

**STATEMENT OF CAPTAIN ERIC C. PRICE, JAGC, U.S. NAVY BEFORE
THE CRIMINAL JUSTICE ACT AD HOC COMMITTEE APRIL 12, 2016**

On behalf of the Judge Advocate General of the Navy, Vice Admiral Crawford, thank you for the opportunity to testify before this Committee and to discuss the Navy JAG Corps history and structure.

I am Captain Eric C. Price, JAGC, U.S. Navy, and currently serve as Commanding Officer, Defense Service Office North in Washington, DC. Defense Service Office (DSO) North is one of four Navy Defense Service Offices assigned primary responsibility for the provision of defense and other representational legal services in a defined geographic area of responsibility (AOR).

The DSO North AOR includes 19 U.S. states, the District of Columbia, Europe, Africa, and countries in Southwest Asia. Our headquarters is located in the Washington Navy Yard, with Branch Offices in Annapolis, MD, Great Lakes, IL, Groton, CT, Rota, Spain, Manama, Bahrain and a Detachment in Naples, Italy.

Defense Service Offices primarily represent Sailors and Coast-Guardsmen at courts-martial, administrative separation boards, and Boards of Inquiry, in addition to providing advice to service members on defense-related topics such as non-judicial punishment, criminal investigations, Inspector General Investigations, and other adverse administrative actions.

As background, the Judge Advocate General (JAG) of the Navy supervises legal advice and related services throughout the Department of the Navy (DON), except for the advice and services provided by the DON General Counsel. JAG oversight responsibilities are executed through the Office of the Judge Advocate General (OJAG). OJAG provides direct support to Commander, Naval Legal Service Command also designated as the Deputy Judge Advocate General of the Navy.

Vice Admiral James W. Crawford III, JAGC, U.S. Navy is the 43rd Judge Advocate General of the Navy. He is the principal military legal counsel to the Secretary of the Navy and Chief of Naval Operations, and serves as the Department of Defense Representative for Ocean Policy Affairs (REPOPA). He

provides legal and policy advice to the Secretary of the Navy in all legal matters concerning military justice, administrative law, environmental law, ethics, claims, admiralty, operational and international law, litigation and legal assistance. He also leads the 2,300 attorneys, enlisted legalmen, and civilian employees of the worldwide Navy JAG Corps community.

Rear Admiral John G. Hannink, JAGC, U.S. Navy is the Deputy Judge Advocate General of the Navy (DJAG) and Commander, Naval Legal Service Command (CNLSC). As the DJAG, he serves as the Deputy Department of Defense Representative for Ocean Policy Affairs. As CNLSC, he leads the attorneys, enlisted legalmen, and civilian employees of 14 commands that provide prosecution and defense services, legal services to individuals including victims of sexual assault, specialized legal training, and legal support to Navy units around the world. These commands include the four DSOs, nine Region Legal Service Offices, and the Naval Justice School.

Navy Judge Advocate General's Corps History

In 1775, the Continental Congress enacted the Articles of Conduct, governing the ships and men of the Continental Navy. However, all of these ships were soon sold and the Navy and Marine Corps were disbanded. In July 1797, Congress authorized the construction of six ships and enacted the Rules for Regulation of the Navy as a temporary measure. Then, in 1800 Congress enacted a more sophisticated code adopted directly from the British Naval Code of 1749. There was little or no need for lawyers to interpret these simple codes, nor was there a need for lawyers in the uncomplicated administration of the Navy prior to the Civil War.

During the Civil War, however, Secretary of the Navy Gideon Welles named a young assistant U.S. Attorney in the District of Columbia to present the government's case in complicated courts-martial. Without any statutory authority, Secretary Welles gave Wilson the title of "Solicitor of the Navy Department," making him the first House Counsel to the U.S. Navy. By the Act of March 2, 1865, Congress authorized the President "To appoint, by and with the advice and consent of the Senate, for service during the rebellion and one year thereafter, an officer of the Navy Department to be called the 'Solicitor and Naval Judge Advocate General.'" Congress maintained the billet on a year-to-year basis by

amendments to the Naval Appropriations Acts. In 1870, Congress transferred the billet to a newly established Justice Department with the title of Naval Solicitor.

Colonel William Butler Remy, USMC, was the first uniformed chief legal officer of the Navy, in 1878. Colonel Remy was able to convince Congress that the Navy Department needed a permanent uniformed Judge Advocate General and that naval law was so unique it would be better to appoint a line officer of the Navy or Marine Corps. The bill to create the billet of Judge Advocate General of the Navy was signed in 1880.

The Naval Appropriations Act of 1918 elevated the billets of Navy Bureau Chiefs and Judge Advocate General to Rear Admiral. In July 1918, Captain George Ramsey Clark was appointed the first Judge Advocate General to hold the rank of Rear Admiral.

In 1947, the Navy created a “law specialist” program to allow line officers restricted duty to perform legal services. In 1950, Congress required that the Judge Advocate General be a lawyer. The Act also required each Judge Advocate General of any service be a member of the bar with not less than eight years of legal duties as a commissioned officer. The Act also enacted the first Uniform Code of Military Justice (UCMJ). By 1967, the Navy had 20 years of experience with the law specialist program. There was, however, increasing pressure to create a separate corps of lawyers. That year, Congress established the Judge Advocate General’s Corps within the Department of the Navy. The legislation was signed into law by President Lyndon B. Johnson on December 8, 1967, and ensured Navy lawyers’ status as members of a distinct professional group within the Navy, similar to physicians and chaplains.

In 1973, the Secretary of Defense directed each of the military departments to submit plans for restructuring its defense counsel services. In 1974, the Navy placed defense counsel under the direction of the Judge Advocate General of the Navy.

In 1976 the Navy created Naval Legal Service Offices (NLSOs). Each NLSO had its own trial (prosecution), defense, command services, claims and legal assistance departments. Naval Legal Service Command continued to change in the mid-1990s as we established the Trial Service Office (TSO) to separate the prosecution, court-reporting and command service functions from the other work done by NLSOs. In 1988, the Coast Guard entered into a Memorandum of Understanding with the Navy to provide Coast Guard attorneys to assist in certain

Navy offices; in exchange the Navy provided most Coast Guard defense advocacy services nation-wide.

In 2006 most shore-based staff judge advocate billets were placed under JAG control. The SJA billets were realigned under the former TSOs and the TSOs became Region Legal Service Offices (RLSOs). In 2007, to improve the overall quality of Navy court-martial litigation, the Military Justice Litigation Career Track (MJLCT) was established. The MJLCT is a career track for judge advocates with demonstrated military justice knowledge and advocacy skills. The track combines continued courtroom experience, training and education, with oversight by and access to senior, seasoned litigation mentors to help judge advocates develop the skills needed to become preeminent trial lawyers. By September 2012, eight NLSOs and nine TSOs made up NLSC.

On October 1, 2012 the eight NLSOs were disestablished and four Defense Service Offices (DSOs) were established. Simultaneously, the legal assistance mission, previously performed by NLSOs was transferred to the RLSOs. Thus DSOs focused solely on defense services and personal representation advice for service members. This new structure was designed to improve the military justice practice by aligning the right number of litigation specialists and experts with the Navy's court-martial caseload which had declined in number, but increased in complexity. This new structure coincided with implementation of the First Tour Judge Advocate (FTJA) Program. The FTJA program was developed to broaden the development of new judge advocates and more quickly prepare them to assume increased responsibility. Under the newly created FTJA program, new judge advocates were assigned only to the largest offices and were to spend their first tour practicing in the three areas essential to becoming well-rounded judge advocates: government services, defense services, and legal assistance.

Legalman Rating

On January 4, 1972, Secretary of the Navy John H. Chaffee approved the recommendation for establishment of the Legalman rating. A memorandum from the Chairman of the Rating Review Board announced the approval, stating in part, "...the scope of the new rating will provide judge advocates with the personnel trained in court reporting, claims matters, investigations, legal administration, and legal research. This scope is in consonance with the new concept in the civilian legal community where many areas of legal services can be provided by competent trained personnel under the supervision of a lawyer..." On October 4, 1972, 275 petty officers were selected for conversion to the new Legalman rating.

In 2007, the Legalman education and training pipeline was adapted in order to fully train Legalmen as paralegals. The Naval Justice School's (NJS's) curriculum was adapted to include four American Bar Association (ABA) approved paralegal college courses. Legalmen now leave NJS with 10 semester hours of college in paralegal studies.

Naval Legal Service Command - Organizational Structure

The Deputy Judge Advocate General of the Navy is assigned additional duty to the Chief of Naval Operations (CNO) as Commander, Naval Legal Service Command (CNLSC), and is responsible for providing and overseeing Navy-wide legal services and related tasks. The Naval Legal Service Command (NLSC), an Echelon 2 command, was established to provide legal services world-wide to support fleet and shore command readiness and the effective operation of the military justice system, and to perform such other functions or tasks as may be directed by the CNO.

The commands that comprise NLSC include the four DSOs, RLSOs, and the Naval Justice School. Each DSO and RLSO is assigned primary responsibility for the provision of certain legal services in a defined geographic area of responsibility.

The Chief of Staff, Region Legal Service Office (COS-RLSO) oversees the Navy's nine RLSOs and supervises the Trial Counsel Assistance Program (TCAP). RLSOs are dedicated to providing professional legal services and solutions in support of military justice and other legal issues involving Navy (and Marine Corps upon request) commands located within their area of operation, as well as other functions and tasks necessary in support of the mission and core capabilities of the Navy Judge Advocate General's Corps. The highest priority is given to fleet and operational units, particularly those deployed or preparing to deploy. TCAP provides advice to trial counsel, serving as a resource through every phase of pre-trial investigation and court-martial litigation, including charging decisions, theme and theory, motions practice, discovery, securing and preparing expert witnesses, trial strategy, post-trial matters, compliance with the Victim Witness Assistance Program (VWAP), and professional responsibility.

The Chief of Staff, Defense Service Office (COS-DSO) oversees the Navy's four DSOs and supervises the Defense Counsel Assistance Program (DCAP). The DSO mission is to represent Sailors, Marines and Coast Guardsmen before courts-martial, Article 32 hearings, pretrial confinement proceedings, custodial

interrogations, boards of inquiry, administrative boards, and other similar proceedings. In locations where defense counsel are not physically present, physical structure and business rules are in place to provide clients with confidential access to a defense attorney by telephone or other remote communication technology.

DCAP's mission is to support and enhance the proficiency of the Navy criminal defense bar, provide experienced reach-back and technical expertise for case collaboration, and to develop, consolidate and standardize resources for defense counsel. DCAP provides full-spectrum advice and serves as a resource through every phase of pre-trial investigation and court-martial litigation.

The Chief of Staff, Navy Victims' Legal Counsel (VLC) Program oversees the VLC program. In August 2013, the Navy established the VLC Program to provide independent legal counsel to eligible sexual assault victims. A VLC can assist victims in understanding and exercising their reporting options. VLCs work with victims through the investigation and military justice processes, advocate for the victim's rights and interests, and help victims obtain access to other support resources. VLCs complement the care and support victims receive through other resources, such as the Sexual Assault Prevention and Response Program, the Family Advocacy Program, VWAP, and services offered by Victim Advocates, Chaplains, and healthcare providers.

The Commanding Officer, Naval Justice School. The Naval Justice School (NJS) provides accession-level and long-term legal training for all Navy, Marine Corps and Coast Guard lawyers, enlisted legal professionals, active and reserve. In addition, NJS provides training for civilian personnel, sea service commanders, legal officers, senior enlisted and others in the administration of military law.

Thank you again for the opportunity to appear before you today, and I am prepared to take your questions.