although there is variability in staffing requirements for each JTF, a typical JTF must be capable of operating on a 24-hour battle rhythm. This notional JTF SJA section, organized into three subsections—operational law, legal services, and administration.

### *Joint SJA Training*

There are two components of joint SJA training—individual and organizational. To ensure that the JTF SJA section can provide adequate legal support to the JTF, the SJA and TJAGs of the Services and SJA to CMC must ensure that assigned or attached personnel have the requisite individual training. All members of the JTF SJA section should be trained in three areas: legal, joint, and tactical. The JTF SJAs organizational training responsibilities fall into two categories: SJA section training and CJTF and staff training.

### *Equipping the JTF SJA*

A key component of the legal support to the JTF is the development of the equipment and logistic requirements for the JTF SJA section. The mission, environment, composition of the joint force, size of the SJA section, JTF battle rhythm, and location of the section personnel supporting the boards, centers, and cells, are key factors affecting the equipment requirements. Individual and section research capability requirements, as well as the necessity for SJA section participation in the CIE should be considered to help determine equipment requirements.

### *Deployment*

Deployment marks the beginning of the execution phase of the operation. Prior to a main body deployment, the JTF SJA researches and determines what legal authorities are in place and what legal authorities are necessary or desired to support the JTF mission. Authorities regarding the status, overflight, and ground transit of forces are usually most critical at this stage. The CJTF and higher HQ must be alerted to any legal deficiencies as soon as possible to allow them to coordinate and address the deficiency.

***Employment***

Modern military operations take place in an increasingly complex geo-political environment. Stability operations, foreign humanitarian assistance operations, and civil-military operations present increased requirements for direct legal support to the JFC. A member of the JFC's personal staff, the JTF SJA is an essential advisor on myriad of legal issues associated with combat and noncombat operations.

***Transition***

The JTF SJA is responsible for transitioning legal support responsibilities to follow-on forces. Transition may occur between the JTF and another US command, a foreign command (e.g., host nation or United Nations forces), or an organization under civilian control. Both organizations must prepare for and coordinate the transition to facilitate an orderly transfer of authority and responsibility.

***Redeployment***

As the JTF's mission ends, the JTF may require more legal support rather than less (e.g., to oversee "wrap-up" legal activities including contracts, claims settlement, property accountability, and any remaining good order and discipline issues). The JTF SJA monitors the current situation in light of the JTF commander's intent and guidance and adjusts the section's manning and individual responsibilities accordingly.

**CONCLUSION**

This publication provides joint doctrine to plan, prepare, and execute legal support to joint operations.

## CHAPTER I LEGAL ORGANIZATIONS, MISSIONS, AND FUNCTIONS

*“It is also clear from the commanders who testified that legal advice is essential to effective combat operations in the current environment—legal advice is now part of the tooth not the tail.”*

**Section 574, 2005 National Defense Authorization Act, Independent Review Panel  
to Study the Relationship between Military Department General Counsels and  
Judge Advocates General  
15 September 2005**

### 1. Introduction

Legal organizations within the Department of Defense (DOD) that support joint operations perform a wide variety of tasks at the strategic, operational, and tactical levels of warfare. Although each legal organization may possess similar functional capabilities (e.g., international and operational law advice, fiscal and contract law reviews, the provision of claims, criminal law, and legal assistance services), the specific tasks performed within each of those functional capabilities differ in purpose and scope depending on the level of military operations and the organization performing them. To achieve unity of effort, both the joint force commander (JFC) and the joint force staff judge advocate (SJA) should have a common understanding of who is responsible for performing which legal tasks at each level of military operations and how those tasks are performed. This chapter describes the functions, duties, and responsibilities of the legal organizations within DOD that directly support joint military operations. Figure I-1 depicts the broad relationships of DOD legal organizations to the levels of military operations.

### 2. General Counsel of the Department of Defense

a. Established by Title 10, United States Code (USC), Section 140, the General Counsel (GC) of DOD is a civilian appointed by the President, with the advice and consent of the Senate, who serves as the chief legal officer of DOD. The DOD GC provides legal advice to the Secretary of Defense (SecDef) and Deputy Secretary of Defense on all legal matters and services performed within, or involving, DOD. The DOD GC oversees all DOD legal services; establishes policy for and oversees the DOD Standards of Conduct Program; establishes DOD policy and positions on specific legal issues; and advises on international law issues, including those raised in major military operations, the DOD Law of War Program, and legality of weapons reviews.

b. The DOD GC coordinates among DOD components and between DOD and other United States Government (USG) departments and agencies on issues ranging from mergers and acquisitions involving defense suppliers to significant litigation in which the Department of Justice represents DOD interests. The DOD GC is lead counsel in international negotiations conducted by DOD and maintains the central repository for all DOD-negotiated international agreements. The DOD GC serves as the Director of the Defense Legal Services Agency and, on an informal basis, participates in interagency working groups as necessary to

### Notional Relationships of Department of Defense Legal Organizations Supporting Military Operations

Department of Defense Legal Organizations	Strategic	Operational	Tactical
Department of Defense General Counsel	X		
Chairman of the Joint Chiefs of Staff's Legal Counsel	X		
General Counsel of Military Departments, Judge Advocate General of the Services, and the Staff Judge Advocate to the Commandant of the US Marine Corps	X		
Combatant Commander's Staff Judge Advocate (Geographic)	X		
Combatant Commander's Staff Judge Advocate (Functional)	X	X	
Subordinate Unified Command Staff Judge Advocate	X	X	
Service Component Staff Judge Advocate		X	X
Joint Task Force Staff Judge Advocate		X	X
Functional Component Staff Judge Advocate		X	X

**Figure I-1. Notional Relationships of Department of Defense Legal Organizations Supporting Military Operations**

address legal matters affecting more than one department/agency of the USG. The DOD GC also provides a senior representative to the Personnel Recovery Action Group.

c. The DOD GC issues DOD instructions and other DOD publications that implement policies approved by SecDef in the functions assigned to the GC. The DOD GC oversees the GCs of all DOD agencies and combat support agencies (CSAs). The DOD GC



communicates directly with the heads of the DOD components, other USG departments and agencies, representatives of the legislative branch, and members of the public to carry out assigned functions. Communication with the combatant commanders (CCDRs) is transmitted through the Chairman of the Joint Chiefs of Staff (CJCS) unless otherwise directed by the President or SecDef.

### **3. General Counsel of Combat Support Agencies**

There are 20 DOD agencies and eight DOD field activities that operate under the authority, direction, and control of SecDef. These organizations provide support and services in specified functional areas to the combatant commands (CCMDs) and the rest of DOD. DOD agencies perform selected support and service functions on a DOD-wide basis. DOD agencies that are assigned wartime support missions are designated as CSAs. Each of the CSAs are supported by a GC. When appropriate, the CCDR or the JFC may coordinate with the GCs of the CSAs to provide competent legal advice when additional subject matter expertise is needed in a specific combat support functional area. DOD field activities perform support and service functions of a more limited scope than DOD agencies.

*For additional detailed guidance, see Department of Defense Directive (DODD) 3000.06, Combat Support Agencies (CSAs).*

### **4. Legal Counsel, Office of the Chairman of the Joint Chiefs of Staff**

a. Title 10, USC, Section 156 establishes the position of the legal counsel (LC) to the CJCS. The officer selected for appointment to serve as LC to the CJCS is recommended by a board of officers convened by SecDef and is appointed by the President from eligible officers of the Services, with the advice and consent of the Senate. The LC is appointed in the regular grade of brigadier general or rear admiral (lower half), as appropriate. The LC advises the CJCS, Vice CJCS, joint directors, and Joint Staff on the full spectrum of legal issues. No officer or employee of DOD may interfere with the ability of the LC to provide independent legal advice to the CJCS and to the Joint Chiefs of Staff. Given the CJCS role as spokesman for the CCDRs, the LC frequently advises and assists the CCDRs' legal staffs. As directed by CJCS, the LC represents the CJCS in the US interagency process, and in coordination with the respective geographic CCDR's SJA, in discussions and negotiations with foreign governments and nongovernmental organizations (NGOs).

b. The LC's office is staffed with judge advocates (JAs) from each Service and a small number of senior civilian attorneys. The areas of practice are varied but are heavily weighted in the areas of operational and international law. Within those areas, the LC is responsible for the following:

- (1) Review and advise on:
  - (a) The law of war (also called law of armed conflict);
  - (b) Rules of engagement (ROE) and the rules for the use of force (RUF);
  - (c) Deployment orders and command relationships for military operations;

(d) Information operations, cyberspace operations, special operations, and counterdrug operations;

(e) Rule of law;

(f) Critical infrastructure protection;

(g) Combating terrorism, force protection, personnel recovery (PR), and detainee operations; and

(h) Intelligence law and oversight.

(2) Review operation plans and operation plans in concept format for legal sufficiency and accuracy; draft and coordinate required notifications, including reports required by the War Powers Resolution; and review joint doctrine, military-to-military contacts, and CJCS exercise programs.

(3) Provide counsel and negotiating support for treaties and international agreements, including agreements on status of forces, basing and defense cooperation, arms control, acquisition and cross-servicing, information security, information release, and personnel and unit exchanges.

(4) Render advice on pending legislation affecting joint operations and congressional testimony of the CJCS and Vice CJCS, joint directors, and CCDRs.

(5) Review legality of weapons evaluations as member of the DOD Arms Control Compliance Review Group; address chemical, biological, radiological, nuclear, and high-yield explosives weapons issues.

(6) Other areas of practice include fiscal law and contract law; law of the sea and oceans policy; air and space law; military justice; administrative law; standards of conduct; litigation coordination; joint personnel; environmental law; Freedom of Information Act and Privacy Act; defense support of civil authorities; chemical, biological, radiological, and nuclear response missions; and security and policy reviews.

*See Joint Publication (JP) 3-28, Defense Support of Civil Authorities; JP 3-27, Homeland Defense; JP 3-12 (S), Cyberspace Operations; and JP 3-08, Interorganizational Cooperation, for more detailed guidance.*

## **5. Military Departments, United States Coast Guard, and National Guard Bureau**

The GCs of the Military Departments, the judge advocates general (TJAGs), the SJA to the Commandant of the Marine Corps (CMC), and JAs of the Services provide advice to the Secretaries of the Military Departments and Chiefs of the Services as they carry out their Title 10, USC, responsibilities to organize, train, and equip US military forces. Although the Military Departments are not part of the operational chain of command for joint US military operations, their GCs, TJAGs, the SJA to CMC, and other JAs can provide joint force SJAs with significant reach back capabilities and expertise in international and operational law.

TJAGs/SJA to CMC/JAs also have statutory authority to supervise the administration of military justice within the Services.

a. **GC, Department of the Army (DA).** Title 10, USC, Section 3019 establishes the position of GC of the DA. The GC, DA, is a civilian appointed by the President, by and with the advice and consent of the Senate. The GC, DA, is the chief legal officer of the Army who serves as LC to the Secretary of the Army, Under Secretary of the Army, five assistant secretaries, and other members of the Army Secretariat. The GC, DA, also exercises technical supervision over the Office of TJAG, the Office of the Command Counsel, Army Materiel Command, and the Office of the Chief Counsel, Corps of Engineers.

b. **TJAG of the Army.** Title 10, USC, Section 3037 establishes the position of TJAG of the Army. TJAG is appointed by the President, by and with the advice and consent of the Senate, from officers of the Judge Advocate General (JAG) Corps, who are recommended by the Secretary of the Army. TJAG is appointed in the regular grade of no less than lieutenant general. TJAG provides independent legal advice to the Secretary of the Army and members of the Secretariat in coordination with the Army GC, and directly to the Chief of Staff, US Army, and members of the Army Staff. In addition to other duties prescribed by law, policy, and regulation, TJAG is responsible for the technical supervision of members of the Army JAG Corps in the performance of their duties. No officer or employee of the DOD may interfere with the ability of TJAG to provide independent legal advice to the Secretary of the Army or Chief of Staff of the Army. TJAG also receives, revises, and records the proceedings of courts of inquiry and military commissions, as well as performing the functions and duties and exercising the powers prescribed under Title 10, USC, Chapter 47, Uniform Code of Military Justice. Additionally, TJAG conducts legal engagements with senior military leaders and legal advisors from other nations as required in support of DOD, geographic CCMD, and Army security cooperation activities. TJAG, in coordination with the respective CCMD SJA, conducts legal discussions with senior military leaders and legal advisors from other nations as required in support of DOD, geographic combatant commander (GCC), and Army security cooperation objectives.

c. **GC, Department of the Navy (DON).** Title 10, USC, Section 5019 establishes the position of GC of the DON. The GC, DON, is a civilian appointed by the President, by and with the advice and consent of the Senate. The GC, DON, is the principal legal advisor to the Secretary of the Navy and performs such functions as the Secretary of the Navy may prescribe.

d. **TJAG of the Navy.** Title 10, USC, Section 5148 establishes the position of TJAG of the Navy. TJAG is appointed by the President, by and with the advice and consent of the Senate, from JAs of the Navy or the Marine Corps, who are recommended by the Secretary of the Navy. TJAG is appointed in the regular grade of no less than vice admiral or lieutenant general, as appropriate. In addition to other duties prescribed by law, TJAG, under the direction of the Secretary of the Navy:

(1) Performs duties relating to legal matters arising in the DON and such other duties as may be assigned;

(2) Performs the functions and duties and exercises the powers prescribed for TJAG in Title 10, USC, Chapter 47, Uniform Code of Military Justice;

(3) Receives, revises, and has recorded the proceedings of boards for the examination of officers of the naval Service for promotion and retirement; and

(4) Conducts legal discussions, in coordination with the respective CCMD SJA, with senior military leaders and legal advisors from other nations as required in support of DOD, geographic CCMD, and Navy security cooperation objectives.

e. **Counsel for the CMC.** The Counsel for the CMC provides to the CMC all legal services that the Navy GC provides to the Navy. The Counsel for the CMC is appointed by the Secretary of the Navy upon joint recommendation of the Navy GC and the CMC. The Counsel reports directly to the CMC and to the Secretary of the Navy via the Navy GC.

f. **SJA to the CMC.** Title 10, USC, Section 5046 establishes the position of the SJA to the CMC. The SJA to the CMC is appointed by the President, by and with the advice and consent of the Senate, from Marine Corps JAs upon the recommendation of the Secretary of the Navy. The SJA to the CMC is appointed in the regular grade of major general. The SJA to the CMC is responsible for providing independent legal advice to the Secretary of the Navy, the CMC and to other officers and officials of the Marine Corps. Section 5046 prohibits any officer or employee of DOD from interfering with the ability of the SJA to the CMC to give independent legal advice to the CMC. The SJA to the CMC supervises and manages legal matters arising in the Marine Corps regarding military justice, civil and administrative law, operational law, legal assistance matters, and any other matters directed by the Secretary of the Navy and/or the CMC.

g. **GC, Department of the Air Force (DAF).** Title 10, USC, Section 8019 establishes the position of GC of the DAF. The GC, DAF, is a civilian appointed by the President, by and with the advice and consent of the Senate. The GC performs such functions as the Secretary of the Air Force (SECAF) may prescribe. The relationship between the GC and TJAG is unique. Both officials are legal advisors to the Secretary and the Chief of Staff of the Air Force with right of independent access and have the ability to provide independent legal advice to those officials. This is accomplished through two staff organizations that are independent of each other. Both officials provide legal opinions that are authoritative for the Air Force.

h. **TJAG of the Air Force.** Title 10, USC, Section 8037 establishes the position of TJAG of the Air Force. TJAG is appointed by the President, by and with the advice and consent of the Senate, from JAs of the Air Force. TJAG is appointed in the regular grade of no less than lieutenant general. In addition to other duties prescribed by law, TJAG:

(1) Serves as the legal advisor of the SECAF and of all officers and agencies of the DAF;

(2) Directs the officers of the Air Force designated as JAs in the performance of their duties;

(3) Receives, revises, and has recorded the proceedings of courts of inquiry and military commissions; and

(4) Conducts legal discussions, in coordination with the respective CCMD SJA, with senior leaders and legal advisors from other nations as required in support of DOD, GCCs, major commands, and Air Force security cooperation objectives.

i. **TJAG of the Coast Guard.** The Homeland Security Act amended the Uniform Code of Military Justice to permit the Secretary of Homeland Security to designate an official to serve as TJAG of the Coast Guard. TJAG is a Coast Guard officer in the grade of rear admiral, and serves as TJAG of the US Coast Guard, except when the Coast Guard is operating as a Service of the DON under Title 14, USC, Section 3. In addition, TJAG is the principal legal advisor to the Commandant of the Coast Guard and oversees the administration of military justice for the Coast Guard. TJAG of the US Coast Guard also serves as the Chief Counsel of the Coast Guard.

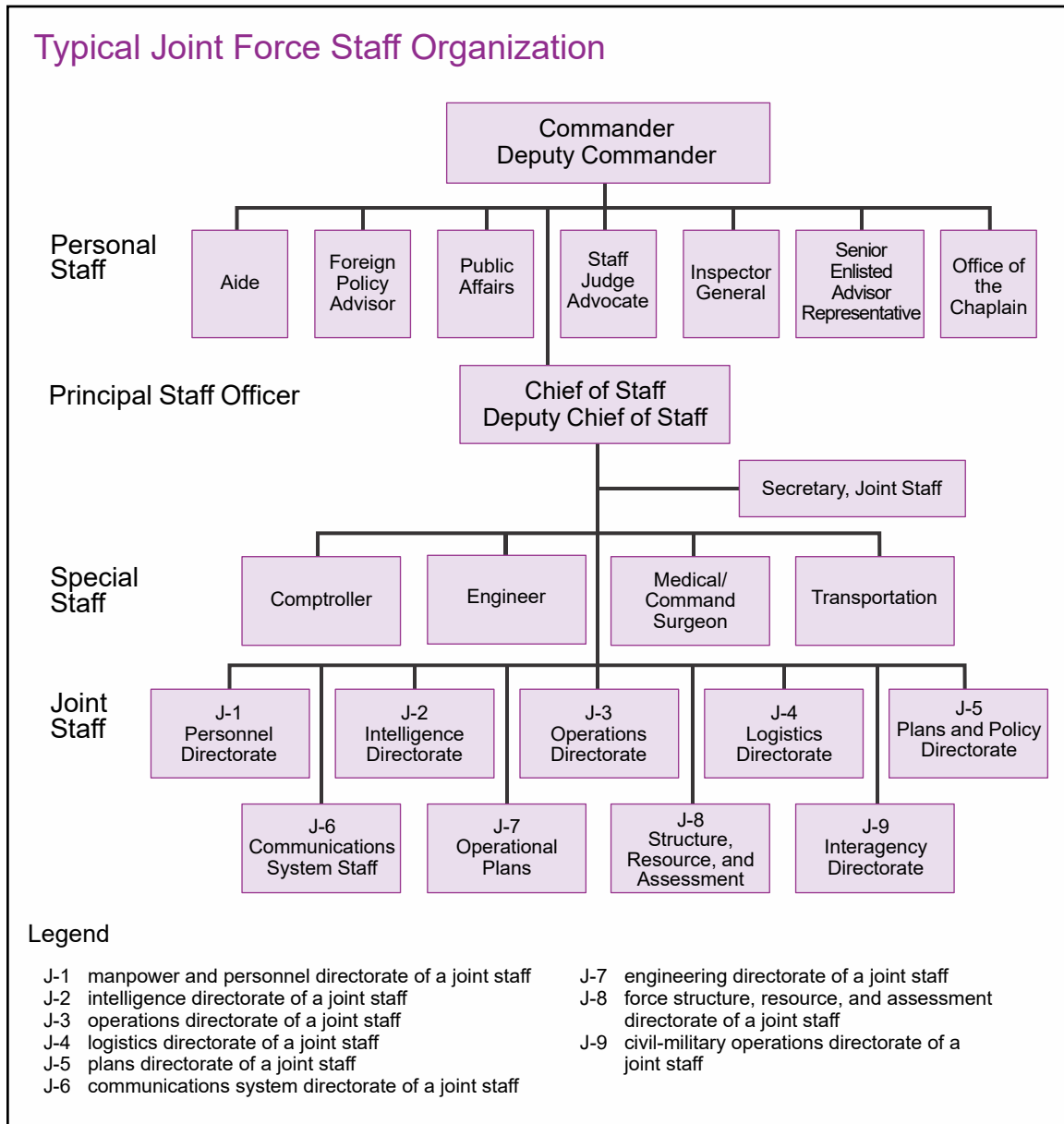
j. **Chief Counsel, National Guard Bureau (NGB).** The Chief Counsel, NGB provides legal services, advice, and opinions to the Chief, NGB; the Vice Chief, the NGB Joint Staff; the Directors of the Army and Air National Guard and their respective staffs; state adjutants general; full-time state JAs; US property and fiscal officers; and DOD offices and other federal and state agencies. The Chief Counsel also liaises with other legal offices within DOD and other federal and state agencies.

## 6. Joint Force Staff Judge Advocate

a. The joint force SJA (also titled the JA or command JA) is the principal legal advisor to the JFC and a key member of a JFC's personal staff. In most cases, the joint force SJA is the principal legal advisor to the commander, deputy commander, and chief of staff, as well as any Service Element Commanding Officers, and coordinates as necessary with the legal staff of the other CCMDs. The joint force SJA reports directly to the JFC. The joint force SJA provides or coordinates legal support to joint operations through direct and reachback capabilities. Figure I-2 depicts where the SJA fits in a typical joint force command.

b. In addition to the authorities vested in SJAs by Title 10, USC, Chapter 47, Uniform Code of Military Justice, the joint force SJA issues coordinating guidance on legal matters to subordinate components under the authority of the JFC to optimize legal support to the joint force. Services and Service components retain authority for providing legal support to their forces, subject to the coordinating guidance of the joint force SJA.

c. **SJAs at Levels of Joint Forces.** Joint forces are established at three levels: CCMDs, subordinate unified commands, and joint task forces (JTFs). Joint force JAs provide legal support at each of these levels. Each level addresses unique legal issues and has a specific legal basis for assigning responsibilities, establishing or delegating appropriate command relationships, and establishing coordinating instructions between joint forces commands and their components.



**Figure I-2. Typical Joint Force Staff Organization**

(1) **CCMD SJA.** The CCMD SJA is a JA selected by the CCDR from among those officers nominated for the position by each of the Military Services. The CCMD SJA serves as counsel for the command, providing or coordinating legal advice to the CCDR and CCMD staff on the full spectrum of legal issues, with varied emphasis depending upon the CCMD’s mission, force structure, and whether it has a geographic or functional responsibility. Some CCMD legal offices are referred to as the “office of LC” and are led by an LC rather than an SJA. (For purposes of this JP only, the term “CCMD SJA” will be used for both). The CCMD SJA exercises technical supervision over the administration of command legal services within that CCMD. The SJA reviews available legal support capabilities and recommends allocation of legal resources to support the CCMD missions most effectively and eliminate the overlap or duplication of functions. The CCMD SJA also

oversees the collection of legal lessons learned from supporting SJAs and the distribution of legal lessons learned in accordance with Chairman of the Joint Chiefs of Staff Manual (CJCSM) 3150.25, *Joint Lessons Learned Program*.

(a) **Geographic CCMDs.** The joint force SJAs supporting the geographic CCMDs provide or coordinate the full spectrum of legal services with both a strategic and operational emphasis. The areas of practice mirror those addressed by CJCS/LC detailed in paragraph 4, “Legal Counsel, Office of the Chairman of the Joint Chiefs of Staff,” with a greater focus on joint operational law issues pertaining to their commander’s geographic area of responsibility (AOR). They also supervise legal aspects of the theater security cooperation and rule of law programs within their AORs; incorporate legal issues into exercises; coordinate with regional and partner nation forces to promote legal dialogue and adherence to the rule of law; oversee the provision of legal services within subordinate unified commands, JTFs, and functional and Service components; and coordinate with functional CCMD SJAs to facilitate the resolution of legal issues affecting both joint force commands. Additionally, they engage with senior military leaders and legal advisors of nations within their geographic AORs, consistent with the DOD and geographic CCMD security cooperation mission and objectives.

(b) **Functional CCMDs**

1. The joint force SJAs of the three functional CCMDs (United States Transportation Command [USTRANSCOM], United States Strategic Command [USSTRATCOM], and United States Special Operations Command [USSOCOM]) similarly provide the full spectrum of legal services, but also have legal responsibilities related to the CCMD’s particular functional areas.

2. The USTRANSCOM SJA provides legal expertise in its core functional competency of transportation law for USTRANSCOM and DOD. Specifically, the USTRANSCOM SJA focuses on transportation acquisition, fiscal, international, personnel, military justice, operations, intellectual property, civil, administrative and environmental law, and transportation-related insurance law.

3. The USSTRATCOM SJA provides legal advice to support the USSTRATCOM missions related to strategic deterrence operations; freedom of action in space and cyberspace; integrated lethal and nonlethal capabilities in support of US JFCs; synchronization of global missile defense and countering weapons of mass destruction plans and operations; and intelligence, surveillance, and reconnaissance. In particular, the USSTRATCOM SJA focuses on international and operational law in the areas of cyberspace, space, and targeting, as well as administrative law, fiscal law, and military justice.

4. The USSOCOM SJA provides legal advice on issues involving special operations forces (SOF). In addition to the command authority inherent in a CCMD, the Commander, USSOCOM has Service-like responsibilities for SOF pursuant to Title 10, USC, Section 167 and maintains a particular emphasis on supporting and executing overseas contingency operations.

(c) SecDef realigned theater special operations commands (TSOCs) under the combatant command (command authority) of USSOCOM in the spring of 2013. GCCs exercise operational control over these TSOCs for their assigned missions and retain concurrent Uniform Code of Military Justice authority pursuant to SecDef direction. There are certain legal areas where the geographic CCMD SJA will have the primary interest in providing the legal supervision of TSOC SJAs. Figure I-3 provides a standard matrix of legal areas and identifies whether the geographic CCMD or USSOCOM SJA has primary responsibility for supervision.

(2) **Subordinate Unified Command SJA.** When assigned to a subordinate unified command, an SJA serves as the primary legal advisor to that command. The subordinate unified command SJA receives guidance from the CCMD SJA and may have certain functional legal areas performed by the CCMD SJA (e.g., contract law). If the subordinate unified command does not have direct legal support, the CCMD SJA typically provides those services to the subordinate unified command.

*For a more detailed discussion of CCMD, subordinate unified command, and JTF organizations, responsibilities, and functions, see JP 1, Doctrine for the Armed Forces of the United States, and JP 3-0, Joint Operations.*

(3) **JTF SJAs.** The most common type of joint force command established to accomplish a specific mission in a geographic area or perform a particular function is the JTF. The JTF SJA is the principal legal advisor to the commander, joint task force (CJTF) and is an integral part of the JTF staff. The JTF SJA provides support to multiple JTF boards, centers, and cells that require legal expertise in the planning and employment of JTF forces. The training, equipping, and organization of legal personnel assigned or attached to the JTF headquarters (HQ) falls to the JTF SJA. The JTF SJA develops the legal estimate during operation planning and recommends SJA manning requirements for the JTF joint manning document (JMD). By task organizing, the JTF SJA ensures the SJA section is representative of its components, allies, and multinational partners as to numbers of personnel contributed, rank and experience of those personnel, and the influence of their positions. Ideally, the SJA section will reflect the composition of the JTF and character of the operation. JTF SJA has legal discussions with senior military leaders and legal advisors from other nations within their joint operational area as required in support of DOD and geographic CCMD security cooperation mission and objectives. The JTF SJA coordinates with the supported CCMD SJA and the supporting component SJAs to optimize legal support to the JTF. The JTF SJA will be discussed in detail in Chapter III, “Legal Support to the Joint Task Force.”

*For a more detailed discussion of JTF, see JP 3-33, Joint Task Force Headquarters.*



## Combatant Command Legal Supervisory Responsibilities for Theater Special Operations Commands

### USSOCOM (Primary)

#### Administrative Law

- Ethics (counsel, training, reports)
- OGE Form 278/450s
- Post-government employment
- Congressional inquiries (unless related to a GCC operation)
- Military airlift for SOC/NSAV aircraft
- Fiscal issues with USSOCOM Major Force Program-11 funds
- Contracting (non-GCC funding)
- Property accountability investigations (non-GCC equipment)
- Civilian personnel headquarters staff issues (EEO/MSPB)\*\*
- Administrative separations\*\*
- Fitness for duty\*\*
- Line of duty/misconduct\*\*
- Information practices/releases (Freedom of Information Act, Privacy Act) unless related to a GCC's operation

#### Concurrent UCMJ\*

- Routine headquarters internal discipline matters
- All matters referred by GCC
- Article 138 (unless GCC operation related)

### GCC (Primary)

#### Administrative Law

- Fiscal (GCC funded)
- Use of GCC military airlift
- Ethics (AOR specific rules)
- Congressional inquiries with operational connection
- Contracting with GCC funds
- Embassy relations (NSDD 38.FP MOA Annex designations)
- Labor law matters that are AOR specific

#### Operational Law within GCC AOR under GCC Authority

- All legal issues connected with operations or exercises
- Law of war
- Rules of engagement
- Targeting
- Information operations products and operations (see CJCSI 3110.05)
- Investigations for potential law of war violations, friendly fire incidents, collateral damage/civilian deaths, and rules of engagement violations

#### International Law

- General international law issues that could impact GCC AOR
- Foreign criminal jurisdiction
- Foreign claims
- Acquisition cross-servicing agreements
- Status of forces agreements
- Basing issues that are AOR specific

#### Concurrent UCMJ\*

- Violations of law of war or rules of engagement
- Violations of GO-1
- Violations of liberty or FP policies
- Matters involving more than one component under GCC authority
- Matters involving host nation or potential adverse impact with host nation

\* Concurrent UCMJ means that either CDRUSSOCOM or the GCC is authorized under law and policy to take action on a matter. The GCC will generally exercise right of first refusal on matters listed above in the GCC primary column. Concurrent UCMJ authority is derived from GFMAP base order, a SecDef approved document that authorizes concurrent UCMJ to CDR that exercise OPCON over forces attached by SecDef.

\*\*Subject to combatant command support agent regulations and installation agreements.

### Legend

AOR	area of responsibility	MOA	military operating area
CCDR	combatant commander	MSPB	US Merit Systems Protection Board
CDRUSSOCOM	Commander, United States Special Operations Command	NSAV	non-standard aviation
CJCSI	Chairman of the Joint Chiefs of Staff instruction	NSDD	national security decision directive
EEO	equal employment opportunity	OGE	US Office of Government Ethics
FP	force protection	OPCON	operational control
GCC	geographic combatant commander	SecDef	Secretary of Defense
GFMAP	Global Force Management Allocation Plan	SOC	special operations component
GO-1	General Order Number 1	UCMJ	Uniform Code of Military Justice
		USSOCOM	United States Special Operations Command

Figure I-3. Combatant Command Legal Supervisory Responsibilities for Theater Special Operations Commands

d. **Functional Components.** Component command SJAs, like JTF SJAs, are the principal legal command advisors to the commander and provide legal support to multiple boards, centers, and cells. The functional component SJA coordinates with both geographic and functional CCMD SJAs. For USSOCOM TSOCs, see Figure I-3.

e. **Service Components.** Joint force commands include Service components. Service component command SJAs advise the Service component commander on issues that are Service specific. In addition, the component SJA coordinates and receives guidance from the CCMD or JTF SJA on all matters that relate to the component command's supporting mission.

f. **Reserve Component (RC) Support.** Most joint force commands include JAs from one or more units of the RC (i.e., the Army Reserve, the Army National Guard of the United States, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, and the Coast Guard Reserve). Reserve JAs mobilized to support an operation outside the continental US always serve in a Title 10, USC, status (except for Coast Guard reservists, who remain in Title 14, USC, status unless the Coast Guard is operating as a Service under the DON pursuant to Title 14, USC, Section 2) and are trained to fulfill both short-term and long-term legal requirements for the command. However, under certain circumstances National Guard JAs may serve in a JTF within the continental US in their non-federalized (Title 32, USC) status. It is important that the joint force SJA work with the CCMD's RC support office and the NGB for assistance in assigning or attaching RC JAs to the CCMD or the component commands of the joint force.

g. **Duties and Responsibilities.** The joint force SJA's general duties and responsibilities are shown in Figure I-4. Legal staffs require adequate resources to conduct legal research and perform assigned legal duties. Specific planning considerations are discussed in Chapter II, "Legal Support to Joint Operation Planning," and Chapter III, "Legal Support to the Joint Task Force."

## Joint Force Staff Judge Advocate's Duties and Responsibilities

### Formation, Deployment, and Management of the Legal Staff

- Ensure personnel have appropriate security clearance for mission/duties.
- Form, deploy, employ, transition, and redeploy the staff judge advocate section.
- Train section personnel.
- Manage section operations, including information and security.
- Requisition and control section resources.
- Coordinate the assignment, promotion, transfer, and replacement of section personnel.

### Defense Support of Civil Authorities

- Know the legal basis for the military operation.
- Assist commands with crafting the rules for the use of force and/or rules of engagement, and related information papers, memoranda of law, and memoranda of agreement with supported civil authorities.
- Advise joint force commander and other staff on state and local legal requirements and interagency and interstate agreements that affect the military defense support of civil authorities mission.
- Coordinate with National Guard Bureau legal staff as required regarding dual status commander issues and Title 32, United States Code, legal issues.
- Oversee or offer training on Posse Comitatus and similar restrictions, and the governing legal principles applicable to rules for the use of force and rules of engagement, including the use of both lethal and nonlethal force. Advise the joint force commander and other staff on proper duty status for participating personnel, medical credentialing, information operations, intelligence oversight, fiscal law and contracts, claims, and other pertinent areas of the law.

### Planning, Coordination, and Oversight

- Prepare the legal considerations paragraph of the base operation plan or order according to Chairman of the Joint Chiefs of Staff Manual 3130.03, *Adaptive Planning and Execution (APEX) Planning Formats and Guidance*.
- Prepare the legal appendix to the personnel annex of the operation order according to Chairman of the Joint Chiefs of Staff Manual 3130.03, *Adaptive Planning and Execution (APEX) Planning Formats and Guidance*.
- Continuously assess mission capability and any strengths or deficiencies in joint legal doctrine, organization, training, materiel, and education.
- Serve as single point of contact for all legal issues of joint origin that involve more than one Service or that affect the external relations of the joint force command.
- Capture, act on, and share joint legal lessons learned, issues, and key observations from operations, training events, and other sources in accordance with Chairman of the Joint Chiefs Issuances 3150.25 on the joint lessons learned program.
- Liaise with counterparts at higher, lower, and adjacent headquarters, Department of Defense and other US Government departments and agencies, foreign government agencies, intergovernmental organizations, and nongovernmental organizations, including liaison with counterparts within the International Committee of the Red Cross.
- Advise on issues related to rule of law and military operations. Incorporate rule of law issues into exercises and engagements.

### Maintenance of Good Order and Discipline

- Ensure that each Service member is afforded due process and administrative rights.
- Coordinate with Service element staff judge advocate or element commander those military justice matters most appropriately handled through Service channels.
- Supervise the administration of military justice throughout the joint force.
- Recommend standard policies applicable to all Services within the command when necessary to maintain good order and discipline or preserve US-host nation relations (e.g., general orders and black market and currency control regulations).
- Recommend uniform policies and procedures for requesting joint command courts-martial convening authority, exercising disciplinary authority over members of other Services, and creating Service units within the joint force headquarters and subordinate joint force headquarters.
- Communicate directly with the joint force commander on military justice matters, to include advising on appropriate disposition of charges before referral to trial by courts-martial and recommending appropriate convening authorities action on courts-martial.

Figure I-4. Joint Force Staff Judge Advocate's Duties and Responsibilities

## Joint Force Staff Judge Advocate's Duties and Responsibilities (cont'd)

### Status of Forces and Relations with Host Nation

- Support negotiation and conclusion of international agreements, including acquisition and cross-servicing agreements, status-of-forces agreements, and status of mission agreements, in accordance with Department of Defense Directive (DODD) 5530.3, *International Agreements*.
- Advise the joint force commander and staff concerning assertions of foreign criminal jurisdiction over military personnel and civilians accompanying the force.
- Monitor relations with governments and inhabitants of foreign countries.

### Law of War and Related International Legal Considerations

- Ensure that all plans, orders, policies, rules of engagement, and target lists issued by the command and its subordinate commands are reviewed by legal advisors for compliance with applicable law and policy as required by DODD 2311.01E, *DOD Law of War Program*, and Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 5810.01D, *Implementation of DOD Law of War Program*.
- Assist the operations directorate of a joint staff (J-3) and plans directorate of a joint staff (J-5) in preparing rules of engagement request and authorization messages according to CJCSI 3121.01B, *Standing Rules of Engagement/Standing Rules for the Use of Force for US Forces*.
- Support and monitor conduct of war crimes trials as required.
- Conduct legal discussions with senior leaders and legal advisors from partner nations to ensure common understanding of law of war obligations and other international legal norms.
- Advise the joint force commander and staff on the legal authority for, and constraints on, the conduct of military operations, including global force management; the issuance and coordination of operation orders; the use of force; maritime operations, including freedom of navigation; overflight of international and national airspace; basing rights; foreign intelligence and counterintelligence activities; information operations; personnel recovery operations including reintegration procedures; joint targeting; treatment of wounded and sick prisoners of war, and civilian persons and property, including migrants, refugees, and internally displaced persons; human rights aspects of law; the conduct of tribunals, including those under Article 5 of the Third Geneva Convention; governance of occupied enemy territory; detention and interrogation operations; rule of law; Department of Defense support to other agencies for humanitarian operations; and chemical, biological, radiological, and nuclear, or high-yield explosives, and other weapons subject to special restrictions.
- Provide legal advice and oversight of civilian casualty report tracking, credibility assessments, investigations, and reporting.

### Contractor Personnel Integration

- Ensure that all joint force commander plans and policies are in compliance with US law, international law, local law, status-of-forces agreements, and Department of Defense policy as they relate to the use of contracted, vice military, support. Specific concerns are legal status of US and third country national contractor personnel hired outside of the operational area; force protection/security measures; and, arming contractor personnel (includes arming for self-defense and for security support). See Department of Defense Instruction 3020.41, *Operational Contract Support (OCS)*.
- Advise the joint force commander and staff on fiscal and contract law matters, i.e., the application of domestic and international law to acquire goods, services, and construction. Specifically, funding sources and restrictions, battlefield acquisition, contingency contracting, bid protests and contract dispute litigation, procurement fraud oversight, commercial activities, and acquisition and cross-servicing agreements.

### Reporting

- Monitor and advise the joint force commander and staff concerning investigation and disposition of significant incidents required to be reported via operation report 3-PINNACLE and other flagword reports (e.g., grave breaches of the law of war, asylum incidents, aircraft accidents, and possible border violations). See Chairman of the Joint Chiefs of Staff Manual 3150.03D, *Joint Reporting Structure Event and Incident Reports*. Report law of war violations in accordance with Department of Defense Directive 2311.01E, *DOD Law of War Program*.
- Submit legal status reports.

**Figure I-4. Joint Force Staff Judge Advocate's Duties and Responsibilities (cont'd)**

## Joint Force Staff Judge Advocate's Duties and Responsibilities (cont'd)

### Provision of Legal Services

- Man joint cross functional staff organizations.
- Monitor and coordinate the provision of legal services throughout the command.
- Record significant activities.
- Provide legal advice to investigating officers, review their reports for legal sufficiency, and make appropriate recommendations to the appointing and/or approving authority.
- Provide legal assistance to the joint force commander and staff.
- Arrange for the provision of claims, trial defense, trial judiciary, and other legal services as appropriate to the joint force commander and staff.
- Advise the joint force commander and staff concerning legal issues related to provision of logistic support to non-Department of Defense entities.
- Advise the joint force commander and staff concerning transfers or other disposition of military property.
- Advise the joint force commander and staff concerning acquisition or disposition of real property, goods, services, and other contingency contracting issues.
- Monitor accountability for loss, damage, or destruction of military property.
- Advise the joint force commander and staff concerning legal issues related to military personnel matters, including mobilization, military status, pay, allowances, promotion, reduction, separation, authorized activities, conscientious objector applications, and complaints under Article 138, Uniform Code of Military Justice.
- Advise on policy for accounting for captured weapons, war trophies, documents, and equipment.
- Advise the joint force commander and staff concerning civilian personnel matters, including deployment issues, adverse action appeals to the Merit Systems Protection Board, equal employment opportunity discrimination complaints, grievance arbitrations, negotiation of union labor agreements, unfair labor practice hearings and grievance arbitrations, and unfair labor practice complaints and negotiability disputes before the Federal Labor Relations Authority.
- Advise the joint force commander and staff concerning requests for political asylum and temporary refuge.
- Provide advice on funding of military operations and the obligation and expenditure of appropriated funds. For example, provide counsel concerning solatia payments (compensation made for damages or inconvenience) and Commander Emergency Response Program funds.
- Ensure compliance with applicable environmental laws and policies.
- Advise the joint force commander and staff concerning standards of conduct issues, including giving and accepting gifts, filing financial disclosure reports, and post-government service employment restrictions.
- Serve as ethics advisor.
- Advise the joint task force commander on command responsibility and accountability.
- Supervise investigation and processing of claims arising from activities of the joint force commander and staff under the Military Claims Act, Federal Tort Claims Act, Foreign Claims Act, Personnel Claims Act, reciprocal international agreements (e.g., status-of-forces agreement claims), Suits in Admiralty Act, Public Vessels Act, and other applicable statutes, as well as assignment of claims responsibilities in accordance with Department of Defense Instruction 5515.08, *Assignment of Claims Responsibility*.
- Advise the joint force commander and staff on intelligence law. It is imperative that judge advocates consider intelligence law when planning and reviewing both operations in general and intelligence operations in particular.
- Perform other duties assigned by the joint force commander.
- Advise the joint force commander and staff concerning the drafting, review, and tracking of legislative proposals relevant to missions and authorities.
- Coordinate with public affairs on release of information, security and policy review, and legal actions that may draw media or public interest.

### Training

- Provide training to the joint force commander and staff on the law of war, rules of engagement/rules of the use of force, standing and general orders issued by the commander, foreign law, legal aspects of detention and interrogation operations, ethics, procurement integrity, and other subjects as required and appropriate.
- Provide training concerning status of US forces in foreign countries.

**Figure I-4. Joint Force Staff Judge Advocate's Duties and Responsibilities (cont'd)**

## Joint Force Staff Judge Advocate's Duties and Responsibilities (cont'd)

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### Stability Operations and Rule of Law Programs

- Conduct assessments of partner nation military justice systems as required.
- Advise on programs to advance rule of law with military partners.
- Advise on, and as necessary, develop programs to advance adherence to the rule of law. The rule of law includes following the law of war, respect for domestic law establishing governmental institutions (including civilian control over the military, where applicable), following international and domestic legal obligations regarding the law of war and human rights.
- Conduct legal discussions with military partners to build relationships and support approved security cooperation mission and objectives.
- Coordinate and collaborate with external organizations outside the joint force on programs designed to advance adherence to the rule of law in militaries (Defense Institute for International Legal Studies; International Institute of Humanitarian Law; American Bar Association Rule of Law Initiative, the International Committee of the Red Cross, etc.).

**Figure I-4. Joint Force Staff Judge Advocate's Duties and Responsibilities (cont'd)**

## CHAPTER II

### LEGAL SUPPORT TO JOINT OPERATION PLANNING

*“Strategic and tactical planning must be completely unified, combat forces organized into unified commands, each equipped with the most efficient weapons systems that science can develop, singly led and prepared to fight as one, regardless of Service.”*

**34th President Dwight Eisenhower (1953-1961)**

#### 1. Introduction

a. Legal advisors within DOD perform a wide variety of planning tasks at the strategic, operational, and tactical levels of warfare. They support their organizations in carrying out their planning responsibilities by providing legal advice on the myriad of regulations, laws, policies, treaties, and agreements that apply to joint military operations. Legal advisors actively participate in the entire planning process from joint intelligence preparation of the operational environment development, to mission analysis, to course of action (COA) development and recommendation, through execution. Strategic and operational planning typically occurs at the JTF and higher echelons. Legal advisors who perform planning tasks at the tactical level typically do so as a Service component of a JTF. Planning at that level often involves a single Service that follows Service doctrine, using tactics, techniques, and procedures contained in Military Department and Service publications.

b. Military planning consists of joint strategic planning with its three subsets: security cooperation planning, joint operation planning, and force planning. Legal advisors assist decision makers at every echelon in translating policy decisions into legally acceptable plans and orders that support national security objectives. At the strategic level this is accomplished within the framework of four interrelated defense planning systems and associated processes: the National Security Council System (NSCS); the Planning, Programming, Budgeting, and Execution (PPBE) process; the Joint Strategic Planning System (JSPS); and Adaptive Planning and Execution (APEX) system. At the operational level, planning occurs under the umbrella of APEX and primarily through the joint operation planning process. This chapter describes the role and responsibilities of the legal advisor at each echelon during the strategic and operational joint planning processes.

c. For defense support of civil authorities, SecDef may direct the supported CCMD (US Northern Command or US Pacific Command) to provide forces to support another lead federal agency, which in turn may be supporting state and local governments or agencies. Forces may also be provided by the National Guard either in Title 32, USC, status or in state active duty status. A dual-status commander may be appointed to command both federal forces and National Guard forces. JAs must work closely with all appropriate organizations and agencies to help the commander stay within the boundaries of law and policy that govern defense support of civil authorities.

## 2. Law of War Principles

The law of war regulates the conduct of states and combatants engaged in armed conflict hostilities and is often referred to as the law of armed conflict. The law of war is inspired in part by a humanitarian desire to diminish unnecessary suffering during armed conflict. It provides protections for all classes of persons recognized by the law of war including combatants, noncombatants, and civilians from unnecessary suffering, and establishes safeguards for civilians, prisoners of war, and the wounded and sick. The law of war also attempts to prevent degeneration of conflicts into savagery and brutality, thereby facilitating the restoration of peaceful relations which must, at some point, follow the conclusion of hostilities. It is DOD policy that US forces follow the law of war in all military operations. Therefore, legal advisors help ensure that the JFC and staff consider law of war principles during the planning process for all joint military operations, and particularly during planning for combat operations. Some of the key law of war principles to be considered during the planning process are as follows:

a. **Military Necessity.** The principle of military necessity states a belligerent is justified in the use of all measures needed to defeat the enemy as quickly and efficiently as possible that are not forbidden by the law of war. Military necessity justifies actions, such as destroying and seizing persons and property. However, this principle is not applied in a vacuum. It must be applied in conjunction with other law of war principles. For example, the principle of distinction (discussed in paragraph 2c, “Distinction”) generally prohibits the intentional targeting of protected persons (civilians, hostile personnel who have surrendered or are otherwise “out of combat,” etc.) and places (objects or places that are used for purely civilian purposes, such as hospitals, schools, and cultural property that have not been converted to or for military/hostile use) because they do not constitute legitimate military objectives in furtherance of the accomplishment of the mission.

b. **Humanity.** Although military necessity justifies certain actions necessary to defeat the enemy as quickly and efficiently as possible, military necessity cannot justify action not necessary to achieve this purpose, such as cruelty or wanton violence, or the use of weapons that are calculated to cause superfluous injury. Moreover, once a military purpose has been achieved, inflicting more suffering is unnecessary and should be avoided. For example, the principle of humanity forbids making enemy combatants who have been placed hors de combat the object of attack. Generally, weapons and ammunition that have been issued by DOD have been reviewed to ensure compliance with the law of war and this principle. However, approved weapons and ammunition also may not be used in a way that will cause unnecessary suffering or injury.

c. **Distinction.** The principle of distinction, sometimes referred to as the principle of discrimination, requires parties to a conflict to distinguish between combatants and noncombatants and to distinguish between military objectives and protected property and places. Parties to a conflict must direct their operations only against military objectives. Military objectives are combatants and those objects that, by their nature, location, purpose, or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offer a definitive military advantage.



d. **Proportionality.** The principle of proportionality requires that the incidental injury to civilians and damage to civilian property anticipated in the attack, must not be excessive in relation to the concrete and direct military advantage expected to be gained. There is no requirement that the military advantage must be immediate. However, the military advantage may not be merely hypothetical or speculative. Similarly, “military advantage” is not restricted to immediate tactical gains, but may be assessed in the full context of war strategy. The military advantage anticipated from an attack is intended to refer to an attack as a whole, rather than only from isolated or particular parts of an attack.

*For more information on application of law of war principles, see Office of General Counsel, Department of Defense, Department of Defense Law of War Manual; JP 3-60, Joint Targeting; and Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 3160.01, No-Strike and the Collateral Damage Estimation Methodology.*

### 3. Legal Support to Strategic-Level Planning

a. The strategic-level planning processes within the NSCS, PPBE, JSPS, and APEX take place primarily between the President and/or SecDef, the CJCS, and the CCDRs. Their legal advisors—the DOD GC, the LC, and the CCDRs’ SJAs—plan and coordinate DOD-wide and theater-level legal support for the full range of planning activities including mobilization, deployment, employment, sustainment, redeployment, and demobilization of forces. This paragraph provides an overview of these systems and describes the legal advisor’s responsibilities within them.

b. **NSCS.** The NSCS provides the interagency framework for establishing national strategy and policy objectives that ultimately receive presidential approval. Figure II-1 lists the major duties and responsibilities of SecDef, CJCS, CCDRs, and their legal advisors within the NSCS.

c. **PPBE Process.** The PPBE process is the DOD-wide process that relates resources to strategy. This PPBE objective is the acquisition and allocation of resources to meet the operational requirements of the CCDRs and the provisioning requirements of the Services and CSAs. The major duties and responsibilities of SecDef, CJCS, CCDRs, and their legal advisors within the PPBE are listed in Figure II-2.

d. **JSPS.** The JSPS is one of the primary means by which the CJCS, in coordination with the other members of the Joint Chiefs of Staff and the CCDRs, accomplishes planning and provides military advice to the President and SecDef and recommendations to the PPBE process. JSPS products—such as the National Military Strategy and the Joint Strategic Capabilities Plan—provide guidance and instructions on military policy, strategy, plans, forces, and resource requirements and allocations essential to successful execution of the National Security Strategy and other presidential directives. Figure II-3 details the major duties and responsibilities of SecDef, CJCS, CCDRs, and their legal advisors within the JSPS.

National Security Council System Duties and Responsibilities	
<p><b>Secretary of Defense</b></p> <ul style="list-style-type: none"> <li>• Serve as a statutory member of the National Security Council.</li> <li>• Advise the President on all Department of Defense matters.</li> <li>• Advise and assist the President in integrating all aspects of national security policy.</li> <li>• In response to crises, recommend preliminary courses of action and assignment of tasks to combatant commands.</li> </ul>	<p><b>General Counsel of the Department of Defense</b></p> <ul style="list-style-type: none"> <li>• Provide legal advice to the Secretary of Defense on all National Security Council System matters.</li> <li>• Represent Department of Defense in interagency legal working groups.</li> <li>• Review Presidential directives for compliance with law and policy and make appropriate recommendations.</li> <li>• Coordinate legal issues with counterparts, Chairman of the Joint Chiefs of Staff Legal Counsel, and combatant commander staff judge advocates.</li> </ul>
<p><b>Chairman of the Joint Chiefs of Staff</b></p> <ul style="list-style-type: none"> <li>• Discharge statutory responsibilities as principal military advisor to the President, National Security Council, and Secretary of Defense.</li> <li>• Represent the concerns of the combatant commanders and Joint Chiefs in the National Security Council System.</li> </ul>	<p><b>Legal Counsel</b></p> <ul style="list-style-type: none"> <li>• Provide independent legal advice to Chairman of the Joint Chiefs of Staff on all National Security Council System matters.</li> <li>• Represent Chairman of the Joint Chiefs of Staff in interagency legal working groups.</li> <li>• Review Presidential directives for compliance with law and policy and make appropriate recommendations.</li> <li>• Coordinate legal issues with counterparts, Department of Defense general counsel, and combatant commander staff judge advocates.</li> </ul>
<p><b>Combatant Commander</b></p> <ul style="list-style-type: none"> <li>• Communicate directly with the Chairman of the Joint Chiefs of Staff (the combatant commanders' representative in the National Security Council System) and with the committees and policy coordination committees of the National Security Council System.</li> <li>• Carry out statutory responsibilities for the area of responsibility or assigned function as directed by the President and Secretary of Defense.</li> </ul>	<p><b>Staff Judge Advocate</b></p> <ul style="list-style-type: none"> <li>• Provide legal advice to the combatant commanders on all National Security Council System matters.</li> <li>• Communicate directly with Legal Counsel, Office of the Chairman of the Joint Chiefs of Staff on issues being addressed in the interagency committees and interagency working groups.</li> <li>• Coordinate legal issues with counterparts, Chairman of the Joint Chiefs of Staff Legal Counsel, and subordinate or supporting staff judge advocates.</li> </ul>

**Figure II-1. National Security Council System Duties and Responsibilities**

e. **APEX.** Joint operation planning is accomplished through the APEX system. The joint planning and execution community uses APEX to monitor, plan, and execute mobilization, deployment, employment, sustainment, redeployment, and demobilization activities associated with joint operations. Clear strategic guidance and frequent interaction between senior leaders and planners promote early understanding of, and agreement on, planning assumptions, considerations, risks, and other key factors. Legal advisors participate at all stages of this adaptive and collaborative planning system.

(1) **Deliberate planning** takes place primarily at the strategic level between the CJCS and the supported CCDR. Figure II-4 lists by phase the major duties and responsibilities of the CJCS, CCDRs, and their legal advisors within the joint planning process.

<h2 style="text-align: center;">Planning, Programming, Budgeting, and Execution Duties and Responsibilities</h2>	
<p><b>Secretary of Defense</b></p> <ul style="list-style-type: none"> <li>• Issue defense planning guidance.</li> <li>• Issue program decision memoranda.</li> <li>• Issue program budget decisions.</li> <li>• Submit Department of Defense budget to the Office of Management and Budget for inclusion in the President's budget.</li> <li>• Issue resource management decisions.</li> </ul>	<p><b>General Counsel of the Department of Defense</b></p> <ul style="list-style-type: none"> <li>• Provide legal advice to the Secretary of Defense on all planning, programming, budgeting, and execution matters.</li> <li>• Review the defense planning guidance, program decision memoranda, program budget decisions, resource management decisions, and the Department of Defense budget for compliance with law and policy and make appropriate recommendations.</li> <li>• Coordinate legal issues with counterparts, Chairman of the Joint Chiefs of Staff legal counsel, and combatant commander staff judge advocates.</li> </ul>
<p><b>Chairman of the Joint Chiefs of Staff</b></p> <ul style="list-style-type: none"> <li>• Issue the Chairman of the Joint Chiefs of Staff's program recommendations.</li> </ul>	<p><b>Legal Counsel</b></p> <ul style="list-style-type: none"> <li>• Provide legal advice to the Chairman of the Joint Chiefs of Staff on all planning, programming, budgeting, and execution matters.</li> <li>• Review the defense planning guidance, program decision memoranda, program budget decisions, resource management decisions, and the Department of Defense budget for compliance with law and policy and make appropriate recommendations.</li> <li>• Review the Chairman of the Joint Chiefs of Staff's program recommendations for compliance with law and policy and make appropriate recommendations.</li> <li>• Coordinate legal issues with counterparts, Department of Defense general counsel, and combatant commander staff judge advocates.</li> </ul>
<p><b>Combatant Commander</b></p> <ul style="list-style-type: none"> <li>• Provide input to the Chairman of the Joint Chiefs of Staff's program recommendations through the joint warfighting capabilities assessment process.</li> <li>• Provide input to the program objective memoranda of the Military Departments, Defense agencies, and US Special Operations Command.</li> <li>• Provide input to the integrated priority list by providing combatant commander's integrated priority list to the Joint Staff.</li> </ul>	<p><b>Staff Judge Advocate</b></p> <ul style="list-style-type: none"> <li>• Provide legal advice to the combatant commander on all planning, programming, budgeting, and execution matters.</li> <li>• Review the combatant commander's input for compliance with law and policy and make appropriate recommendations.</li> <li>• Coordinate legal issues with counterparts, subordinate, and supporting unit staff judge advocates.</li> </ul>

**Figure II-2. Planning, Programming, Budgeting, and Execution Duties and Responsibilities**

(2) **Crisis action planning (CAP)** procedures are used to plan for and execute military operations in time-sensitive and imminent crisis situations. LC advises at each phase of CAP as the process adapts to accommodate the dynamic requirements of changing events. Figure II-5 highlights the key responsibilities of legal advisors at the DOD, Joint Staff, and supported CCMDs in the initial phases of CAP. As the planning process moves into the CAP execution phase, legal advisors of supporting and component organizations provide operational planning support.

### MILITARY LAWYERS IN IRAQ

**Military lawyers were true combat multipliers in Iraq. They were not only invaluable in dealing with a host of operational law issues, they also made enormous contributions in helping resolve a host of issues that were more than a bit out of normal legal lanes. In essence, we “threw” lawyers at very difficult problems, and they produced solutions in virtually every case—often under very challenging circumstances and in an uncertain security environment. The qualities that make a great military lawyer—an individual who is smart, hard-working, logical in thought, a good writer, and an adjudicator—were precisely the qualities most in demand in the environment in which we found ourselves in Iraq, where we were both fighting and rebuilding. I tried to get all the lawyers we could get our hands on—and then sought more.**

**SOURCE: Major General David H. Petraeus, Commander  
101st Airborne Division (Air Assault) 2003-2004**

*For detailed guidance on APEX, see CJCSM 3122.01A, Joint Operation Planning and Execution System, Volume I: (Planning Policies, and Procedures); CJCSM 3122.02D, Joint Operation Planning and Execution System (JOPES) Volume III: (Time-Phased Force and Deployment Data Development and Deployment Execution); CJCSM 3130.03, Adaptive Planning and Execution (APEX) Planning Formats and Guidance; CJCSI 3100.01B, Joint Strategic Planning System; and CJCS Guide 3130, Adaptive Planning and Execution (APEX) Overview and Policy Framework.*

#### **4. Legal Support to Operational-Level Planning**

a. At the operational level, the supported CCDR may retain planning responsibility or delegate planning responsibility to a subordinate JFC, typically the CJTF or a Service component commander. Regardless of the level of command, the legal advisor has a key support role in developing legally sufficient plans and orders that support achievement of the operational objectives.

b. During the joint operation planning process, the joint force SJA prepares the legal estimate, plans legal support for the joint force, and contributes to the overall planning effort in accordance with the planning considerations that follow.

##### **(1) General Planning Considerations**

(a) Throughout the operational planning process, the joint force SJA prepares the legal estimate and provides the commander, staff, and appropriate planning boards, centers, and cells with advice and recommendations regarding legal issues that impact all aspects of the operation. The SJA reviews and monitors legal aspects of potential COAs and evaluates the potential legal consequences resulting from primary and secondary effects. The SJA must not only consider the law of war principles of military necessity, humanity, distinction, and proportionality, but must also consider, among other disciplines, international law, fiscal law, and government contract law during planning.

Joint Strategic Planning System Duties and Responsibilities	
<p><b>Secretary of Defense</b></p> <ul style="list-style-type: none"> <li>• Issue joint military net assessment.</li> <li>• Issue contingency planning guidance.</li> </ul>	<p><b>General Counsel of the Department of Defense</b></p> <ul style="list-style-type: none"> <li>• Provide legal advice to the Secretary of Defense on all Joint Strategic Planning System matters.</li> <li>• Review the joint military net assessment and contingency planning guidance for compliance with law and policy and make appropriate recommendations.</li> <li>• Coordinate legal issues with counterparts, legal counsel and combatant commander staff judge advocates.</li> </ul>
<p><b>Chairman of the Joint Chiefs of Staff</b></p> <ul style="list-style-type: none"> <li>• Conduct joint strategy review.</li> <li>• Issue Chairman of the Joint Chiefs of Staff's guidance.</li> <li>• Issue National Military Strategy.</li> <li>• Issue joint planning document.</li> <li>• Issue Joint Strategic Capabilities Plan.</li> <li>• Issue Chairman of the Joint Chiefs of Staff's program assessment.</li> </ul>	<p><b>Legal Counsel</b></p> <ul style="list-style-type: none"> <li>• Provide legal advice to the Chairman of the Joint Chiefs of Staff on all Joint Strategic Planning System matters.</li> <li>• Provide input during the joint strategy review.</li> <li>• Review the Chairman of the Joint Chiefs of Staff's guidance, National Military Strategy, joint planning document, Joint Strategic Capabilities Plan, and Chairman of the Joint Chiefs of Staff's program assessment for compliance with law and policy and make appropriate recommendations.</li> <li>• Coordinate legal issues with counterparts.</li> </ul>
<p><b>Combatant Commander</b></p> <ul style="list-style-type: none"> <li>• Initiate and respond to joint strategy review issue papers.</li> <li>• Provide input to the Chairman of the Joint Chiefs of Staff's guidance, National Military Strategy, joint planning document, Joint Strategic Capabilities Plan, and Chairman of the Joint Chiefs of Staff's program assessment.</li> </ul>	<p><b>Staff Judge Advocate</b></p> <ul style="list-style-type: none"> <li>• Provide legal advice to the combatant commander on all Joint Strategic Planning System matters.</li> <li>• Review the combatant commander's input for compliance with law and policy and make appropriate recommendations.</li> <li>• Coordinate legal issues with counterparts.</li> </ul>

**Figure II-3. Joint Strategic Planning System Duties and Responsibilities**

(b) The joint force SJA should be familiar with the unique capabilities of component legal organizations and understand their role in supporting the JFC's concept of operations. The joint force SJA should also be familiar with host nation (HN), partner nation, and NGO (including International Committee of the Red Cross) legal capabilities and requirements. The joint force SJA should work to improve unity of effort and prevent duplication of functions among component legal organizations. The joint force SJA's concept of support should address deployment, entry, buildup, application, identification and prioritization of areas of support, and redeployment of legal resources.

(2) **Mission Analysis** (see Figure II-6). The joint planning staff's focus in operational planning begins with mission analysis. **The SJA (or an SJA representative) is a member of the core planning cell as soon as planning begins.** The joint force SJA's primary responsibility is to identify legal considerations (authorities, restraints, and constraints) and provide them to the commander and other planners to shape the initial planning guidance. Failure to identify legal considerations early in the planning process may waste precious time as the staff develops COAs that may not be legally feasible.

<b>Adaptive Planning and Execution System Deliberate Planning Duties and Responsibilities</b>	
Chairman of the Joint Chiefs of Staff	Legal Counsel
<p><b>Activity I: Initiation Joint Strategic Capabilities Plan</b></p> <ul style="list-style-type: none"> <li>• Assign planning tasks to supported combatant commanders.</li> <li>• Specify the types of plans required.</li> <li>• Issue planning guidance.</li> </ul>	<p><b>Activity I: Initiation Joint Strategic Capabilities Plan</b></p> <ul style="list-style-type: none"> <li>• Review planning documents.</li> <li>• Review applicable laws, policies, treaties, and agreements.</li> </ul>
<p><b>Activity II: Concept Development</b></p> <ul style="list-style-type: none"> <li>• Review and approve the supported combatant commander's strategic concept.</li> </ul>	<p><b>Activity II: Concept Development</b></p> <ul style="list-style-type: none"> <li>• Review the combatant commander's strategic concept for compliance with law and policy and make appropriate recommendations.</li> <li>• Coordinate legal issues with counterparts.</li> </ul>
<p><b>Activity III: Plan Development</b></p> <ul style="list-style-type: none"> <li>• Assist the supported combatant commander.</li> </ul>	<p><b>Activity III: Plan Development</b></p> <ul style="list-style-type: none"> <li>• Assist the supported combatant command staff judge advocate.</li> </ul>
<p><b>Activity IV: Plan Review</b></p> <ul style="list-style-type: none"> <li>• In coordination with the Joint Chiefs of Staff, Services, and Department of Defense agencies, assess and validate the supported combatant commander's operation plan (OPLAN) and time-phased force and deployment data using criteria of adequacy, feasibility, acceptability, and compliance with joint doctrine.</li> <li>• Approve or disapprove the OPLAN for reasons stated.</li> <li>• Identify specific actions planned or programmed to redress any shortfalls.</li> </ul>	<p><b>Activity IV: Plan Review</b></p> <ul style="list-style-type: none"> <li>• Review the supported combatant command's OPLAN for legal sufficiency and make appropriate recommendations.</li> <li>• Coordinate legal issues with counterparts.</li> </ul>
<p><b>Activity V: Supporting Plans</b></p> <ul style="list-style-type: none"> <li>• Resolve critical issues that arise during the supported combatant command's review of supporting plan.</li> </ul>	<p><b>Activity V: Supporting Plans</b></p> <ul style="list-style-type: none"> <li>• Crosswalk supporting plans to ensure that they are legally correct, complete, and consistent, and make appropriate recommendations.</li> </ul>

**Figure II-4. Adaptive Planning and Execution System Deliberate Planning Duties and Responsibilities**

**(3) COA Development** (see Figure II-7).

(a) During COA development, COAs are proposed and evaluated to ensure that they are adequate, feasible, acceptable, distinguishable, and complete. In addition to the strict application of law, operational law issues frequently involve the implementation and interpretation of policy. To provide counsel on operational law issues, the SJA must be able to spot the issue and make recommendations. The SJA must consider the second and third order effects of each recommendation and provide a risk assessment of each COA. This

requires keeping abreast of current events from the local, national, and international levels. The SJA reviews the COA's compliance with the law and policy. **If a COA is legally objectionable, the joint force SJA should seek clarification or amendment of the COA, or recommend that the JFC request appropriate authorizations, exceptions, or waivers.**

(b) The joint force SJA reviews other staff section proposals for legal sufficiency. As an example, the joint force SJA assists other staff elements (typically the operations directorate of a joint staff [J-3] or the plans directorate of a joint staff [J-5]) in determining **whether the standing ROE/standing RUF are sufficient** to accomplish the mission, and, if not, **which supplemental ROE/RUF measures are needed and why**. The joint force SJA should consider and assist other staff elements in considering issues such as whether and under what circumstances the JFC should request or authorize the following: authority to declare forces as hostile (who and under what circumstances); use of riot control agents; offensive operations; cross-border operations; use of all necessary means during special operations; collective self-defense (defense of non-US persons and property); beyond visual range engagement of airborne objects; exercise of national self-defense; use of wartime reserve modes; training or spotlighting with a directed energy weapon; adjustments to acceptable levels of collateral damage under US policy (the law of war provides the baseline standard—"[not] excessive in relation to the concrete and direct military advantage anticipated"); engaging space assets; conduct of cyberspace operations; and operations affecting designated lines of communications, civilian infrastructure, facilities, and major supplies or resources. The joint force SJA also assists the J-3 and J-5 in coordinating US ROE and use of force policies with partner nations during planning for coalition operations and in understanding any national caveats partner nations may have regarding use of force and/or employment of multinational forces, equipment, or weapons systems. Other areas that require review include legal validation of proposed targets, detention and interrogation operations, treatment of civilians, integration of contractor personnel, fiscal authorities, and intelligence operations.

*For additional detailed guidance, see JP 3-12, Cyberspace Operations; JP 3-16, Multinational Operations; JP 3-60, Joint Targeting; JP 3-63, Detainee Operations; DODD 2310.01, DOD Detainee Program; DODD 3115.09, DOD Intelligence Interrogations, Detainee Debriefings and Tactical Questioning; DODD 3600.01, Information Operations; CJCSI 3121.01, Standing Rules of Engagement/Standing Rules for the Use of Force for US Forces; CJCSI 3122.06, Sensitive Target Approval and Review (STAR) Process; CJCSI 3160.01, No-Strike and the Collateral Damage Estimation Methodology; CJCSI 3290.01, Program for Detainee Operations; CJCSI 3370.01, Target Development Standards; and CJCSM 3139.01, Review and Approval Process for Cyberspace Operations.*

(4) **COA Analysis** (see Figure II-8). **During COA analysis, the joint force SJA participates in wargaming the COA.** During the COA analysis, the SJA identifies and recommends legal authorities or requirements necessary to achieve objectives at each phase of the operation. The legal advantages and disadvantages of each COA are identified.

## Adaptive Planning and Execution System Crisis Action Planning Duties and Responsibilities

### Secretary of Defense

- Approve alert orders.
- Approve deployment orders.
- Approve operation orders.
- Approve execute orders.
- Approve rules of engagement and rules for the use of force requests.

### General Counsel of the Department of Defense

- Ensure that all plans, orders, policies, rules of engagement, and rules for the use of force, and target lists are reviewed for compliance with applicable law and policy as required by Department of Defense Directive (DODD) 2311.01E, *DOD Law of War Program*.
- Provide overall legal guidance related to prompt reporting, investigation, and appropriate action under the Department of Defense Law of War Program for alleged violations of the law of war.
- Coordinate Department of Defense-wide legal support.
- Coordinate legal issues with interagency lawyer's working group as appropriate.

### Chairman of the Joint Chiefs of Staff

#### Component I: Situation Awareness

- **Situation Development:**  
Detect, report, and assess events that have potential national security implications to determine whether a military response may be required.
- **Crisis Assessment:**  
Analyze the situation and advise the President and/or Secretary of Defense of possible military action. Obtain a decision by the President and/or Secretary of Defense to develop military options.

### Legal Counsel

#### Component I: Situation Awareness

- Situation development.
- Review planning documents.
- Contact counterparts and establish the basis for concurrent planning.
- Review applicable laws, policies, treaties, and agreements.
- Summarize relevant legal considerations (authorities, restraints, and constraints) and provide them to the Joint Staff, Chairman of the Joint Chiefs of Staff, and counterparts.
- **Crisis Assessment:**  
Refine the legal considerations, authorities, and constraints.
- Participate in cross functional staff organizations as required.

#### Component II: Planning

- **Course of Action Development:**  
Issue planning guidance directive, normally in the form of a Chairman of the Joint Chiefs of Staff warning or planning order.
- **Detailed Plan Development:**  
Detailed planning begins with the Chairman of the Joint Chiefs of Staff-issue planning or alert order. Chairman of the Joint Chiefs of Staff monitors the execution planning activities and reviews the supported commander's operation order or execute order for adequacy and feasibility.

#### Component II: Planning

- Incorporate legal considerations and instructions for developing rules of engagement/rules for the use of force in the combatant commander's planning guidance.
- Review the supported combatant commander's estimate for compliance with law and policy and make appropriate recommendations.
- Coordinate legal issues with counterparts.

#### Component III: Execution

- Chairman of the Joint Chiefs of Staff publishes the execute order following approval by Secretary of Defense.
- Chairman of the Joint Chiefs of Staff monitors the deployment and employment of forces and takes action as needed.

#### Component III: Execution

- Monitor operations for legal issues as required.

**Figure II-5. Adaptive Planning and Execution System Crisis Action Planning Duties and Responsibilities**



Adaptive Planning and Execution System Crisis Action Planning Duties and Responsibilities (cont'd)	
Combatant Commanders	Staff Judge Advocates
<p><b>Component I: Situation Awareness</b></p> <ul style="list-style-type: none"> <li>• <b>Situation Development:</b> Detect, report, and assess events that have potential national security implications to determine whether a military response may be required.</li> <li>• <b>Crisis Assessment:</b> Report actions being taken, forces available, expected time for earliest commitment of forces, and major constraints on the employment of forces. Keep the President and/or Secretary of Defense and Chairman of the Joint Chiefs of Staff informed of new developments. Establish a newsgroup supporting the crisis action, and announce it by message.</li> </ul>	<p><b>Component I: Situation Awareness</b></p> <ul style="list-style-type: none"> <li>• Situation development.</li> <li>• Contact legal counterparts and establish the basis for concurrent planning.</li> <li>• Review planning documents.</li> <li>• Review applicable laws, policies, treaties, agreements, and arrangements in all affected areas of responsibility.</li> <li>• Summarize relevant legal considerations (authorities, restraints, and constraints) and provide them to the crisis action team, combatant commanders, and counterparts.</li> <li>• <b>Crisis Assessment:</b> Refine the legal considerations.</li> </ul>
<p><b>Component II: Planning</b></p> <ul style="list-style-type: none"> <li>• Course of action development.</li> <li>• In coordination with subordinate and supporting commanders, develop and analyze courses of action.</li> <li>• Review and use applicable plans.</li> <li>• Detailed plan development.</li> <li>• Issue guidance to subordinate and supporting commanders for time-phased force and deployment data development.</li> <li>• Submit the commander's estimate to the President and/or Secretary of Defense and Chairman of the Joint Chiefs of Staff.</li> <li>• Begin detailed execution planning upon receipt of a planning order or alert order.</li> </ul>	<p><b>Component II: Planning</b></p> <ul style="list-style-type: none"> <li>• Incorporate legal considerations and instructions for developing rules of engagement and rules for the use of force in the combatant commander's planning guidance.</li> <li>• Review the combatant commander's estimate for compliance with law and policy and make appropriate recommendations.</li> <li>• Coordinate legal issues and support requirements with counterparts.</li> <li>• Contact legal counterparts and facilitate concurrent planning.</li> <li>• Review and validate any judge advocate joint task force joint manning document requirements and synchronize joint legal support.</li> <li>• Participate in cross functional staff organizations, as required.</li> </ul>
<p><b>Component III: Execution</b></p> <ul style="list-style-type: none"> <li>• Execute the operation order.</li> <li>• Report force shortfalls to Chairman of the Joint Chiefs of Staff for resolution.</li> </ul>	<p><b>Component III: Execution</b></p> <ul style="list-style-type: none"> <li>• Monitor operations for legal issues as required.</li> <li>• Ensure legal arrangements for deployment/ redeployment with host nations are in place through US embassies on all affected areas of responsibility.</li> </ul>

**Figure II-5. Adaptive Planning and Execution System Crisis Action Planning Duties and Responsibilities (cont'd.)**

(5) **COA Comparison.** During COA comparison, the joint force SJA develops criteria to evaluate and compare the legal issues associated with each COA.

(6) **COA Selection.** During the COA brief to the JFC, the joint force SJA is prepared to identify legal considerations that have significant impact on any aspect of the recommended COA. Additionally, the joint force SJA provides an assessment of the legal support requirements to achieve the objectives of the recommended COA.

## Mission Analysis

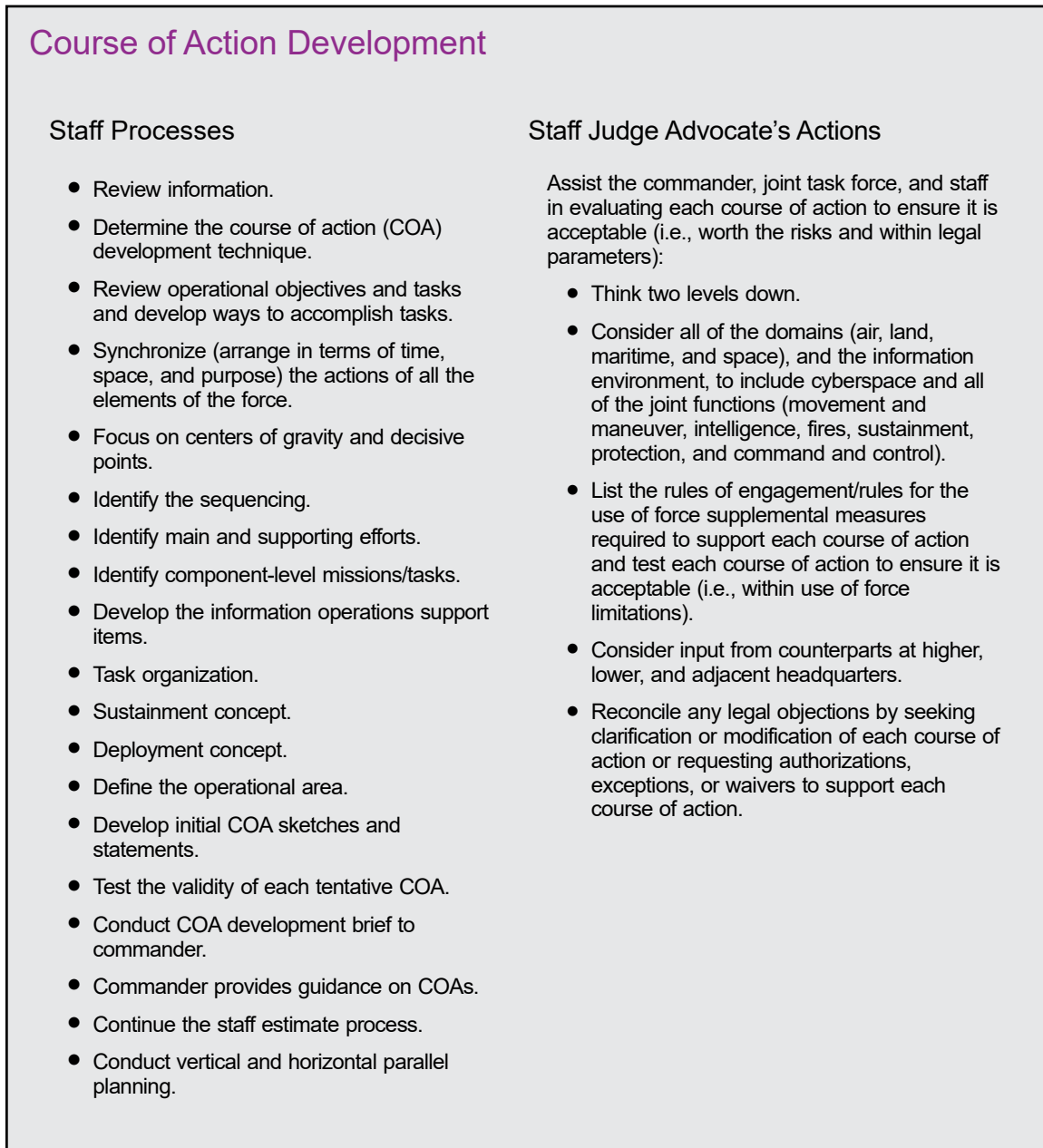
### Staff Processes

- Analyze higher headquarters planning activities and strategic guidance.
- Review commander's initial planning guidance, including his initial understanding of the operational environment, of the problem, and description of the operational approach.
- Determine known facts and develop planning assumptions.
- Determine and analyze operational limitations.
- Determine specified, implied, and essential tasks.
- Develop mission statement.
- Conduct initial force allocation review.
- Develop risk assessment.
- Develop mission success criteria.
- Develop commander's critical information requirements.
- Prepare staff estimates.
- Prepare and deliver mission analysis brief.
- Publish commander's updated planning guidance, intent statement, and refined operational approach.

### Staff Judge Advocate's Actions

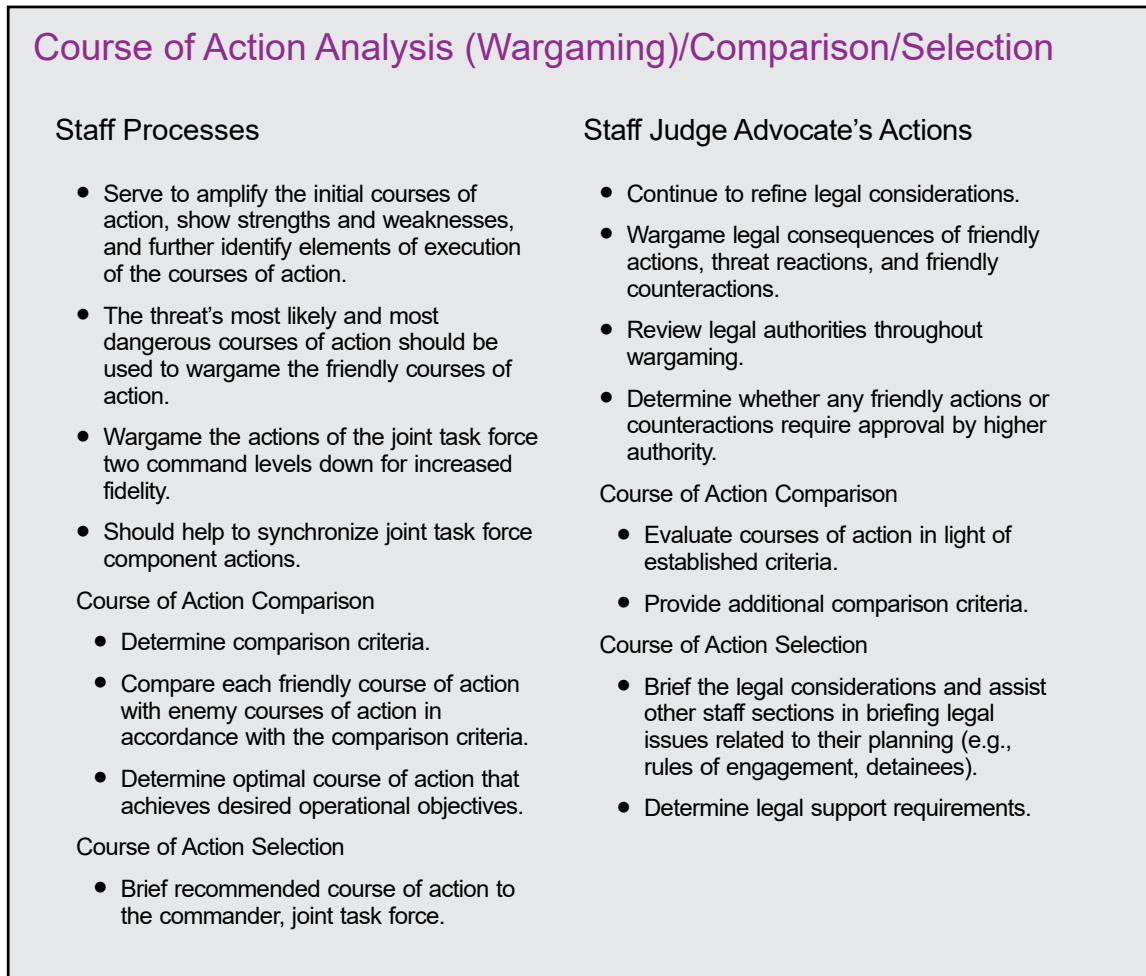
- Participate in the core planning cell of the joint planning group.
- Identify legal support requirements.
- Contact legal counterparts at higher, lower, and adjacent headquarters at the earliest opportunity and establish the basis for concurrent planning.
- Review all planning documents.
- Assist the combatant commander by advising of legal issues relating to known facts, current status, and/or conditions. Determine own specified, implied, and essential tasks. Assist the commander by identifying legal issues impacting operational limitations. Provide guidance as to legal issues that have the potential to impact own military end state, objectives, and initial effects, as well as those that may impact initial commander's critical information requirements. Review commander's communication synchronization guidance, when applicable, for legal issues. Assist in the conduct of initial force structure analysis and initial risk assessment, highlighting any areas of legal concern. Assist with the development of the mission statement to ensure no legal objections. Assist with initial staff estimates to ensure no legal objections. Review commander's planning guidance and initial intent to confirm no legal objections/issues.
- Research applicable domestic, international, and foreign laws, policies, treaties, and agreements.
- Summarize relevant legal considerations (authorities, restraints, and constraints) and provide them to the joint planning group.
- Consider assigned mission, current situation, next higher commander's intent, United Nations Security Council resolutions, standing rules of engagement/rules for the use of force, approved supplemental rules of engagement/rules for the use of force, multinational rules of engagement/rules for the use of force, and fiscal constraints.

**Figure II-6. Mission Analysis**



**Figure II-7. Course of Action Development**

(7) **Operation Order (OPORD) and Time-Phased Force and Deployment Data (TPFDD)** (see Figure II-9). During this step, **the joint force SJA prepares the legal considerations paragraph of the “base plan” and the legal appendix to the personnel annex.** The joint force SJA also assists other planning staff sections with appendices that have significant legal components related to the operation, e.g., assisting the J-3 or J-5 in preparing the ROE appendix to the operations annex and the appendix on enemy prisoners of war (EPWs) and detainees. These should be prepared in accordance with CJCSM 3130.03, *Adaptive Planning and Execution (APEX) Planning Formats and Guidance*. In addition, the SJA assists the J-3 or J-5 in preparing ROE request and authorization messages in



**Figure II-8. Course of Action Analysis (Wargaming)/Comparison/Selection**

accordance with CJCSI 3121.01B, *Standing Rules of Engagement/Standing Rules for the Use of Force for US Forces*.

(a) The **legal considerations** paragraph of the OPORD contains a summary of the international legal basis, domestic legal basis, and any legal considerations that may affect implementation of the plan or order (e.g., status of forces agreements, ROE, international agreements, law of war, PR [evader versus escapee], detainee operations, and United Nations Security Council resolutions).

(b) The **legal appendix** to the personnel annex (appendix 2 [Legal] to annex E [Personnel]) reflects the legal estimate developed during the planning process and outlines the plan for legal support. The joint force SJA uses the legal appendix to describe the legal considerations in detail; cite applicable references, including inter-Service, HN, and reciprocal support agreements; define key terms; establish coordinating and other administrative instructions; and state policies and procedures for all legal matters within the joint operations area (JOA).

Prepare Operation Order and Time-Phased Force and Deployment Data/Issue Synchronized Operation Order	Staff Processes	Staff Judge Advocate's Actions
	<ul style="list-style-type: none"> <li>• Determine who is responsible for the "base plan" and the various annexes of the operation order.</li> <li>• Write operation order.</li> <li>• Develop the time-phased force and deployment data.</li> <li>• Brief/obtain approval for the final draft operation order.</li> <li>• Brief operation order to components/other staff.</li> <li>• Publish/transmit final draft operation order. Obtain component supporting plans.</li> <li>• Conduct crosswalks and backbriefs as directed.</li> <li>• Modify operation order as necessary and publish/transmit.</li> </ul>	<ul style="list-style-type: none"> <li>• Prepare the legal considerations paragraph of the "base plan" according to Chairman of the Joint Chiefs of Staff Manual (CJCSM) 3130.03.</li> <li>• Prepare the legal appendix according to CJCSM 3130.03.</li> <li>• Assist the J-3 (operations directorate of a joint staff)/J-5 (plans directorate of a joint staff) in preparing the rules of engagement or rules for the use of force appendix.</li> <li>• Assist the J-3/J-5 in preparing supplemental rules of engagement or rules for the use of force request and authorization messages according to the format in Chairman of the Joint Chiefs of Staff Instruction 3121.01B, <i>Standing Rules of Engagement/Standing Rules for the Use of Force for US Forces</i>.</li> <li>• Monitor dissemination, training, and interpretation of rules of engagement or rules for the use of force and of guidance for detention operations. Review all training tools used at lower echelons.</li> <li>• Review and crosswalk the combatant commander's, joint task force's, and components' operation orders and any rules of engagement or rules for the use of force authorization messages to ensure they are legally correct, complete, and consistent.</li> <li>• Recommend fragmentary order(s) and changes to the rules of engagement or rules for the use of force to correct any errors or omissions.</li> </ul>

**Figure II-9. Prepare Operation Order and Time-Phased Force and Deployment Data/Issue Synchronized Operation Order**

(c) The joint force SJA assists other staff sections in the preparation of annexes that have significant legal implications for the operation. While a review of the entire OPORD is required, the most significant legal issues are found in the appendices for operations including ROE, EPWs and detainees, PR, intelligence, logistics (specifically annex W [Operational Contract Support]), and force protection. The joint force SJA must read the entire OPORD to ensure it is consistent with applicable law and policy.

*For further guidance on planning, coordinating, supporting, and executing a PR mission, refer to JP 3-50, Personnel Recovery.*

(d) In developing these planning products, the **joint force SJA continuously communicates with and solicits input from counterparts**. The Services and Service

components retain responsibility for legal support to their forces, subject to the coordinating guidance of the joint force SJA issued under the authority of the JFC. When coordinating inter-Service legal support, the joint force SJA should consider ways to leverage limited resources (e.g., personnel, communications systems, and transportation) and avoid duplication of effort by recommending the JFC establish joint legal organizations or collocating single-Service legal organizations throughout the JOA, as appropriate. For multinational operations, there should be close coordination with multinational force legal advisors.

(8) **Issue and Synchronize OPORD** (see Figure II-9). During this step, the joint force SJA **reviews the higher, lower, and adjacent commanders' OPORDs to ensure synchronization, unity of effort, legal accuracy, completeness, and consistency.** The joint force SJA should attempt to correct any errors or omissions before the OPORDs are formally published.

(9) **Rehearsal. The joint force SJA attends the operations order rehearsal.** This is the joint force SJA's first opportunity to assess each commander's understanding of the applicable legal restraints and constraints on the operation. If there are inconsistencies, the joint SJA seeks clarification and amendment consistent with the legal restraints/constraints, or seeks authorizations, waivers, or exceptions to support the proposed actions. During the rehearsal, the SJA provides to the commander and staff any legal briefings and training pertinent to the operation (e.g., country law briefs, EPW and detainee operations, and ROE or RUF situational training).

*For detailed guidance on joint planning, see JP 5-0, Joint Planning.*

## CHAPTER III LEGAL SUPPORT TO THE JOINT TASK FORCE

*“Operational Law is going to become as significant to the commander as maneuver, as fire support, and as logistics. It will be a principal battlefield activity. The senior staff judge advocates may be as close to the commander as his operations officer or his chief of staff. They will be the right hand of the commander, and he will come to them for advice.”*

**Lieutenant General Anthony C. Zinni**  
**Commanding General, I Marine Expeditionary Force (1994-1996)**

### 1. Introduction

a. As the principal legal advisor to the CJTF and JTF staff, the JTF SJA is responsible for the organization and employment of legal personnel assigned or attached to the JTF HQ. The JTF SJA provides full-spectrum legal service to the JTF HQ and coordinates with the supported CCDR’s SJA and supporting component SJAs to optimize legal support throughout the JTF.

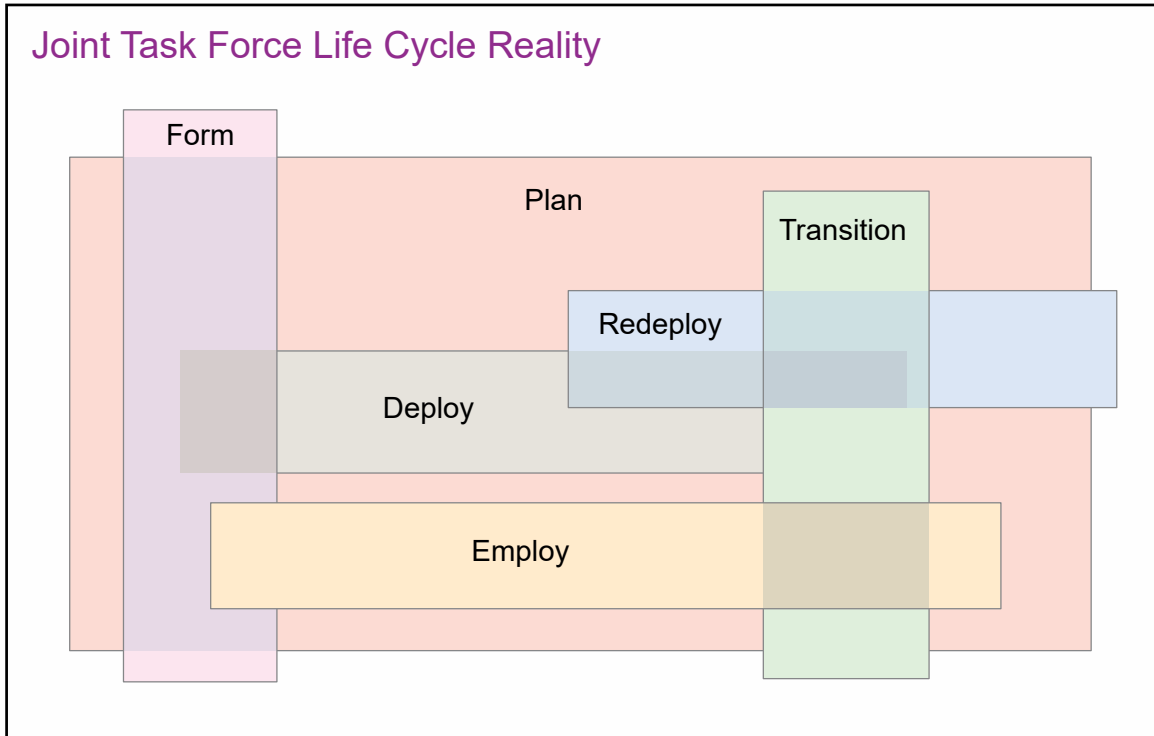
b. This chapter provides guidance to establish, staff, train, equip, and employ a JTF SJA section. Although this chapter focuses specifically on a JTF, it is an applicable framework for examining the key planning considerations of a joint force SJA at all echelons of command. This chapter describes the role, responsibilities, and key considerations of the JTF SJA throughout the JTF life cycle of form, plan, deploy, employ, transition, and redeploy. Although the JTF lifecycle appears sequential and linear in progression, in reality, the JTF is a dynamic organization that typically operates in a time-sensitive and ever-changing environment that requires many actions to occur concurrently (see Figure III-1). The SJA section supporting a JTF HQ similarly should be dynamic in its organization, planning, training, and execution.

*For additional information on forming a JTF HQ, see JP 3-33, Joint Task Force Headquarters.*

### 2. Legal Support in the Joint Task Force Battle Rhythm

a. Each JTF develops a battle rhythm of daily events, briefings, and meetings that optimizes the information flow across the staff, allowing the organization to plan and execute the mission most effectively. The battle rhythm is a primary factor that drives the legal support requirements for the JTF HQ, including support to the cross functional staff organizations that plan and execute the JTF mission. It is through the battle rhythm that the JTF SJA identifies and responds to many of the legal support requirements of the JTF HQ and subordinate commands. An effective JTF SJA understands the JTF battle rhythm, as well as the collaborative information environment (CIE), and actively provides legal advice and counsel to the cross functional staff organizations of the JTF.

#### b. Cross Functional Staff Organizations



**Figure III-1. Joint Task Force Life Cycle Reality**

(1) JTF mission planning and execution is conducted through various cross functional staff organizations formed to allow cross-functional synchronization of effort in a specific area of interest. Although the specific cross functional staff organizations vary according to the JTF mission, the JTF should have a central planning group or joint planning group (JPG). The JTF SJA (or SJA representative) normally serves as a member of the JPG. The JTF SJA assists the JPG by identifying legal issues that may affect operational planning. To help with immediate legal support to the JPG, the JTF SJA section initially may be augmented by a JA from a joint legal support element (JLSE), or similar entity.

(2) In addition to the JPG, the JTF SJA typically is a member of the ROE/RUF planning cell, the information operations cell, the joint operations center (JOC), the joint security coordination center, the civil-military operations center, joint targeting coordination board (JTCCB), joint facilities utilization board, the joint acquisition board, and the joint reception center. Legal advisors are also assigned as members of any board, center, or cell that will likely face significant legal issues on a recurring basis.

*For further details regarding the composition of a JTF, see JP 3-33, Joint Task Force Headquarters.*

**c. Functional Areas.** In addition to the direct support provided to the cross functional staff organizations, the JTF SJA is prepared, either directly or through the CIE, to provide legal support to the CJTF and staff across the legal functional areas. The functional areas include, but are not limited to, the following:

- (1) Administrative law, including investigations;



- (2) Air and space law;
- (3) Business, commercial, and financial law;
- (4) Claims;
- (5) Contract law;
- (6) Criminal law;
- (7) Cyberspace law;
- (8) Detainee operations;
- (9) Defense support of civil authorities;
- (10) Defense support of law enforcement;
- (11) Environmental law;
- (12) Ethics and Standards of Conduct;
- (13) Fiscal law;
- (14) Intellectual property law;
- (15) Intelligence law;
- (16) International, comparative, and foreign law;
- (17) Law of the sea;
- (18) Law of war;
- (19) Labor and civilian personnel law;
- (20) Legal assistance;
- (21) Legal training;
- (22) Litigation;
- (23) Medical law;
- (24) Military justice;
- (25) Military and civilian personnel law, including adverse actions;
- (26) Operational law;

- (27) Real property law;
- (28) Regulatory law;
- (29) Rule of law;
- (30) Tax law;
- (31) Transportation law;
- (32) Telecommunications law; and
- (33) Laws and status of the RC.

*For details regarding specific functional legal issues, see Operational Law Handbook, The Judge Advocate General's Legal Center and School, US Army; Air Force Operations and the Law, The Judge Advocate General's School, US Air Force; Judge Advocate General Instruction 5800.7, Manual of the Judge Advocate General, Judge Advocate General's Corps, US Navy; and Navy Warfare Publication (NWP) 1-14M, The Commander's Handbook on the Law of Naval Operations.*

### **3. Forming the Joint Task Force Staff Judge Advocate Section**

a. Joint force SJAs at all levels develop the organizational structure for their command SJA sections; but, unlike the JTF SJA, most are not required to form at the same time they are planning, training, and deploying for an operation. Because JTFs are established in a variety of different ways and for diverse missions, it is important for a JTF SJA to understand fully the legal support requirements of the particular JTF and how those requirements may change over time.

b. Designation as a JTF SJA often requires a transition from a single Service perspective to a broader joint operational view. JTF SJAs may initially be unfamiliar with the other Service forces they will support as part of the JTF, but should be familiar with joint doctrine, processes, and procedure. Unlike Service component SJAs, who are responsible for their respective Service legal organizations, the JTF SJA integrates and synchronizes the wide range of legal capabilities available throughout the JTF. The JTF SJA should be familiar with the unique legal capabilities and limitations of the component forces and understand how best to employ them to support the CJTF's concept of operations. During the formation of the JTF SJA section, the JTF SJA should be in close coordination with counterparts at higher, lower, and adjacent HQ to determine properly the optimal legal organization and staffing requirements.

c. The JTF SJA has many options for developing the organizational structure of the section. When determining the organization, staffing, and augmentation requirements, a JTF SJA should:

- (1) Consider mission; enemy (forces and tactics); terrain and weather (operational environment); troops and support available (composition of the joint force); time available

(for JTF forming and mission duration); civilian considerations (contractors, interagency personnel, nongovernmental and intergovernmental personnel, and international civilian organizations); language translation requirements; and political factors and the effect these factors will have on required legal support.

(2) Operate according to the JTF staff's "battle rhythm" on a 24-hour cycle.

(3) Support and provide SJA representation to the specific JTF cross functional staff organizations that require legal expertise in the planning and employment of JTF forces. This representation may require having a JA collocated with each board, center, or cell.

(4) Be prepared to provide appropriate functional area expertise and administrative support to the JTF HQ either directly or through reachback to functional experts via the CIE.

(5) Balance the SJA section staffing as to numbers, experience, influence of position, and rank of component, so as to provide the best possible legal advice and counsel to the JTF commander and staff.

(6) Reflect in the SJA section the composition of the joint force and character of the operation to ensure that the section understands the capabilities, legal requirements, and limitations of each component.

(7) Consider efficiencies of scale and Service component responsibilities.

(8) Define duties, roles, and relationships. Clearly defined duties, roles, and relationships are essential to forming a cohesive staff section and integrating and synchronizing the actions of the various legal organizations within the joint force SJA's area of concern.

(9) Understand the rotation policy for individual augmentees assigned to the joint force command. Although the CCDR ultimately establishes individual and unit rotation policies, the policies will not necessarily be uniform. To stabilize key billets, consider filling them with personnel with the longest tour lengths. However, this consideration should be balanced against the capabilities and talents of the individuals involved.

(10) Consider the level of familiarity that the section will have with regard to joint doctrine and organizations.

(11) For multinational operations, conduct effective liaison with the legal staff of partner forces and coalition or allied HQ legal staff.

(12) Understand the sourcing processes for augmenting the section or requesting specific legal capabilities.

(13) Become familiar with the administrative requirements of the various Services, especially with regard to evaluations, mandatory counseling, and fitness testing.

d. The organization, staffing, training, and equipping requirements of the JTF SJA section depends on many factors, but one constant is the need to build a task organized joint legal team. Important team-building tasks include defining responsibilities for direct and technical legal supervision and support.

#### 4. Joint Task Force Staff Judge Advocate Manning

a. SecDef and CCDRs have many options in establishing a JTF HQ. The JTF HQ can be established by using a standing JTF HQ, by augmenting a core Service component HQ, or by forming an ad hoc HQ from multiple Services. A governor or a state's adjutant general may also create a JTF for defense support of civil authorities. With any method, the CJTF will propose a JTF JMD that lists the personnel staffing requirements for all elements of that JTF HQ. For more information on establishing a JTF, see JP 3-33, *Joint Task Force Headquarters*. For more information on support of civil authorities, see JP 3-28, *Defense Support of Civil Authorities*. The JTF SJA develops the personnel requirements for the SJA section and submits them to the manpower and personnel directorate for inclusion in the CJTF's proposed JMD. The development of the JTF SJA JMD is a critical step in ensuring optimal legal support for the JTF.

b. Historical reviews of past JTF JMDs and joint JA working group evaluations of JTF SJA staffing requirements reveal that most JTF SJA sections require certain baseline staffing requirements to be capable of providing adequate legal support to the CJTF and staff. Although there is variability in staffing requirements for each JTF due to the factors listed above, a typical JTF must be capable of operating on a 24-hour battle rhythm. This notional JTF SJA section, organized into three subsections—operational law, legal services, and administration—includes the following:

- (1) SJA;
- (2) Deputy SJA;
- (3) Chief, operational law;
- (4) Two to four operational law JAs (day and night operations);
- (5) One to two international law JAs;
- (6) Chief, legal services;
- (7) One to two contract/fiscal law JAs;
- (8) One to two claims/legal assistance law JAs;
- (9) Military justice practitioner;
- (10) One legal administrator; and
- (11) Four to six paralegals.

c. The notional JTF SJA section reflects a starting point for SJA staff planning that ensures the many cross functional staff organizations of the JTF will receive effective legal support. As the JTF grows or shrinks in the complexity of the mission, scope, or battle rhythm, the demand for legal support may change correspondingly. JMD template tools are available through the CIE that can assist the CCDR and JTF SJAs in developing the requirements for the SJA section manning (see Figure III-2).

d. The supported CCDR SJA assists the CCDR in validating and sourcing personnel requirements for subordinate joint force SJA sections. The JTF SJA must maintain situational awareness while planning and controlling operations and be prepared to request modification of the JTF JMD as necessary. A potential resource for the JTF SJA is the Joint Judge Advocate Sourcing Working Group comprised of the Service JAGs and supported CCMD SJA representatives. This working group works collaboratively to ensure that trained and qualified JAs and paralegals are sourced to fill specific JTF SJA JMD requirements.

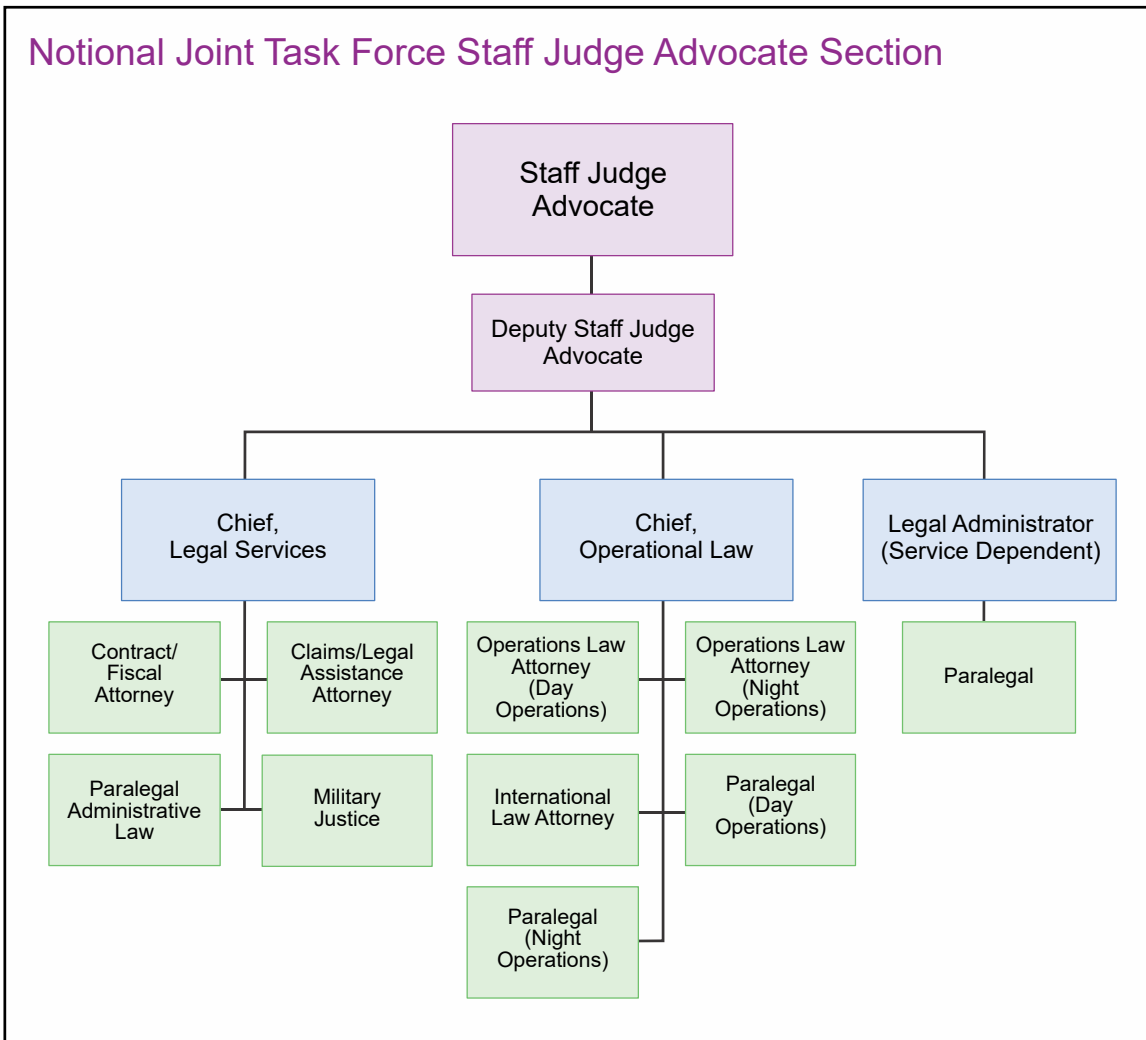


Figure III-2. Notional Joint Task Force Staff Judge Advocate Section

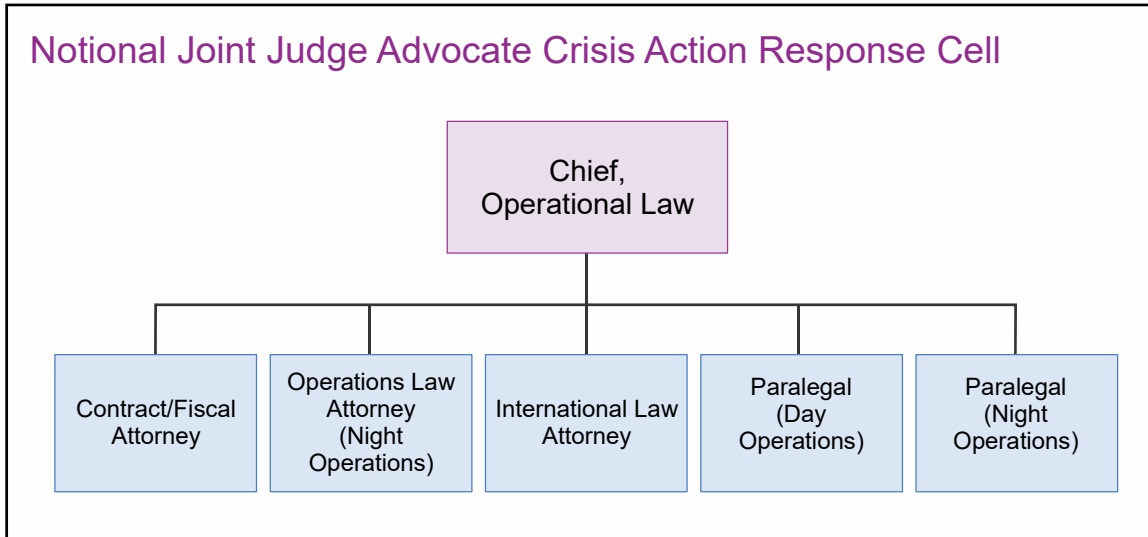
**e. Augmentation of the SJA Section**

(1) The core JTF staff often is formed from an existing Service component HQ. This Service component HQ transforms into a joint organization and is augmented by other Service or CSA personnel. For example, in a chemical, biological, radiological or nuclear incident, the SJA section can be augmented with functional legal capabilities from a Defense Threat Reduction Agency chemical, biological, radiological, and nuclear military advisory team that is task organized to a CCDR's JTF during a crisis or incident. This augmentation may come in several forms. Immediate augmentation for CAP may come from assigned CCMD forces or from a JLSE, which is a multi-Service, multidisciplined legal enabling capability comprised of JAs or civilian attorneys assigned to the CCDR's staff. The command JAs and JLSE can provide responsive legal expertise to the CJTF and staff during CAP. The command JAs and JLSE do not function as a forward element of the CCDR's staff, but rather as fully integrated members of the JTF staff. These elements deploy to assist the JTF SJA in carrying out planning and execution responsibilities. The command JAs and JLSE normally will have participated in CAP as members of the CCDR's battle staff and will be knowledgeable about the joint operation planning and execution process, the operational area, the political-military situation and the CCDR's plan and intent for resolving the crisis. If the command does not include a JA, the JTF SJA may ask the CCDR's SJA to provide a representative.

(2) Another source of SJA initial augmentation may come from a joint JA crisis action response cell (see Figure III-3). This cell, which could be sourced with JAs from CCMD components and/or Service HQ, provides the JTF SJA with immediate joint legal capability that augments the JTF SJA section until rotational JMD positions are adequately sourced and trained. A joint JA crisis action response cell is typically a short-term augmentation for an ad hoc JTF HQ. A JTF SJA needing this team could request the support as a request for forces through the JTF J-3. This cell, like the JA from the JLSE, becomes part of the JTF SJA section and provides the JTF SJA immediate legal support in functional legal specialties.

(3) The policy and procedures for obtaining individual augmentees (versus augmentation of a capability by a cell) for the JMD is prescribed in CJCSI 1301.01, *Joint Individual Augmentation Procedures*. Individual augmentees to the JTF are positions specifically listed on the JTF JMD and coordinated for sourcing through the manpower and personnel directorate of a joint staff (J-1). The CCDR assigns missions to subordinate JFCs and validates the forces required to accomplish those missions. Once validated, the CCDR secures the required augmentees from the CCMD staff and component commands. (Exception: Requirements for SOF are sourced directly through TSOCs to USSOCOM.) The CCMD components source as much of the required joint force as possible from internal resources. Remaining requirements are passed to the appropriate Service HQ for individual augmentee sourcing.

(4) The Joint JA Sourcing Working Group, comprised of Service, CCMD, and joint staff representatives, monitors and makes recommendations for sourcing of JAs for joint legal support requirements. The working group provides joint JA sourcing solutions for J-3 requests for forces and for J-1 individual augmentation. The working group makes



**Figure III-3. Notional Joint Judge Advocate Crisis Action Response Cell**

recommendations to Joint Staff J-35 [Joint Force Coordinator], to ensure each JTF is adequately sourced with appropriate legal qualifications and skills.

**5. Joint Staff Judge Advocate Training**

a. **Joint training** is one of three components to providing adequate legal support to the JTF. There are two components of joint SJA training—individual and organizational.

b. **Individual Joint Training.** To ensure that the JTF SJA section can provide adequate legal support to the JTF, the SJA and TJAGs of the Services and SJA to CMC must ensure that assigned or attached personnel have the requisite individual training. All members of the JTF SJA section should be trained in three areas: legal, joint, and tactical (see Figure III-4). Although the level of experience and/or training in joint operations and legal skills may vary based upon the position and rank, all personnel must have commensurate tactical training.

(1) **Legal Training.** Each Service provides Service-specific operational law training that focuses on the primary activities of that Service. This training provides the foundation for the legal expertise needed to advise the JTF in Service specific areas of operation (e.g., air operations, space operations, maritime operations, and ground maneuver operations, regional language and cultural training, and host country law training) and meets the minimum legal training requirements to serve in a JTF SJA section. This training, however, may be inadequate for the JTF SJA or supervisors in the JTF SJA section (e.g., chief, operational law section and chief, legal services section) because it does not provide a sufficiently broad overview of legal issues at the joint operational level. JTF SJA and supervisory JAs typically require advanced operational law instruction and/or significant prior operational law experience. Before serving as the JTF SJA or a supervisory JA, JAs should attend current operational law courses offered outside their parent Service, to include courses offered by international partners.

Skills Sets for the Joint Task Force Judge Advocate			
Legal Skills	Joint Skills	Tactical Skills	
<ul style="list-style-type: none"> <li>• Noncombatants</li> <li>• Post-conflict operations</li> <li>• Civil-military operations</li> <li>• Humanitarian assistance/disaster relief</li> <li>• Rule of law</li> <li>• Peace operations</li> <li>• Irregular warfare</li> <li>• Joint military justice</li> <li>• Contracts law</li> <li>• Claims</li> <li>• Detention operations</li> </ul>	<ul style="list-style-type: none"> <li>• National security structure</li> <li>• Joint staff structure</li> <li>• Task organization/command and support relationships</li> <li>• Military decision-making process</li> <li>• Plans/orders</li> <li>• APEX/joint planning</li> <li>• Targeting operations</li> <li>• Staff studies</li> <li>• Leadership/training</li> <li>• JPME I/II</li> <li>• Foreign disclosure/security</li> </ul>	<ul style="list-style-type: none"> <li>• Weapons qualification</li> <li>• CBRN</li> <li>• Force protection (convoy operations, IED recognition, etc.)</li> <li>• First aid</li> <li>• Communications</li> <li>• Navigation</li> <li>• Troop leading procedures</li> <li>• Military briefing</li> <li>• JOC watch standing</li> <li>• Licensed to operate/drive tactical vehicle (e.g., HMMWV)</li> </ul>	
<b>Legend</b>			
APEX	Adaptive Planning and Execution	IED	improvised explosive device
CBRN	chemical, biological, radiological, and nuclear	JOC	joint operations center
HMMWV	high mobility multipurpose wheeled vehicle	JPME I/II	joint professional military education (phase I/II)

**Figure III-4. Skills Sets for the Joint Task Force Judge Advocate**

(2) **Joint Training.** The JTF SJA should understand that joint doctrine is different from their Service doctrine and procedures. It is important that the JTF SJA section similarly understand the broad joint planning and employment processes and products. Accordingly, JAs assigned or attached to a JTF should be qualified as Joint Professional Military Education-1 or Joint Professional Military Education-2 by completing a qualifying course, either in residence or by correspondence.

(3) **Tactical Training.** All legal personnel supporting a JTF must be prepared to operate in a deployed joint environment that requires individual and unit force protection measures, including the ability to move tactically or coordinate movement throughout the operational environment. Not all of these skills are usually required of JAs within the various Services. Consequently, certain operational skills must be acquired before embarking for service in a JTF SJA section. Operational skills training should include all required Service and/or CCMD-directed predeployment training, and may be augmented depending on mission requirements. Required operational skills training for JTF SJA section personnel may include:

(a) Qualification with individually assigned weapon and familiarization on weapons personnel may be exposed to in the operational environment to include, but not limited to, the M-9, M-4/M-16A2, M-249, and M-240;

(b) Chemical, biological, radiological, and nuclear defense training;



- (c) Force protection training;
- (d) Land navigation training;
- (e) JOC watch standing training (e.g., JOC procedures during troops in contact call, friendly fire incident);
- (f) Communications training;
- (g) Convoy operations training (including operation of various tactical vehicles and local traffic laws, route assessment, selection, order of movement, rest stops, improvised explosive device procedures, vehicle recovery procedures, medical evacuation [MEDEVAC] procedures, and enemy contact procedures [flee or pursue]);
- (h) First aid training (combat lifesaver course or advanced medical training, if available, including MEDEVAC procedures); and
- (i) Detainee handling procedures (e.g., search, evidence handling, and chain of custody during transport).

(4) When a JA or paralegal has completed all three areas of training, the respective Services should be able to track and identify those JAs and paralegals to facilitate the timeliness of the individual augmentation sourcing process (see Figure III-5).

**c. Organizational JTF SJA Training.** The JTF SJAs organizational training responsibilities fall into two categories: SJA section training and CJTF and staff training.

#### (1) SJA Section Training

(a) The JTF SJA, like the rest of the JTF staff, assists the CJTF to develop the command's joint mission-essential task list and joint training plan (JTP), in executing the command's joint training and exercise program, and in assessing the command's mission capability and any strengths or deficiencies in doctrine, organization, training, materiel, or education. In addition, the JTF SJA identifies supporting tasks performed by the SJA section and in assisting subordinate component SJAs in identifying supporting tasks performed by their sections. The JTF SJA develops a supporting SJA JTP to prepare the SJA section for its mission. The JTF SJA's JTP should supplement rather than duplicate the command's JTP.

*For further detail on the development of the JTP, see CJCSM 3500.03, Joint Training Manual for the Armed Forces of the United States.*

(b) Successful legal support to the JTF depends on a well-integrated legal team where each member of the section understands the overall JTF mission, the operations of the JTF, the responsibilities of the JTF SJA section, and their specific role within the organization. Because the JTF is augmented with personnel from different Services and from the Active Component and RC, the JTF section training program should include an orientation to the specific JTF HQ that includes the boards, centers, and cells that the SJA

**Competencies for Joint Task Force Staff Judge Advocate Section Members**

Duty Title	Training/Experience
Staff Judge Advocate	Operational skills/significant operational law experience and related joint headquarters experience, Reserve Component matters
Deputy Staff Judge Advocate	Operational skills/significant operational law experience or related joint headquarters experience
Chief, Legal Services Claims/Legal Assistance Attorney	Operational skills/contract and fiscal law courses or subject matter experience
Fiscal Law/Contingency Contracting Attorney	Operational skills or operational law course or subject matter experience
Chief, Operational Law	Operational skills Operational skills/LLM in international/military law or significant subject matter experience
Operational Law Attorneys	Operational skills or operational law course or subject matter expertise/rule of law training
International Law Attorney	Operational skills/LLM in international/military law or subject matter experience
Legal Administrator	Operational skills
Operational Paralegals	Operational skills/CoC familiarization
Paralegals	Operational skills

**Legend**

CoC Code of Conduct

LLM Legum Magister (Master of Laws)

**Figure III-5. Competencies for Joint Task Force Staff Judge Advocate Section Members**

directly supports, the JTF SJA section organization scheme, and computer training to ensure that all JTF JAs can utilize the CIE effectively. Depending on the JTF mission and environment, the section may also require training on section movement procedures, including office breakdown and set-up, convoy procedures, and force protection measures.

(c) In preparation for mission execution and time permitting, the fully augmented JTF SJA section should participate in a mission rehearsal exercise along with the entire JTF. This joint exercise assists the JTF SJA section in refining office procedure and JOC watch standing, improving JTF staff coordination and integration, and identifies potential shortfalls in manning, training, and equipping of the section before actual deployment.

(2) **JTF Command and Staff Training.** The JFC and the JTF HQ staff will require training on the legal aspects of the JTF mission. The SJA typically provides training on the following:

- (a) Law of war;
- (b) ROE/RUF (in a support role to the J-3 staff);
- (c) Host country or applicable domestic law;
- (d) Detainee operations, including point of capture procedures:
  - 1. Evidence collection and exploitation,
  - 2. Interrogation,
  - 3. Detention center operations, and
  - 4. Adjudication by tribunal, commission, or other system of justice;
- (e) Ethics and standards of conduct;
- (f) Procurement/fiscal law considerations and constraints;
- (g) Claims process;
- (h) Other legal issues identified in the mission analysis.

## **6. Equipping the Joint Task Force Staff Judge Advocate**

a. A key component of the legal support to the JTF is the development of the equipment and logistic requirements for the JTF SJA section. Although Service component SJA offices often have organic equipment to perform their Service-specific legal support, a JTF SJA section typically will not have the organic equipment that is necessary to perform the entire joint legal support mission. The same factors that drive the manning requirements will affect the JTF SJA determination of the section's equipment and logistic requirements. The mission, environment, composition of the joint force, size of the SJA section, JTF battle rhythm, and location of the section personnel supporting the boards, centers, and cells, are key factors affecting the equipment requirements. Individual and section research capability requirements, as well as the necessity for SJA section participation in the CIE should be considered to help determine equipment requirements. Considering these factors, the equipment development process should:

- (1) Identify equipment and facilities requirements relative to each JTF billet.
- (2) Identify communications system requirements (e.g., video teleconferencing, Defense Collaborative Services) with the CCDR's SJA and component SJAs; Internet access for legal research; local area network and telephone; digital sender, digital camera, and

tactical satellite communications capability; computer requirements (laptops versus desktops); and printers. Consider whether operations require secure communications.

(3) Identify transportation requirements (vehicles, containers, and qualified drivers) for all JTF SJA personnel and equipment. Consider timelines for container movement.

(4) Identify equipment (particularly computer hardware and software) necessary to participate in the CIE (e.g., information workspace software) and conduct reachback to sources of technical legal expertise such as the International and Operational Law Divisions of the Service JAGs and the Army's Center for Law and Military Operations.

(5) Assess legal research (online and hard copy) requirements given the environment and the force composition.

(6) Identify field office requirements, including tentage, field desks, generators, lights.

(7) Identify access, password, and clearance requirements that allow JTF SJA personnel access to necessary computer-based legal references and resources. For example, security clearances that allow access to the SECRET Internet Protocol Router Network and passwords that allow access to the federal legal information through electronics (FLITE) database.

(8) Identify any constraints (e.g., space limitations, time, and funding).

b. Based on the notional JTF SJA template discussed in the section on forming the manning requirements above, a notional SJA equipment list is provided at Appendix A, "Notional Staff Judge Advocate Section."

## 7. Deployment

a. Deployment marks the beginning of the execution phase of the operation. Prior to a main body deployment, the JTF SJA researches and determines what legal authorities are in place and what legal authorities are necessary or desired to support the JTF mission. Authorities regarding the status, overflight, and ground transit of forces are usually most critical at this stage. The CJTF and higher HQ must be alerted to any legal deficiencies as soon as possible to allow them to coordinate and address the deficiency. The JTF SJA or a representative should deploy with the advance party to provide guidance on HN support, contingency contract support, and contractor personnel integration; to liaise with law enforcement, judicial, and embassy authorities; to coordinate procedures for foreign claims, temporary refuge and asylum requests, arming and detention policies, and environmental law issues; and to resolve other legal issues identified in the mission analysis.

b. The JTF SJA ensures that all section personnel, including any augmentees, are trained and qualified to deploy. The JTF SJA establishes a deployment plan for the section that is integrated into the overall JTF plan. All personnel in the section should understand the deployment plan for section movement priorities. Because augmentees to the JTF may deploy from different staging areas, and arrive at different times and reception points, each

member of the JTF SJA section must understand the reception, staging, onward movement, and integration plan and the joint personnel reception center process. In addition, the JTF SJA designates a closure element that ensures the section is present, accounted for, and operational. Finally, the JTF SJA monitors changes to the TPFDD and coordinating adjustments to the flow of SJA section personnel as necessary.

c. The JTF SJA reviews agreements between the US and the HN, in coordination with the JTF J-5, DOD defense attaché's office or other appropriate staff element, to advise the JTF commander on any legal issues related to overflight and ground transit of forces. JTF SJA also will ensure that higher HQ counterparts have addressed operational issues that could be impacted by international, multilateral and bilateral treaties, agreements and arrangements in the operational area. Reference the *DOD Electronic Foreign Clearance Guide* (<https://www.fcg.pentagon.mil/fcg.cfm>) for peacetime agreements and arrangements in place concerning overflight and personnel travel requirements. This document may be used as a starting position for understanding contingency response agreements with HNs.

## 8. Employment

a. Modern military operations take place in an increasingly complex geo-political environment. The classic scenario of defending against cross-border aggression represents only one of the challenges facing JFCs. Stability operations, foreign humanitarian assistance operations, and civil-military operations present increased requirements for direct legal support to the JFC. In this ever-changing environment, the JTF SJA no longer functions primarily within the combat support and combat service support arenas. A member of the JFC's personal staff, the JTF SJA is an essential advisor on myriad of legal issues associated with combat and noncombat operations.

b. Statesmanship and diplomacy are important factors. Such considerations and working with DOD and other US Government departments and agencies, foreign government agencies, NGOs, and international organizations may occupy a significant portion of the JFC's time. The JTF SJA assists the CJTF in working with these DOD and non-DOD organizations; for example, the International Committee of the Red Cross. At the same time, the JTF SJA ensures that the CJTF understands the laws, policies, treaties, and agreements that apply to US relations with the governments and inhabitants of foreign nations in the JTF's JOA and how those laws, policies, treaties, and agreements may affect current and future JTF operations.

c. The JTF SJA assists the CJTF in monitoring, assessing, planning, coordinating, directing, and controlling operations through direct participation on JTF cross functional staff organizations. For example, to support JTF current operations, the JTF SJA assigns JAs as watch officers to the various JTF operations centers. SJA watch officers are responsible for assisting their J-3 counterparts in monitoring the execution of OPORDs, preparing operational reports; providing inputs to requests for information; providing operational law advice; maintaining SJA section journals and files necessary to record operational activities; evaluating actions to identify operational deficiencies; developing methods to improve joint effectiveness; and keeping the SJA and counterparts at higher, lower, and adjacent HQ appropriately informed utilizing the CIE. The JTF SJA also assigns JAs to support other

critical boards and cells like the JTCB, where operational law expertise is absolutely essential to a proper analysis of whether planned strikes and time-sensitive and/or targets of opportunity comply with US obligations under the law of war; and the joint military police agency, where operational and international law expertise is similarly essential to ensure that the JTF's treatment of EPWs and detainees is in accordance with applicable law and DOD policy.

d. Information management is a challenge facing the JTF SJA in the CIE. The increased size of the area in which joint operations take place and the large number of command elements favors decentralized execution at the operational level. This makes legal support dependent on information systems to exchange information and the ability of legal staffs to effectively communicate and manage the flow of information.

e. The JTF SJA section must retain an operational focus. By staying ahead of tactical events, the section can anticipate potential operational challenges, and can develop timely, cogent, and proactive solutions. Allowing the JTF SJA section to remain too tactically focused could do a disservice to the JTF and to the component SJAs who look to the JTF SJA for operational guidance and intent.

### 9. Transition

The JTF SJA is responsible for transitioning legal support responsibilities to follow-on forces. Transition may occur between the JTF and another US command, a foreign command (e.g., HN or United Nations forces), or an organization under civilian control. Both organizations must prepare for and coordinate the transition to facilitate an orderly transfer of authority and responsibility. Rotation dates for subordinate units vary, and most units will not be on the same deployment rotation. Consequently, the transition of legal support responsibilities must allow for seamless continuity of operations. The JTF SJA:

a. Provides legal advice to the JFC and staff on conditions required to transfer command and other legal authority, including drafting necessary transition documents.

b. Assigns a representative to the transition cell.

c. Coordinates and approving procedures for transition of legal support tasks.

d. Reviews and recommends a timeline and milestones for transition that optimizes legal conditions.

e. Monitors the transition to ensure all legal requirements are accomplished.

### 10. Redeployment

a. Redeployment may begin at any point during JTF operations, so redeployment planning should begin as soon as possible. As with other phases in the JTF life cycle, redeployment may overlap the employment and transition phases. During redeployment, the JTF SJA sets section movement priorities; provides priorities and guidance for section

recovery and reconstitution; and determines if deployment of additional personnel is required to assist with section redeployment activities.

b. As the JTF's mission ends, the JTF may require more legal support rather than less (e.g., to oversee "wrap-up" legal activities including contracts, claims settlement, property accountability, and any remaining good order and discipline issues). The JTF SJA monitors the current situation in light of the JTF commander's intent and guidance and adjusts the section's manning and individual responsibilities accordingly. The personnel and equipment identified for redeployment is incorporated into the TPFDD process, and the security requirements of remaining section personnel is coordinated with the appropriate JTF staff directorates or subordinate commander.

## **11. Lessons Learned**

During planning, execution, transition, and redeployment, the JTF SJA and legal section should review lessons learned and submit new observations into the Joint Lessons Learned Information System (JLLIS) in accordance with CJCS issuances 3150.25. Use of lessons learned will ensure succeeding SJAs will have the benefit of the experiences of their predecessors. Lessons learned should include, among other concerns, legal issues and access to resources including reach-back support to resolve them, equipment, billeting, personnel legal specialties, non-lawyer skill requirements, tour length appropriateness, and other operational matters that affect the provision of legal services.

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## APPENDIX A NOTIONAL STAFF JUDGE ADVOCATE SECTION

### 1. Notional Staff Judge Advocate Section Equipment

Figure A-1 represents a notional equipment list for SJA section personnel providing legal support to a JTF. Most items will be obtained through JTF supply channels.

### 2. Notional Staff Judge Advocate Section Capabilities

Figure A-2 represents a notional capability list for SJA section personnel providing legal support to a land-based JTF.

### 3. Web-Based Legal Resources

#### a. USG and DOD

- (1) DOD Publications: <http://www.dtic.mil/whs/directives/>.
- (2) USC Service: <http://uscode.house.gov/>.

#### b. Air Force

- (1) Air Force Judge Advocate General's Corps (FLITE): <https://aflsa.jag.af.mil/flite>.
- (2) FLITE International Agreements database: <https://aflsa.jag.af.mil/php/agmts/agmts.php>.
- (3) Foreign Civil Litigation Reporting System: <https://aflsa.jag.af.mil/flite/training/jaguar/ems/fcl>.
- (4) Foreign Criminal Jurisdiction Management System: <https://aflsa.jag.af.mil/fcj>.
- (5) Air Force Publications: <http://www.e-publishing.af.mil/>.
- (6) Military Commander and the Law (2014): <http://www.afjag.af.mil/shared/media/document/AFD-140925-013.pdf>.
- (7) Air Force Operations and the Law (2014): <http://www.afjag.af.mil/shared/media/document/AFD-100510-059.pdf>.

#### c. Army

- (1) US Army JAGC Net: <https://www.jagcnet.army.mil/>.
- (2) Center for Law and Military Operations: <https://www.jagcnet.army.mil/clamo>.

### Notional Staff Judge Advocate Section Equipment List

Equipment	Required Numbers/On Hand
Basic Office Equipment:	
Deployable computer system (Classified and Unclassified) including:	
Laptop Printer Copier Scanner Digital camera Extra batteries Common access card readers Electronic storage devices (e.g., CD, DVD) Data transfer devices (e.g., digital sender, facsimile) Digital recorders Accessories	
Storage Containers (Classified and Unclassified)	
Equipment for Disposable Material	
Burn bags, shredders, etc.	
Secure Briefcases or Containers for Transport/ Courier of Classified Material	
Speech to Speech Translator System	
Phones, Secure Capable Phones and Cell Phones	
Mission-Specific Requirements	
Work/living space (hard stand, tent, etc.)	
Radio sets, field phones	
Truck/utility vehicles: e.g., cargo/troop carrier/command	
Generators (power generations section should determine requirement)	
Light sets	

**Figure A-1. Notional Staff Judge Advocate Section Equipment List**

(3) Operational Law Handbook: [http://loc.gov/rr/frd/Military\\_Law/pdf/operational-law-handbook\\_2014.pdf](http://loc.gov/rr/frd/Military_Law/pdf/operational-law-handbook_2014.pdf).

Notional Staff Judge Advocate Section Capabilities List	
Capability	Required/On Hand
Security Clearances	
Electronic Legal Research Capability	
Office Resources:	
CD Federal Legal Information Through Electronics Deployment	
Defense Emergency Authorities Retrieval and Analysis System downloadable discs	
CD US Code Service	
CD DLWills	
Electronic Judge Advocate Warfighting System Resource	
Army Operational Law Handbook	
CD Joint Electronic Library	
CD Deployed Judge Advocate Resource Library (The Center for Law and Military Operations)	
CD Military Justice Resources (Criminal Law Department, The Judge Advocate General's Legal Center and School, USA)	
CD Rule of Law Handbook (The Center for Law and Military Operations)	
CD Legal Assistance Management Resources (The Judge Advocate General's Legal Center and School, USA)	

**Figure A-2. Notional Staff Judge Advocate Section Capabilities List**

(4) Domestic Operational Law Handbook for Judge Advocates: [http://loc.gov/rr/frd/Military\\_Law/CLAMO\\_domestic-OLH.html](http://loc.gov/rr/frd/Military_Law/CLAMO_domestic-OLH.html).

(5) Rule of Law Handbook- A Practitioners' Guide: [http://loc.gov/rr/frd/Military\\_Law/CLAMO\\_rule-of-law.html](http://loc.gov/rr/frd/Military_Law/CLAMO_rule-of-law.html).

(6) Army Publications: <http://www.apd.army.mil/>.

**d. Navy and Marine Corps**

(1) General: [http://www.jag.navy.mil/library/jag\\_references.htm](http://www.jag.navy.mil/library/jag_references.htm).

(2) Navy JAG Manual: <http://www.jag.navy.mil/library/instructions/JAGMAN2012.pdf>.

(3) NWP 1-14M, *The Commander's Handbook on the Law of Naval Operations*: <https://ndls.nwdc.navy.mil/BookViewer.aspx?docinstid=73>.

(4) Marine Corps Directives: <http://www.marines.mil/News/Publications/ELECTRONICLIBRARY/ElectronicLibraryDisplay/tabid/13082/Article/125884/manual-for-courts-martial-2012.aspx>.

(5) Marine Corps Publications: <http://www.marines.mil/News/Publications.aspx>.

(6) Navy Directives: <http://doni.daps.dla.mil/default.aspx>.

(7) Navy and Marine Corps resource materials: <https://www.nko.mil/>.

(8) General and Marine Corps specific operational legal resources: <https://ehqmc.usmc.mil/org/sja/JAO/default.aspx>.

**e. Coast Guard**

(1) Coast Guard Legal Website: <http://www.uscg.mil/legal/>.

(2) Coast Guard Directives: <http://www.uscg.mil/directives/cim.asp>.

## APPENDIX B REFERENCES

The development of JP 3-84 is based on the following primary references:

### 1. General

- a. *The National Security Act of 1947*, as amended (Title 50, USC, Chapter 44).
- b. *Goldwater-Nichols DOD Reorganization Act of 1986* (Public Law 99-433).
- c. *Manual for Courts-Martial, United States*.
- d. *Treaty Affairs*, <http://www.state.gov/s/l/treaty/index.htm>.
- e. *DOD Law of War Manual*, June 2015 (Updated May 2016)

### 2. Department of Defense

- a. DODD 2310.01, *DOD Detainee Program*.
- b. DODD 2311.01E, *DOD Law of War Program*.
- c. DODD 3000.06, *Combat Support Agencies (CSAs)*.
- d. DODD 3000.09, *Autonomy in Weapon Systems*.
- e. DODD 3002.01, *Personnel Recovery in the Department of Defense*.
- f. DODD 3025.18, *Defense Support of Civil Authorities (DSCA)*.
- g. DODD 3115.09, *DOD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning*.
- h. DODD 3600.01, *Information Operations (IO)*.
- i. DODD 5100.03, *Support of the Headquarters of Combatant and Subordinate Unified Commands*.
- j. DODD 5145.01, *General Counsel of the Department of Defense (GC DOD)*.
- k. DODD 5145.04, *Defense Legal Services Agency (DLSA)*.
- l. DODD 5530.3, *International Agreements*.

### 3. Chairman of the Joint Chiefs of Staff

- a. CJCSI 1301.01F, *Joint Individual Augmentation Procedures*.

- b. CJCSI 2300.01D, *International Agreements*.
- c. CJCSI 3100.01B, *Joint Strategic Planning System*.
- d. CJCSI 3121.01B, *Standing Rules of Engagement/Standing Rules for the Use of Force for US Forces*.
- e. CJCSI 3122.06D, *Sensitive Target Approval and Review (STAR) Process*.
- f. CJCSI 3141.01E, *Management and Review of Joint Strategic Capabilities Plan (JSCP)-Tasked Plans*.
- g. CJCSI 3150.25E, *Joint Lessons Learned Program*.
- h. CJCSI 3160.01A, *No-Strike and Collateral Damage Estimation Methodology*.
- i. CJCSI 3290.01D, *Program for Detainee Operations*.
- j. CJCSI 3370.01A, *Target Development Standards*.
- k. CJCSI 5810.01D, *Implementation of the DOD Law of War Program*.
- l. CJCSM 3130.03, *Adaptive Planning and Execution (APEX) Planning Formats and Guidance*.
- m. CJCSM 3139.01, *Review and Approval Process for Cyberspace Operations*.
- n. CJCSM 3150.25A, *Joint Lessons Learned Program*.
- o. CJCSM 3500.03D, *Joint Training Manual for the Armed Forces of the United States*.
- p. CJCSM 3500.04F, *Universal Joint Task Manual*.
- q. JP 1, *Doctrine for the Armed Forces of the United States*.
- r. *Department of Defense Dictionary of Military and Associated Terms*.
- s. JP 3-0, *Joint Operations*.
- t. JP 3-08, *Interorganizational Cooperation*.
- u. JP 3-12, *Cyberspace Operations*.
- v. JP 3-13, *Information Operations*.
- w. JP 3-16, *Multinational Operations*.
- x. JP 3-28, *Defense Support of Civil Authorities*.

- y. JP 3-30, *Command and Control of Joint Air Operations*.
- z. JP 3-33, *Joint Task Force Headquarters*.
- aa. JP 3-50, *Personnel Recovery*.
- bb. JP 3-57, *Civil-Military Operations*.
- cc. JP 3-60, *Joint Targeting*.
- dd. JP 3-63, *Detainee Operations*.
- ee. JP 5-0, *Joint Planning*.

#### **4. Military Department Publications**

- a. Army Regulation 27-1, *Legal Services, Judge Advocate Legal Services*.
- b. Army Field Manual 1-04, *Legal Support to the Operational Army*.
- c. Operational Law Handbook (JA 422), *International and Operational Law Department*, The Judge Advocate General's Legal Center and School, United States Army.
- d. NWP 1-14M, *The Commander's Handbook on the Law of Naval Operations*.
- e. Air Force Operations and the Law, A Guide for Air, Space and Cyber Forces, Air Force Judge Advocate General's Corps.
- f. Commandant of the Coast Guard Instruction (COMDTINST) M16247.1F, *Maritime Law Enforcement Manual*.
- g. COMDTINST M1000.8A, *Military Assignments and Authorized Absences*.
- h. COMDTINST M1001.28B, *Reserve Policy Manual*.
- i. COMDTINST M5800.1, *Coast Guard Legal Professional Responsibility Program*.
- j. COMDTINST M5810.1E, *Military Justice Manual*.
- k. COMDTINST 5801.4E, *Legal Assistance Program*.

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## APPENDIX C ADMINISTRATIVE INSTRUCTIONS

### 1. User Comments

Users in the field are highly encouraged to submit comments on this publication to: Joint Staff J-7, Deputy Director, Joint Education and Doctrine, ATTN: Joint Doctrine Analysis Division, 116 Lake View Parkway, Suffolk, VA 23435-2697. These comments should address content (accuracy, usefulness, consistency, and organization), writing, and appearance.

### 2. Authorship

The lead agent and Joint Staff doctrine sponsor for this publication is the Office of the Legal Counsel to the Chairman of the Joint Chiefs of Staff (OCJCS/LC).

### 3. Supersession

This publication supersedes JP 1-04, *Legal Support to Military Operations*, 17 August 2011.

### 4. Change Recommendations

- a. Recommendations for urgent changes to this publication should be submitted:

TO: Deputy Director, Joint Education and Doctrine (DD JED), Attn: Joint Doctrine Division, 7000 Joint Staff (J-7), Washington, DC, 20318-7000 or email: [js.pentagon.j7.list.dd-je-d-jdd-all@mail.mil](mailto:js.pentagon.j7.list.dd-je-d-jdd-all@mail.mil).

- b. Routine changes should be submitted electronically to the Deputy Director, Joint Education and Doctrine, ATTN: Joint Doctrine Analysis Division, 116 Lake View Parkway, Suffolk, VA 23435-2697, and info the lead agent and the Director for Joint Force Development, J-7/JED.

- c. When a Joint Staff directorate submits a proposal to the CJCS that would change source document information reflected in this publication, that directorate will include a proposed change to this publication as an enclosure to its proposal. The Services and other organizations are requested to notify the Joint Staff J-7 when changes to source documents reflected in this publication are initiated.

### 5. Lessons Learned

The Joint Lessons Learned Program (JLLP) primary objective is to enhance joint force readiness and effectiveness by contributing to improvements in doctrine, organization, training, materiel, leadership and education, personnel, facilities, and policy. The JLLIS is the DOD system of record for lessons learned and facilitates the collection, tracking, management, sharing, collaborative resolution, and dissemination of lessons learned to improve the development and readiness of the joint force. The JLLP integrates with joint

doctrine through the joint doctrine development process by providing lessons and lessons learned derived from operations, events, and exercises. As these inputs are incorporated into joint doctrine, they become institutionalized for future use, a major goal of the JLLP. Lessons and lessons learned are routinely sought and incorporated into draft JPs throughout formal staffing of the development process. The JLLIS Website can be found at <https://www.jllis.mil> or <http://www.jllis.smil.mil>.

### **6. Distribution of Publications**

Local reproduction is authorized, and access to unclassified publications is unrestricted. However, access to and reproduction authorization for classified JPs must be IAW DOD Manual 5200.01, Volume 1, *DOD Information Security Program: Overview, Classification, and Declassification*, and DOD Manual 5200.01, Volume 3, *DOD Information Security Program: Protection of Classified Information*.

### **7. Distribution of Electronic Publications**

a. Joint Staff J-7 will not print copies of JPs for distribution. Electronic versions are available on JDEIS Joint Electronic Library Plus (JEL+) at <https://jdeis.js.mil/jdeis/index.jsp> (NIPRNET) and <http://jdeis.js.smil.mil/jdeis/index.jsp> (SIPRNET), and on the JEL at <http://www.dtic.mil/doctrine> (NIPRNET).

b. Only approved JPs are releasable outside the combatant commands, Services, and Joint Staff. Defense attachés may request classified JPs by sending written requests to Defense Intelligence Agency (DIA)/IE-3, 200 MacDill Blvd., Joint Base Anacostia-Bolling, Washington, DC 20340-5100.

c. JEL CD-ROM. Upon request of a joint doctrine development community member, the Joint Staff J-7 will produce and deliver one CD-ROM with current JPs. This JEL CD-ROM will be updated not less than semi-annually and when received can be locally reproduced for use within the combatant commands, Services, and combat support agencies.

**GLOSSARY**  
**PART I—ABBREVIATIONS AND ACRONYMS**

AOR	area of responsibility
APEX	Adaptive Planning and Execution
CAP	crisis action planning
CCDR	combatant commander
CCMD	combatant command
CIE	collaborative information environment
CJCS	Chairman of the Joint Chiefs of Staff
CJCSI	Chairman of the Joint Chiefs of Staff instruction
CJCSM	Chairman of the Joint Chiefs of Staff manual
CJTF	commander, joint task force
CMC	Commandant of the Marine Corps
COA	course of action
COMDTINST	Commandant of the Coast Guard instruction
CSA	combat support agency
DA	Department of the Army
DAF	Department of the Air Force
DOD	Department of Defense
DODD	Department of Defense directive
DON	Department of the Navy
EPW	enemy prisoner of war
FLITE	federal legal information through electronics
GC	general counsel
GCC	geographic combatant commander
HN	host nation
HQ	headquarters
J-1	manpower and personnel directorate of a joint staff
J-3	operations directorate of a joint staff
J-5	plans directorate of a joint staff
JA	judge advocate
JAG	judge advocate general
JFC	joint force commander
JLLIS	Joint Lessons Learned Information System
JLSE	joint legal support element
JMD	joint manning document
JOA	joint operations area
JOC	joint operations center

JP	joint publication
JPG	joint planning group
JSPS	Joint Strategic Planning System
JTCB	joint targeting coordination board
JTF	joint task force
JTP	joint training plan
LC	legal counsel
MEDEVAC	medical evacuation
NGB	National Guard Bureau
NGO	nongovernmental organization
NSCS	National Security Council System
NWP	Navy warfare publication
OPORD	operation order
PPBE	Planning, Programming, Budgeting, and Execution
PR	personnel recovery
RC	Reserve Component
ROE	rules of engagement
RUF	rules for the use of force
SECAF	Secretary of the Air Force
SecDef	Secretary of Defense
SJA	staff judge advocate
SOF	special operations forces
TJAG	the judge advocate general
TPFDD	time-phased force and deployment data
TSOC	theater special operations command
USC	United States Code
USG	United States Government
USSOCOM	United States Special Operations Command
USSTRATCOM	United States Strategic Command
USTRANSCOM	United States Transportation Command

## PART II—TERMS AND DEFINITIONS

**integrated priority list.** None. (Approved for removal from the DOD Dictionary.)

**judge advocate.** An officer of the Judge Advocate General's Corps of the Army, Air Force, or Navy, or officers of the Marine Corps or Coast Guard designated as a judge advocate. Also called **JA**. (Approved for incorporation into the DOD Dictionary.)

**law of armed conflict.** See law of war. (DOD Dictionary. SOURCE: JP 3-84)

**law of war.** That part of international law that regulates the conduct of armed hostilities. Also called the law of armed conflict. (DOD Dictionary. SOURCE: JP 3-84)

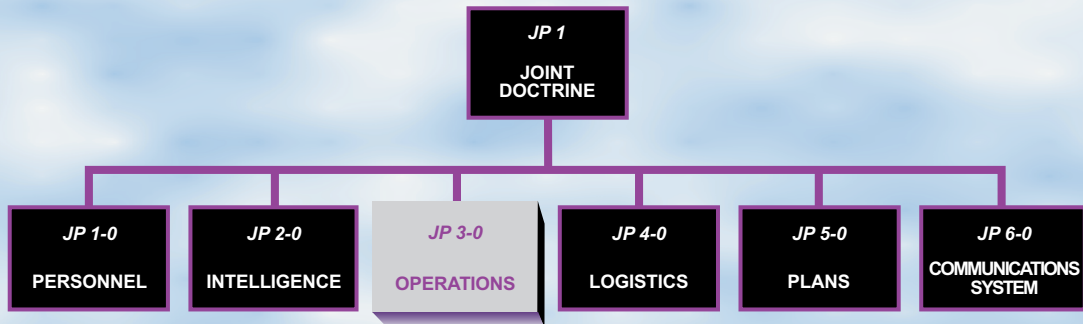
**protected persons/places.** Persons (such as enemy prisoners of war) and places (such as hospitals) that enjoy special protections under the law of war and which may or may not be marked with protected emblems. (Approved for incorporation into the DOD Dictionary.)

**rules of engagement.** Directives issued by competent military authority that delineate the circumstances and limitations under which United States forces will initiate and/or continue combat engagement with other forces encountered. Also called **ROE**. (DOD Dictionary. SOURCE: JP 3-84)

**staff judge advocate.** A judge advocate so designated in the Army, Air Force, or Marine Corps, and the principal legal advisor of a Navy, Coast Guard, or joint force command who is a judge advocate. Also called **SJA**. (DOD Dictionary. SOURCE: JP 3-84)

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# JOINT DOCTRINE PUBLICATIONS HIERARCHY



All joint publications are organized into a comprehensive hierarchy as shown in the chart above. **Joint Publication (JP) 3-84** is in the **Operations** series of joint doctrine publications. The diagram below illustrates an overview of the development process:

