

# Joint Publication 1-04



## Legal Support to Military Operations



01 March 2007



# PREFACE

## 1. Scope

This publication provides doctrine for the planning, training, and execution of legal support to joint military operations.

## 2. Purpose

This publication has been prepared under the direction of the Chairman of the Joint Chiefs of Staff, and has been reviewed favorably by the General Counsel of the Department of Defense as the Chief Legal Officer of the Department. It sets forth joint doctrine to guide the activities and performance of the Armed Forces of the United States in operations and provides the doctrinal basis for interagency coordination and for US military involvement in multinational operations. 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 their appropriate plans. It is not the intent of this publication to restrict the authority of the JFC in organizing the force and executing the mission in a manner the JFC deems most appropriate to ensure unity of effort in the accomplishment of the overall objective.

## 3. Application

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

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 Chairman of the Joint Chiefs of Staff, 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 approved by the United States. For doctrine and procedures not approved by the United States, 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:



WALTER L. SHARP  
Lieutenant General, USA  
Director, Joint Staff

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## EXECUTIVE SUMMARY COMMANDER'S OVERVIEW

- **Describes the Missions and Functions of Legal Organizations Within the Department of Defense (DOD)**
  - **Discusses the Legal Community's Joint Strategic and Operational Planning Responsibilities**
  - **Describes the Joint Task Force Staff Judge Advocate's Manning, Training, and Equipping Requirements and Responsibilities**
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### Overview

*Modern military operations take place in an increasingly complex geopolitical environment where integrated legal support is required at all levels of joint forces.*

In the contemporary operating environment, the joint force staff judge advocate (SJA) provides the full spectrum of legal support through direct and reach-back capability to joint operations across the range of military operations. A key member of the joint force commander's (JFC) personal staff, **the joint force SJA is an essential adviser on a myriad of legal issues associated with combat and noncombat operations.** The joint force SJA seeks guidance from and coordinates with higher echelon command SJAs, and guides, coordinates, and integrates the actions of subordinate component SJAs to optimize legal support to the entire joint force. Component SJAs are personal staff officers directly responsible to their component commanders.

### Legal Organizations, Missions, and Functions

*Joint legal organizations provide full spectrum legal support at the strategic, operational and tactical levels through direct and reach-back capability.*

Although each legal organization possesses 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 echelon of command, mission, duration, and the organization performing them. **To ensure unity of effort, JFCs, their staffs, and their component commanders need a common understanding of who is responsible for performing which legal tasks at each level of war and how those tasks are performed.**

### Legal Support to Joint Operation Planning

*Legal advisers actively participate at all levels and stages of the planning process helping to develop and recommend legally acceptable courses of action.*

Legal organizations supporting joint operations are responsible for assisting the heads of their organizations in carrying out their responsibilities by providing them legal advice on the laws, regulations, policies, treaties, and agreements that affect joint military operations. **Legal advisers actively participate in the planning process from mission analysis to execution** by helping to develop and recommend legally acceptable courses of action.

### Legal Support to the Joint Task Force

*Legal support to the joint task force (JTF) identifies key considerations in developing the capabilities required to support a specific joint force command. It discusses planning and execution factors for manning, training, and equipping the joint legal support to the JTF.*

Successful legal support to any joint force operation requires properly establishing, staffing, training, equipping, and employing a joint task force (JTF) SJA section. The JTF SJA directly supports the JTF through active participation on the JTF's boards, centers, cells, and working groups and by providing the JFC with the functional legal expertise required for the specific mission. The joint legal community is responsible for collecting, analyzing, distributing, and archiving legal lessons-learned issues and key observations from operations, training events, and other sources to enhance the combat effectiveness and interoperability of joint forces. Although this chapter focuses specifically on a JTF, it is an applicable conceptual framework for examining the key planning considerations of a joint force SJA at all levels of command.

### CONCLUSION

This publication describes the responsibilities and requirements of the DOD joint legal community for the planning, training, and execution of legal support to joint military operations.

# CHAPTER I

## LEGAL ORGANIZATIONS, MISSIONS, AND FUNCTION

*“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 NDAA, 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. 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 war and the organization performing them. To ensure unity of effort, both the joint force commander (JFC) and the joint force staff judge advocate (SJA) must have a common understanding of who is responsible for performing which legal tasks at each level of war and how those tasks are performed. This chapter describes the functions, duties, and responsibilities of the legal organizations within the Department of Defense that directly support joint military operations. Figure I-1 depicts the broad relationships of DOD legal organizations to the levels of war. These legal organizations may and often do deal with issues above and below their respective levels.

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

a. Established by Title 10, United States Code (USC), Section 140, the General Counsel (GC) of the Department of Defense is a civilian appointed by the President with the advice and consent of the Senate who serves as the chief legal officer of the Department of Defense. The DOD GC provides legal advice to the Secretary and Deputy Secretary of Defense on all legal matters and services performed within, or involving, the Department of Defense. In general, the DOD GC is responsible for overseeing all DOD legal services, establishing policy and overseeing the DOD Standards of Conduct Program, establishing DOD policy and positions on specific legal issues, and, advising on significant 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 and promotes cooperation and mutual understanding among DOD components and between Department of Defense and other government 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 acts as lead counsel in international negotiations conducted by the Department of Defense, and maintains the central repository for all DOD-negotiated international agreements. The DOD GC serves as the Director of the Defense Legal Services Agency



<b>NOTIONAL RELATIONSHIPS OF DEPARTMENT OF DEFENSE LEGAL ORGANIZATIONS TO LEVELS OF WAR</b>			
DEPARTMENT OF DEFENSE (DOD) LEGAL ORGANIZATIONS	Strategic	Operational	Tactical
DOD General Counsel	X		
Chairman's Legal Counsel	X		
General Counsel of Combat Support Agencies	X		
General Counsel and Judge Advocates General of the Military Departments	X		
Combatant Commander's Staff Judge Advocate (SJA) (Geographic)	X	X	
Combatant Commander's SJA (Functional)	X	X	
Subunified Command SJA	X	X	X
Joint Task Force SJA		X	X
Functional Component SJA		X	X
Service Component SJA		X	X

**Figure I-1. Notional Relationships of Department of Defense Legal Organizations to Levels of War**

and, on an informal basis, the DOD GC participates in interagency lawyers working groups as necessary to address legal matters affecting more than one department/agency of the US Government.

c. The DOD GC is authorized to issue DOD instructions (DODIs) and DOD publications that implement policies approved by the Secretary of Defense (SecDef) in the functions assigned to the GC.

The DOD GC is responsible for supervision of the general counsels of all DOD agencies and combat support agencies. The DOD GC communicates directly with the heads of the DOD components, other government agencies, representatives of the legislative branch, and members of the public to carry out assigned functions. Communications with the combatant commanders (CCDRs) are normally transmitted through the Chairman of the Joint Chiefs of Staff (CJCS).

### 3. General Counsel of Combat Support Agencies

There are sixteen DOD agencies and seven DOD field activities that operate under the authority, direction, and control of the SecDef. Their GCs are under the authority, direction, and control of the General Counsel of the Department of Defense. These organizations provide support and services in specified functional areas to the combatant commands and the rest of Department of Defense. DOD agencies perform selected support and service functions on a DOD-wide basis. DOD agencies that are assigned wartime support missions are designated as combat support agencies. There are six combat support agencies: the Defense Intelligence Agency (DIA), the Defense Information Systems Agency (DISA), the Defense Contract Management Agency (DCMA), the Defense Logistics Agency (DLA), the National Geospatial-Intelligence Agency (NGA), and the Defense Threat Reduction Agency (DTRA). DOD field activities perform support and service functions of a more limited scope than DOD agencies. This section describes the mission, functions, and responsibilities of the GCs of the combat support agencies.

a. **General Counsel, Defense Intelligence Agency.** The DIA GC provides legal advice to the DIA Director and staff on all matters related to the DIA's mission, and specializes in intelligence law. The GC's combat support responsibilities include:

(1) Ensuring that all DIA activities are conducted in accordance with statutes, executive orders, and directives establishing controls and standards of conduct for foreign intelligence and counterintelligence activities.

(2) Assisting commanders in carrying out their responsibility to report any intelligence proposals or activities that raise questions of legality or propriety to the Assistant to the Secretary of Defense for Intelligence Oversight and, as appropriate, the DOD GC.

b. **General Counsel, Defense Information Systems Agency.** The DISA GC provides legal advice to the DISA Director and staff on all matters related to the agency's mission, and specializes in telecommunications law as it applies to emergency preparedness and national defense. The DISA GC's Office is divided into five functional areas: Regulatory Law, Priority Programs, Employment and Labor Law, Acquisition and Procurement Law, and Intellectual Property and General Law. The GC's combat support responsibilities include reviewing all Federal Communications Commission decisions, relevant National Telecommunications and Information Administration and Office of Science and Technology Policy decisions, and policy documents to assess their impact on DOD, DISA, and National Communications System activities.

c. **Counsel, Defense Contract Management Agency.** The DCMA GC provides legal advice, counsel, and representation services to the DCMA Director and staff on all matters related to the

agency's mission, specializing in defense contract administration, the functions enumerated in Federal Acquisition Regulations Part 42. The DCMA GC's Office is divided into three functional areas: Contract Administration Law, Employment and Labor Law, and General Law. The GC also has two specialty offices. The Contract Disputes Resolution Center provides litigation services in contract disputes. The Contract Integrity Center works with DOD criminal investigative services to address contract fraud and other contractor integrity issues. The GC's combat support responsibilities include providing legal advice concerning the administration of the Army logistics civil augmentation program contract (and other similar contracts) as well as providing legal services to deployed DCMA contingency contract administration services teams.

### **d. General Counsel, Defense Logistics Agency**

(1) The DLA GC provides comprehensive legal advice on logistic support to military operations. The Office of the DLA GC is organized into nine functional areas: Fiscal, Legislation and International Agreements, Base Realignment Commission Matters, Environment and Safety, Procurement Integrity and Fraud Remedies, Contingency and Operations Law, Personnel and Ethics, Logistics and Installations, and Procurement and Litigation.

(2) The GC's combat support responsibilities include providing legal advice to DLA contingency support teams (DCSTs). Legal support to a DCST may be delivered by an attorney on-site or from a remote location. DLA also has attorneys stationed outside the continental United States (US European Command [USEUCOM] and US Pacific Command [USPACOM]) who are available to support deployed DCSTs. A DLA attorney is identified by name to each of the DCSTs that would support the five geographic combatant commands.

### **e. General Counsel, National Security Agency (NSA) and Central Security Service (CSS).**

The NSA/CSS GC provides legal advice to the Director, NSA/Chief, CSS, and staff on all matters related to the agency's mission, specializes in the law of electronic surveillance, and protection of NSA's intellectual property rights. The GC's combat support responsibilities include providing legal advice on information assurance activities, deployment of signals intelligence (SIGINT) resources to support military operations, and dissemination of SIGINT products to military consumers.

**f. General Counsel, National Geospatial-Intelligence Agency.** The NGA GC provides legal advice to the NGA Director and staff on all matters related to the agency's mission of geospatial intelligence (GEOINT). Attorneys assigned to the NGA Office of General Counsel work in six practice groups and a headquarters (HQ) element: Acquisition and Technology Law, Information Law and Ethics, Operations and Personnel Law, Intelligence Policy and International Law, Administrative Law, and Imagery and Intelligence Policy Law. The GC's combat support responsibilities include providing legal advice on the use and dissemination of NGA GEOINT products, particularly those marked with a LIMITED DISTRIBUTION handling caveat pursuant to the provisions set out under Title 10, USC, Section 455.

**g. General Counsel, Defense Threat Reduction Agency.** The DTRA GC's combat support responsibilities include providing general legal advice and assistance in response to chemical, biological, radiological, nuclear, and high-yield explosives (CBRNE) and terrorist incidents. DTRA has a consequence management advisory team (CMAT) that provides support to CCDR and subordinate JFCs in the

event of a CBRNE incident. The CMAT is comprised of functional area experts including attorneys with experience specific to CBRNE incidents.

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

a. The CJCS Legal Counsel (LC) is a judge advocate appointed to the Joint Staff by CJCS from among the officers nominated for the position by the Military Services. The LC advises the CJCS, Vice CJCS, joint directors, and Joint Staff on the full spectrum of legal issues. Given the CJCS role as spokesman for the combatant commanders, the LC frequently advises and assists the CCDR's 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 from each Military Service. 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 rules of engagement (ROE) and the rules for the use of force (RUF); deployment orders and command relationships for military operations; the law of war (often called law of armed conflict (LOAC)); information, special, and counterdrug operations; critical infrastructure protection; combating terrorism and force protection; and intelligence law and oversight.

(2) Review operation plans (OPLANs) and operation plans in concept format for legal sufficiency and accuracy; draft and coordinate required notifications, including War Powers Resolution.

(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) Reviews legality of weapons evaluations as member of the DOD Compliance Review Group; address chemical, biological, radiological, nuclear, and high-yield explosives (CBRNE) weapons issues; and review joint doctrine and military-to-military contacts and exercise programs.

(6) Other areas of practice include fiscal law and contracting, 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, civil support and consequence management missions, and security and policy reviews.

#### **5. Military Departments**

The GCs of the Military Departments and the judge advocates general (TJAG/JAGs) 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 for organizing, training and equipping US military forces. Although the Military Departments are not part of the operational chain of command for joint US military operations, their GCs and TJAG/JAGs can provide joint force SJAs with significant “reach-back” capabilities and expertise in international and operational law. The TJAG/JAGs also have statutory authority to supervise the administration of military justice within the Services.

a. **General Counsel, Department of the Army.** Title 10, USC, Section 3019 establishes the position of GC of the Department of Army (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 legal counsel 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 the Judge Advocate General, the Office of the Command Counsel, Army Materiel Command, and the Office of the Chief Counsel, Corps of Engineers.

b. **The Judge Advocate General of the Army.** Title 10, USC, Section 3037 establishes the position of The Judge Advocate General (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’s Corps, who are recommended by the Secretary of the Army. TJAG is appointed in the regular grade of no less than major general. TJAG is the military legal advisor to the Secretary of the Army and members of the Secretariat in coordination with the Army GC, and is the legal advisor to the Chief of Staff, US Army, and members of the Army Staff. In addition to other duties prescribed by law and Army regulation, TJAG is responsible for the supervision of the members of the Army Judge Advocate General’s (JAGs) Corps in the performance of their duties and receives, revises, and has recorded the proceedings of courts of inquiry and military commissions.

c. **General Counsel, Department of the Navy.** Title 10, USC, Section 5019 establishes the position of GC of the Department of the Navy (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. **The Judge Advocate General of the Navy.** Title 10, USC, Section 5148 establishes the position of the TJAG of the Navy. The TJAG is appointed by the President, by and with the advice and consent of the Senate, from judge advocates of the Navy or the Marine Corps, who are recommended by the Secretary of the Navy. The TJAG is appointed in the regular grade of no less than rear admiral or major general, as appropriate. In addition to other duties prescribed by law, the TJAG, under the direction of the Secretary of the Navy:

(1) Performs duties relating to legal matters arising in the DON as may be assigned.

(2) Performs the functions and duties and exercises the powers prescribed for the TJAG in Title 10, USC, Chapter 47.

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

(4) Performs such other duties as may be assigned.

e. **Staff Judge Advocate to the Commandant of the Marine Corps.** Title 10, USC, Section 5046 establishes the position of the SJA to the Commandant of the Marine Corps. An officer of the Marine Corps who is a judge advocate is detailed as SJA to the Commandant of the Marine Corps. The SJA is appointed in the regular grade of brigadier general.

f. **Counsel for the Commandant of the Marine Corps.** The Counsel for the Commandant of the Marine Corps is responsible for providing to the Commandant of the Marine Corps all legal services that the Navy General Counsel provides to the Navy. The Counsel for the Commandant of the Marine Corps is appointed by the Secretary of the Navy upon joint recommendation of the Navy General Counsel and the Commandant of the Marine Corps. The Counsel reports directly to the Commandant of the Marine Corps and also to the Secretary of the Navy via the Navy General Counsel.

g. **General Counsel, Department of the Air Force.** Title 10, USC, Section 8019 establishes the position of GC of the Department of the Air Force. The GC, Department of the Air Force, is a civilian appointed by the President by and with the advice and consent of the Senate. The GC, Department of the Air Force, is the final legal authority on matters arising within or referred to the Department of the Air Force except for military justice and matters specifically assigned to the Judge Advocate General by the Secretary of the Air Force (SAF). The GC performs such functions as the SAF may prescribe.

h. **The Judge Advocate General 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 judge advocates of the Air Force. TJAG is appointed in the regular grade of no less than major general. In addition to other duties prescribed by law—

(1) is the legal adviser of the Secretary of the Air Force and of all officers and agencies of the Department of the Air Force;

(2) shall direct the officers of the Air Force designated as judge advocates in the performance of their duties; and

(3) shall receive, revise, and have recorded the proceedings of courts of inquiry and military commissions.

i. **The Chief Counsel and Judge Advocate General of the Coast Guard.** The Chief Counsel of the Coast Guard is also designated the Coast Guard's JAG by the Secretary of Homeland Security. The designated individual serves in the capacity as JAG of the US Coast Guard, except when the Coast Guard is operating as a service of the Navy under Title 14, USC, Section 3. The Chief Counsel/JAG is the principal legal advisor to the Commandant of the Coast Guard and oversees the administration of military justice for the Coast Guard. The Chief Counsel/JAG of the Coast Guard is an officer of the Coast Guard who serves in the grade of rear admiral.

## 6. Joint Force Staff Judge Advocate

a. The joint force SJA (also titled “the judge advocate” or “command judge advocate”) is the principal legal adviser to the JFC and a key member of a JFC’s personal staff. The joint force SJA reports directly to the JFC. In the contemporary operating environment, the joint force SJA provides the full spectrum of legal support through direct and reach-back capability to joint operations across the range of military operations. 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 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: combatant commands, subordinate unified commands, and joint task forces (JTFs). Joint force judge advocates 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.

(1) **Combatant Command SJA.** The combatant command SJA is a judge advocate selected by the CCDR from among those officers nominated for the position by each of the Military Services. The CCDR should discuss the nominees with the DOD GC. The combatant command SJA provides legal advice to the CCDR and combatant command staff on the full spectrum of legal issues, with varied emphasis depending upon the combatant command’s mission, force structure, and whether it has a geographic or functional responsibility. The combatant command SJA exercises technical supervision over the administration of command legal services within that combatant command. The combatant command SJA reviews the legal support capabilities available in the combatant command and recommends allocation of legal resources to support the combatant command missions most effectively and to prevent or eliminate the unnecessary duplication and overlap of functions among supporting legal organizations. The combatant command SJA also oversees the collection of legal lessons learned from supporting SJAs and the distribution of legal lessons learned to joint and Service repositories.

(a) **Geographic Combatant Commands.** The joint force SJAs supporting the five geographic combatant commands (US Northern Command; US Central Command; USEUCOM; USPACOM; and US Southern Command) provide 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 above with a greater focus on joint operational law issues pertaining to their geographic areas of responsibility (AORs). They also supervise legal aspects of the theater security cooperation programs within their AORs and oversee the provision of legal services within subordinate unified commands, joint task forces, and functional and Service components.

(b) **Functional Combatant Commands**

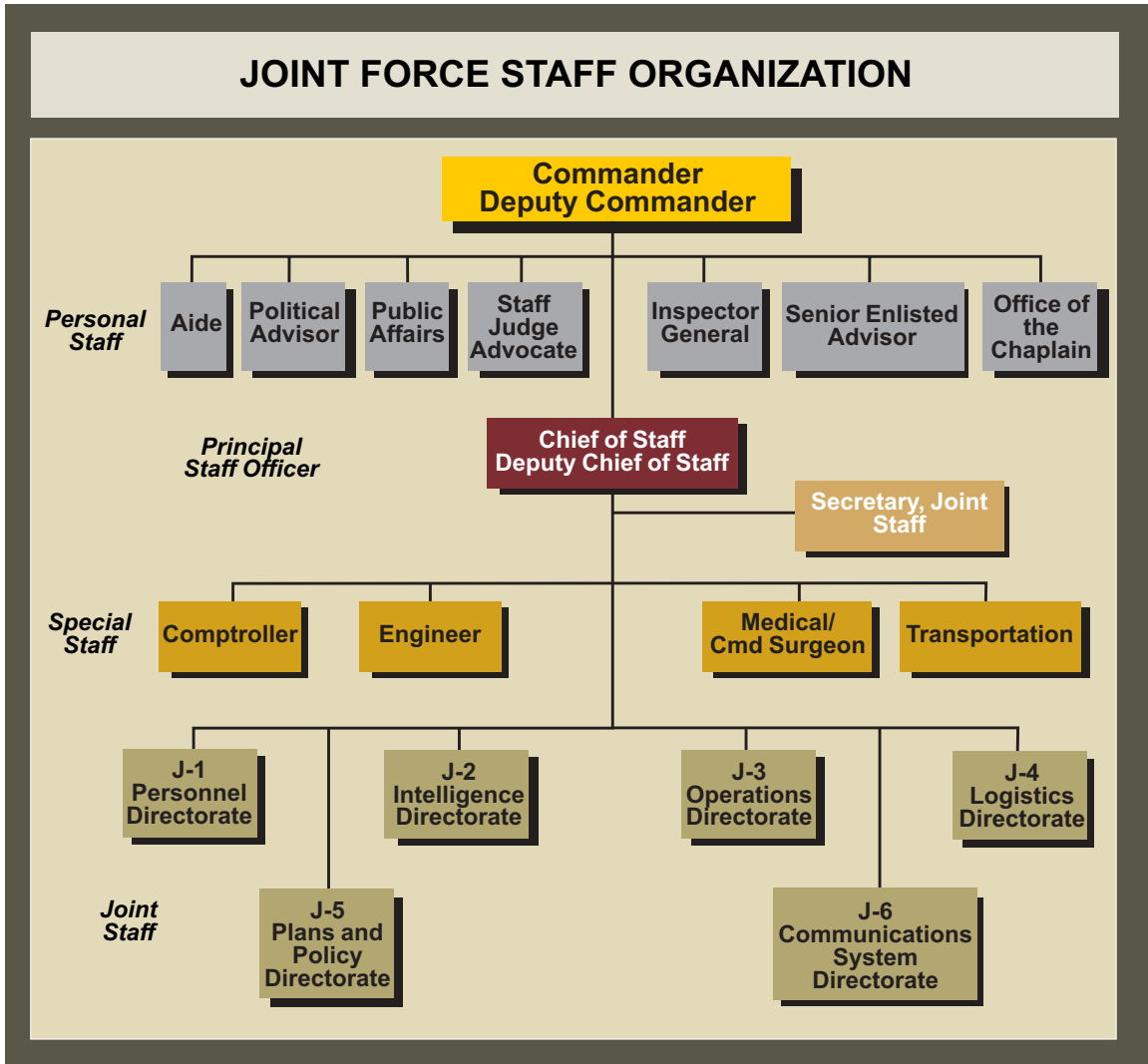


Figure I-2. Joint Force Staff Organization

1. The joint force SJAs of the four functional combatant commands (US Joint Forces Command (USJFCOM); US Transportation Command (USTRANSCOM); US Strategic Command (USSTRATCOM); and US Special Operations Command (USSOCOM)) similarly provide the full spectrum of legal services, but also have legal responsibilities related to the combatant command’s particular functional areas.

2. The USJFCOM Judge Advocate (JA) provides legal advice to support the USJFCOM missions of being the DOD global force provider of joint capable forces and the DOD lead for joint force transformation. The USJFCOM JA chairs the Joint Judge Advocate Sourcing Working Group that works with the Military Services, combatant command SJAs, and JTF SJAs to develop appropriate sourcing solutions for joint judge advocate requirements arising from requests for forces and JTF individual augmentee requirements. Additionally, the USJFCOM JA in conjunction with the Service TJAGs/JAGs, combatant command SJAs, CJCS LC, and DOD GC develops joint JA training



and lessons learned initiatives to ensure joint-qualified, joint-experienced judge advocates at every level of command.

3. 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.

4. The USSTRATCOM SJA provides legal advice to support the USSTRATCOM missions related to combating weapons of mass destruction; space and global strike capabilities; integrated missile defense; information operations; and intelligence, surveillance and reconnaissance. In particular, the USSTRATCOM SJA focuses on space law, information operations, intelligence law, operational law, international law, fiscal law, administrative law, and military justice.

5. The USSOCOM SJA provides legal advice on issues involving special operations forces (SOF). In addition to the command authority inherent in a combatant command, the Commander, USSOCOM has Service-like responsibilities for SOF pursuant to Title 10, USC, Section 167 and maintains a particular emphasis on pursuing the global war on terrorism.

(2) **Subordinate Unified Command SJA.** The SJA to a subordinate unified command (subunified command) serves as the primary legal advisor to that command. The subunified SJA receives guidance from the combatant command SJA and may have certain functional legal areas performed by the combatant command SJA (e.g., contract law). When authorized, CCDRs may establish subordinate unified (subunified) commands to conduct operations on a continuing basis in accordance with the criteria for combatant commands. A command may be established on a geographical area or functional basis and should have, but may not have a dedicated legal officer. If the subunified command does not have direct legal support, the combatant command SJA typically provides those services to the subunified command.

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

(3) **Joint Task Force 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 adviser to the JTF commander 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 HQ falls to the JTF SJA. The JTF SJA develops the legal estimate during planning and recommends requirements for the JTF joint manning document (JMD). By task organizing, the JTF SJA ensures the SJA section is balanced as to numbers, experience, influence of position, and rank of component, allied, and coalition members of the operation. Ideally, the SJA section will reflect the composition of the JTF and character of the operation. The JTF SJA coordinates with the

supported combatant command 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 Joint Publication 3-33 Joint Task Force Headquarters.*

d. **Functional Components.** The CCDR may establish one or more functional components. A functional component is normally, but not necessarily, composed of forces of two or more Military Departments. Functional components include the joint force air component commander, joint force land component commander, joint force maritime component commander, and joint force special operations component commander. These component command SJAs, like a JTF SJAs, are the principal legal command advisors to the functional component commander and provide legal support to multiple boards, centers, and cells. The functional component SJA coordinates and takes guidance from the combatant command SJA.

e. **Service Components.** Joint force commands typically 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 combatant command or JTF SJA on all matters that relate to the component command’s supporting mission.

f. **Reserve Component Support.** Most joint force commands include judge advocates from one or more units of the Reserve Component (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). The judge advocates from the RC are trained and can fill both short-term and long-term legal requirements for the command. However, because the judge advocates have different statuses and are subject to differing manning requirements, it is important that the joint force SJA work with the combatant command’s RC support office for assistance in assigning or attaching the RC judge advocates to the combatant command 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-3. Legal staffs require adequate resources to conduct legal research and perform assigned legal duties. Specific planning considerations are discussed in Chapters II, “Joint Operation Planning and Execution: and III, “Legal Support to the Joint Task Force.”

<b>JOINT FORCE STAFF JUDGE ADVOCATE'S DUTIES AND RESPONSIBILITIES</b>
<b>Formation, Deployment, and Management of the Legal Staff</b>
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.
<b>Planning, Coordination, and Oversight</b>
Prepare the legal considerations paragraph of the base operation plan or order according to Chairman of the Joint Chiefs of Staff Manual (CJCSM) 3122.03, Joint Operation and Planning Execution System Vol II: (Planning Formats).
Prepare the legal appendix to the personnel annex of the operation order according to CJCSM 3122.03, Joint Operation Planning and Execution System Vol II: (Planning Formats).
Continuously assess mission capability and any strengths or deficiencies in joint 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 lessons learned, issues, and key observations from operations, training events, and other sources.
Liaise with counterparts at higher, lower, and adjacent headquarters, Department of Defense and other US Government agencies, foreign government agencies, intergovernmental organizations, and nongovernmental organizations, including liaison with the International Committee of the Red Cross.
<b>Maintenance of Good Order and Discipline</b>
Ensures 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 uniform 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 regulation).
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 (JFC) on military justice matters, to include advising on appropriate disposition of charges before referral to trial by courts-martial and recommending appropriate action on courts-martial.
<b>Status of Forces and Relations with Host Nation</b>
Support negotiation and conclusion of international agreements, including acquisition and cross-servicing agreements, status-of-forces agreements (SOFAs), and status of mission agreements, in accordance with DOD Directive 5530.3, International Agreements.
Advise the JFC 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.
<b>Law of War and Related International Legal Considerations</b>
Ensure that all plans, orders, policies, rules of engagement (ROE), 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 Department of Defense Directive (DODD) 2311.01E, DOD Law of War Program, and Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 5810.01B, Implementation of DOD Law of War Program.
Assist the J-3 or J-5 in preparing ROE request and authorization messages according to CJCSI 3121.01B, Standing Rules of Engagement/Standing Rules for the Use of Force for US Forces.
Monitor conduct of war crimes trials.

**Figure I-3. Joint Force Staff Judge Advocate's Duties and Responsibilities**

<b>JOINT FORCE STAFF JUDGE ADVOCATE'S DUTIES AND RESPONSIBILITIES (cont.)</b>
<b>Law of War and Related International Legal Considerations (cont'd)</b>
Advise the JFC and staff on the legal authority for, and constraints on, the conduct of military operations, including the use of force; freedom of navigation; overflight of international and national airspace; basing rights; foreign intelligence and counterintelligence activities; information operations; joint targeting; treatment of wounded and sick, prisoners of war, and civilian persons and property, including migrants, refugees, and internally displaced persons; conduct of tribunals under Article 5 of the Third Geneva Convention; governance of occupied enemy territory; exercise of military authority over civilians and private property in the United States; and storage, transportation, and use of chemical, biological, radiological, nuclear, or high-yield explosives, and other weapons subject to special restrictions.
<b>Contractor Personnel Integration</b>
Ensure that all JFC plans and policies are in compliance with international law, local law, SOFAs, and DOD 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 DODI 3020.41 Contractor Personnel Authorized to Accompany the US Armed Forces.
<b>Reporting</b>
Monitor and advise the JFC and staff concerning investigation and disposition of significant incidents required to be reported via operation report (OPREP) 3-PINNACLE and other flagword reports (e.g., grave breaches of the law of war, asylum incidents, aircraft accidents, and possible border violations). See CJCSM 3150.03B, Joint Reporting Structure Event and Incident Reports. Report Law of War violations IAW DODD 2311.01E, DOD Law of War Program.
Submit legal status reports.
<b>Provision of Legal Services</b>
Man joint boards, centers, and cells.
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 JFC and staff.
Arrange for the provision of claims, trial defense, trial judiciary, and other legal services as appropriate to the JFC and staff.
Advise the JFC and staff concerning legal issues related to provision of logistic support to non-DOD entities.
Advise the JFC and staff concerning transfers or other disposition of military property.
Advise the JFC 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 JFC 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.
Supervise accounting for captured weapons, war trophies, documents, and equipment.
Advise the JFC 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 JFC and staff concerning requests for political asylum and temporary refuge.
Ensure compliance with applicable environmental laws and policies.
Advise the JFC 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 commanders on investigations.
Advise the JTF commander on command responsibility and accountability.
Supervise investigation and processing of claims arising from activities of the JFC and staff under the Military Claims Act, Federal Tort Claims Act, Foreign Claims Act, Personnel Claims Act, reciprocal international agreements (e.g., SOFA claims), Suits in Admiralty Act, Public Vessels Act, and other applicable statutes, as well as assignment of claims responsibilities in accordance with DOD Instruction 5515.08.
Perform other duties assigned by the JFC.
<b>Training</b>
Provide training to the JFC and staff on the law of war, ROE, standing and general orders issued by the commander, foreign law, ethics, procurement integrity, and other subjects as required and appropriate.
Provide training concerning status of US forces in foreign countries.

**Figure I-3. Joint Force Staff Judge Advocate's Duties and Responsibilities (cont.)**

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## 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.”*

**President Dwight Eisenhower**

#### 1. Introduction

a. Legal advisers within the Department of Defense perform a wide variety of planning tasks at the strategic, operational, and tactical levels. 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 advisers actively participate in the entire planning process from analysis, to course of action (COA) development and recommendation, through execution. Strategic and operational planning typically occurs at the JTF and higher echelons. Legal advisers 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 advisers 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), the Joint Strategic Planning System (JSPS), and the Joint Operation Planning and Execution System (JOPES). At the operational level, planning occurs under the umbrella of JOPES and primarily through the joint operational planning process. This chapter describes the role and responsibilities of the legal adviser at each echelon during the strategic and operational joint planning processes.

#### 2. Legal Support to Strategic Level Planning

a. The strategic-level planning processes within the NSCS, PPBE, JSPS, and JOPES take place primarily between the President and/or SecDef, the CJCS, and the CCDRs. Their legal advisers — the DOD GC, the LC, and the CCDRs SJAs — plan and coordinate Defense-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 adviser’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 the SecDef, CJCS, CCDRs, and their legal advisers within the NSCS.

<b>NATIONAL SECURITY COUNCIL SYSTEM DUTIES AND RESPONSIBILITIES</b>	
<b>Secretary of Defense</b>	<b>General Counsel of the Department of Defense</b>
<ul style="list-style-type: none"> <li>● <i>Serve as a statutory member of the National Security Council (NSC)</i></li> <li>● <i>Advise the President on all Department of Defense (DOD) matters</i></li> <li>● <i>Advise and assist the President in integrating all aspects of national security policy</i></li> <li>● <i>In response to crises, recommend preliminary courses of action and assignment of tasks to combatant commands</i></li> </ul>	<ul style="list-style-type: none"> <li>● <i>Provide legal advice to the SecDef on all NSCS matters</i></li> <li>● <i>Represent DOD in interagency legal working groups</i></li> <li>● <i>Review national security Presidential directives (NSPDs) for compliance with law and policy and make appropriate recommendations</i></li> <li>● <i>Coordinate legal issues with counterparts</i></li> </ul>
<b>Chairman of the Joint</b>	<b>Legal Counsel</b>
<ul style="list-style-type: none"> <li>● <i>Discharge statutory responsibilities as principal military advisor to the President, NSC, and Secretary of Defense (SecDef)</i></li> <li>● <i>Represent the concerns of the combatant commanders and Joint Chiefs in the National Security Council System (NSCS)</i></li> </ul>	<ul style="list-style-type: none"> <li>● <i>Provide legal advice to CJCS on all NSCS matters</i></li> <li>● <i>Represent CJCS in interagency legal working groups</i></li> <li>● <i>Review NSPDs for compliance with law and policy and make appropriate recommendations</i></li> <li>● <i>Coordinate legal issues with counterparts</i></li> </ul>
<b>Combatant Commander</b>	<b>Staff Judge Advocate</b>
<ul style="list-style-type: none"> <li>● <i>Communicate directly with the Chairman of the Joint Chiefs of Staff (CJCS) (the combatant commanders' representative in the NSCS) and with the committees and policy coordination committees (PCCs) of the NSCS</i></li> <li>● <i>Carry out statutory responsibilities for the area of responsibility (AOR) as directed by the President and SecDef</i></li> </ul>	<ul style="list-style-type: none"> <li>● <i>Provide legal advice to the combatant commanders on all NSCS matters</i></li> <li>● <i>Communicate directly with Legal Counsel, Office of the CJCS on issues being addressed in the interagency committees and interagency working groups</i></li> <li>● <i>Coordinate legal issues with counterparts and joint task force staff judge advocates in the AOR</i></li> </ul>

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

c. **PPBE.** The PPBE 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 combat support agencies. The major duties and responsibilities of the SecDef, CJCS, CCDRs, and their legal advisers within the PPBE are listed in Figure II-2.

<b>PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION DUTIES AND RESPONSIBILITIES</b>	
<p><b>Secretary of Defense</b></p> <ul style="list-style-type: none"> <li>• Issue defense planning guidance (DPG)</li> <li>• Issue program decision memoranda (PDMs)</li> <li>• Issue program budget decisions (PBDs)</li> <li>• Submit Department of Defense budget to the Office of Management and Budget for inclusion in the President's budget</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 (PPBE) matters</li> <li>• Review the DPG, PDMs, PBDs, and the Department of Defense budget for compliance with law and policy and make appropriate recommendations</li> <li>• Coordinate legal issues with counterparts</li> </ul>
<p><b>Chairman of the Joint Chiefs of Staff</b></p> <ul style="list-style-type: none"> <li>• Issue the Chairman's Program Requirements (CPR)</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 PPBE matters</li> <li>• Review the DPG, PDMs, PBDs, and Department of Defense budget for compliance with law and policy and make appropriate recommendations</li> <li>• Review the CPR 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>• Provide input to the CPR 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 (IPL) by providing combatant commander's IPL 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 PPBE 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-2. Planning, Programming, Budgeting, and Execution Duties and Responsibilities**

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 contingency planning and provides military advice to the President and SecDef and recommendations to the PPBE. 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 the SecDef, CJCS, CCDRs, and their legal advisers within the JSPS.

e. **JOPES.** The JOPES is the principal system within DOD for translating policy decisions into OPLANs and operation orders (OPORDs) in support of national security objectives. Legal advisers participate at all stages of this “adaptive” and collaborative planning system. Although



JOINT STRATEGIC PLANNING SYSTEM DUTIES AND RESPONSIBILITIES	
<b>Secretary of Defense</b>	<b>General Counsel of the Department of Defense</b>
<ul style="list-style-type: none"> <li>● Issue Joint Military Net Assessment (JMNA)</li> <li>● Issue Contingency Planning Guidance (CPG)</li> </ul>	<ul style="list-style-type: none"> <li>● Provide legal advice to the Secretary of Defense on all Joint Strategic Planning System (JSPS) matters</li> <li>● Review the JMNA and CPG for compliance with law and policy and make appropriate recommendations</li> <li>● Coordinate legal issues with counterparts</li> </ul>
<b>Chairman of the Joint Chiefs of Staff</b>	<b>Legal Counsel</b>
<ul style="list-style-type: none"> <li>● Conduct Joint Strategy Review (JSR)</li> <li>● Issue Chairman's Guidance (CG)</li> <li>● Issue National Military Strategy (NMS)</li> <li>● Issue Joint Planning Document (JPD)</li> <li>● Issue Joint Strategic Capabilities Plan (JSCP)</li> <li>● Issue Chairman's Program Assessment (CPA)</li> </ul>	<ul style="list-style-type: none"> <li>● Provide legal advice to the Chairman of the Joint Chiefs of Staff on all JSPS matters</li> <li>● Provide input during the JSR</li> <li>● Review the CG, NMS, JPD, JSCP, and CPA for compliance with law and policy and make appropriate recommendations</li> <li>● Coordinate legal issues with counterparts</li> </ul>
<b>Combatant Commander</b>	<b>Staff Judge Advocate</b>
<ul style="list-style-type: none"> <li>● Initiate and respond to JSR issue papers</li> <li>● Provide input to the CG, NMS, JPD, JSCP, and CPA</li> </ul>	<ul style="list-style-type: none"> <li>● Provide legal advice to the combatant commander on all JSPS 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

JOPES activities span many organizational levels, JOPES is primarily a strategic planning system consisting of contingency planning and crisis action planning (CAP). Contingency planning and CAP are interrelated and differ for the most part in the amount of available planning time.

(1) **Contingency 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 Chairman of the Joint Chiefs of Staff, CCDRs, and their legal advisers within the contingency planning process.

(2) **Crisis action planning** procedures are used to plan for and execute military operations in time-sensitive and imminent crisis situations. Legal counsel advises at each phase of CAP as the process adapts to accommodate the dynamic requirements of changing events. Figure II-5 highlights the

<b>JOINT OPERATION PLANNING AND EXECUTION SYSTEM CONTINGENCY PLANNING DUTIES AND RESPONSIBILITIES</b>	
<b>Chairman of the Joint Chiefs of Staff</b>	<b>Legal Counsel</b>
<b>Activity I, Strategic Guidance</b> <ul style="list-style-type: none"> <li>● Assign planning tasks to supported combatant commanders</li> <li>● Specify the types of plans required</li> <li>● Apportion forces and resources</li> <li>● Issue planning guidance</li> </ul>	<b>Activity I, Initiation JSCP</b> <ul style="list-style-type: none"> <li>● Review planning documents</li> <li>● Review applicable laws, policies, treaties, and agreements</li> </ul>
<b>Activity II, Concept Development</b> <ul style="list-style-type: none"> <li>● Review and approve the supported combatant commander's strategic concept</li> </ul>	<b>Activity II, Concept Development</b> <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>
<b>Activity III, Plan Development</b> <ul style="list-style-type: none"> <li>● Assist the supported combatant commander</li> </ul>	<b>Activity III, Plan Development</b> <ul style="list-style-type: none"> <li>● Assist the supported combatant command staff judge advocate</li> </ul>
<b>Activity IV, Plan Review</b> <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 (TPFDD) 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>	<b>Activity IV, Plan Review</b> <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>
<b>Activity V, Supporting Plans</b> <ul style="list-style-type: none"> <li>● Resolve critical issues that arise during the supported combatant command's review of supporting plan</li> </ul>	<b>Activity V, Supporting Plans</b> <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. Joint Operation Planning and Execution System Contingency Planning Duties and Responsibilities

key responsibilities of legal advisers at the Department of Defense, Joint Staff, and supported combatant commands in the initial phases of CAP. As the planning process moves into the CAP execution phase, legal advisers of supporting and component organizations provide operational planning support.

<b>JOINT OPERATION PLANNING AND EXECUTION SYSTEM CONTINGENCY PLANNING DUTIES AND RESPONSIBILITIES (cont.)</b>	
Combatant Commands	Staff Judge Advocate
<p style="text-align: center; color: purple;"><b>Activity I, Strategic Guidance</b></p> <ul style="list-style-type: none"> <li>● <i>Initiate plans assigned by the JSCP or as necessary to discharge command responsibilities</i></li> </ul>	<p style="text-align: center; color: purple;"><b>Activity I, Initiation JSCP</b></p> <ul style="list-style-type: none"> <li>● <i>Contact legal counterparts and establish the basis for concurrent planning</i></li> </ul>
<p style="text-align: center; color: purple;"><b>Activity II, Concept Development</b></p> <ul style="list-style-type: none"> <li>● <i>Perform mission analysis</i></li> <li>● <i>Issue planning guidance</i></li> <li>● <i>Prepare commander's estimate</i></li> <li>● <i>Prepare the combatant command's strategic concept</i></li> </ul>	<p style="text-align: center; color: purple;"><b>Activity II, Concept Development</b></p> <ul style="list-style-type: none"> <li>● <i>Review planning documents</i></li> <li>● <i>Review applicable laws, policies, treaties, agreements, and guidance documents</i></li> <li>● <i>Summarize relevant legal considerations (authorities, restraints, and constraints) and recommend their incorporation into the combatant command's planning guidance and strategic concepts</i></li> </ul>
<p style="text-align: center; color: purple;"><b>Activity III, Plan Development</b></p> <ul style="list-style-type: none"> <li>● <i>Expand and formally document the concept of operations with assistance from supporting commanders</i></li> </ul> <p><i>Address potential host nation issues in supporting AORs</i></p>	<p style="text-align: center; color: purple;"><b>Activity III, Plan Development</b></p> <ul style="list-style-type: none"> <li>● <i>Assist the supported combatant commander</i></li> <li>● <i>Coordinate legal issues with counterparts in all affected AORs</i></li> </ul>
<p style="text-align: center; color: purple;"><b>Activity IV, Plan Review</b></p> <ul style="list-style-type: none"> <li>● <i>In coordination with the Joint Chiefs, Services, and Defense agencies, assess and validate the supported combatant commander's operation plan (OPLAN) and time-phased force and deployment data (TPFDD) using criteria of adequacy, feasibility, acceptability, and compliance with joint doctrine</i></li> <li>● <i>Approve or disapprove the OPLAN for reasons stated</i></li> <li>● <i>Identify specific actions planned or programmed to redress any shortfalls</i></li> </ul>	<p style="text-align: center; color: purple;"><b>Activity IV, Plan Review</b></p> <ul style="list-style-type: none"> <li>● <i>Review the supported combatant command's OPLAN for legal sufficiency and make appropriate recommendations</i></li> <li>● <i>Coordinate legal issues with counterparts</i></li> <li>● <i>Review and/or evaluate necessity for overflight, basing and logistics agreements</i></li> </ul>
<p style="text-align: center; color: purple;"><b>Activity V, Supporting</b></p> <ul style="list-style-type: none"> <li>● <i>Resolve critical issues that arise during the supported combatant command's review of supporting plan</i></li> </ul>	<p style="text-align: center; color: purple;"><b>Activity V, Supporting Plans</b></p> <ul style="list-style-type: none"> <li>● <i>Crosswalk supporting plans to ensure that they are legally correct, complete, and consistent, and make appropriate recommendations</i></li> </ul>

**Figure II-4. Joint Operation Planning and Execution System Contingency Planning Duties and Responsibilities (cont.)**

*For detailed guidance on JOPES, see Chairman of the Joint Chiefs of Staff Manual (CJCSM) 3122.01A Joint Operation Planning and Execution System Vol I: (Planning Policies, and Procedures); CJCSM 3122.02C, Joint Operation Planning and Execution System Vol III: (Crisis Action Time-Phased Force and Deployment Data Development and Deployment Execution, CJCSM 3122.03B, Joint Operation Planning and Execution System Vol II: (Planning Formats);*

JOINT OPERATION PLANNING AND EXECUTION SYSTEM CRISIS ACTION PLANNING DUTIES AND RESPONSIBILITIES	
<b>Secretary of Defense</b>	<b>General Counsel of the Department of Defense</b>
<ul style="list-style-type: none"> <li>● Approve alert orders</li> <li>● Approve deployment orders</li> <li>● Approve operation orders</li> <li>● Approve execute orders</li> <li>● Approve rules of engagement (ROE) requests</li> </ul>	<ul style="list-style-type: none"> <li>● Ensure that all plans, orders, policies, rules of engagement (ROE), 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</li> <li>● Provide overall legal guidance related to prompt reporting, investigation and appropriate action under the DOD Law of War Program for alleged violations of the law of war.</li> <li>● Coordinate DOD-wide legal support</li> <li>● Coordinate legal issues with interagency lawyer's working group as appropriate.</li> </ul>
<b>Chairman of the Joint Chiefs of Staff</b>	<b>Legal Counsel</b>
<b>Component I, Situation Awareness</b>	<b>Component I, Situation Awareness</b>
<ul style="list-style-type: none"> <li>● <i>Situation Development. Detect, report, and assess events that have potential national security implications to determine whether a military response may be required.</i></li> <li>● <i>Crisis Assessment. Analyze the situation and advise the President and/or Secretary of Defense (SecDef) of possible military action. Obtain a decision by the President and/or SecDef to develop military options.</i></li> </ul>	<ul style="list-style-type: none"> <li>● <i>Situation Development</i></li> <li>● <i>Review planning documents</i></li> <li>● <i>Contact counterparts and establish the basis for concurrent planning</i></li> <li>● <i>Review applicable laws, policies, treaties, and agreements</i></li> <li>● <i>Summarize relevant legal considerations (authorities, restraints, and constraints) and provide them to the Joint Staff, Chairman of the Joint Chiefs of Staff (CJCS), and counterparts</i></li> <li>● <i>Crisis Assessment. Refine the legal considerations, authorities, and constraints</i></li> </ul>
<b>Component II, Planning</b>	<b>Component II, Planning</b>
<ul style="list-style-type: none"> <li>● <i>Course of Action (COA) Development. Issue planning guidance directive, normally in the form of a Chairman of the Joint Chiefs of Staff (CJCS) warning or planning order.</i></li> <li>● <i>Detailed Plan Development. Detailed planning begins with the CJCSI-issue planning or alert order. CJCS monitors the execution planning activities and reviews the supported commander's operation order or execute order for adequacy and feasibility.</i></li> </ul>	<ul style="list-style-type: none"> <li>● <i>Incorporate legal considerations into the planning guidance directive.</i></li> <li>● <i>Review the supported combatant commander's estimate for compliance with law and policy and make appropriate recommendations.</i></li> <li>● <i>Coordinate legal issues with counterparts.</i></li> </ul>
<b>Component III, Execution</b>	<b>Component III, Execution</b>
<ul style="list-style-type: none"> <li>● <i>CJCS publishes the execute order following approval by SecDef.</i></li> <li>● <i>CJCS monitors the deployment and employment of forces and takes action as needed.</i></li> </ul>	<ul style="list-style-type: none"> <li>● <i>Monitor operations for legal issues as required.</i></li> </ul>

Figure II-5 Joint Operation Planning and Execution System Crisis Action Planning Duties and Responsibilities

JOINT OPERATION PLANNING AND EXECUTION SYSTEM CRISIS ACTION PLANNING DUTIES AND RESPONSIBILITIES (cont.)	
Combatant Commands	Legal Counsel
<p style="text-align: center; color: purple;"><b>Component I, Situation Awareness</b></p> <ul style="list-style-type: none"> <li>● <i>Situation Development. Detect, report, and assess events that have potential national security implications to determine whether a military response may be required.</i></li> <li>● <i>Crisis Assessment. 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 SecDef and CJCS informed of new developments. Establish a newsgroup supporting the crisis action, and announce it by message.</i></li> </ul>	<p style="text-align: center; color: purple;"><b>Component I, Situation Awareness</b></p> <ul style="list-style-type: none"> <li>● <i>Situation Development</i></li> <li>● <i>Contact legal counterparts and establish the basis for concurrent planning.</i></li> <li>● <i>Review planning documents.</i></li> <li>● <i>Review applicable laws, policies, treaties, agreements, and arrangements in all affected AORs.</i></li> <li>● <i>Summarize relevant legal considerations (authorities, restraints, and constraints) and provide them to the crisis action team, combatant commanders, and counterparts.</i></li> <li>● <i>Crisis Assessment. Refine the legal considerations.</i></li> </ul>
<p style="text-align: center; color: purple;"><b>Component II, Planning</b></p> <ul style="list-style-type: none"> <li>● <i>Course of Action (COA) Development.</i></li> <li>● <i>In coordination with subordinate and supporting commanders, develop and analyze COAs</i></li> <li>● <i>Review and use applicable plans</i></li> <li>● <i>Detailed Plan Development.</i></li> <li>● <i>Issue guidance to subordinate and supporting commanders for time-phased force and deployment data development</i></li> <li>● <i>Submit the commander's estimate to the President and/or SecDef and Chairman of the Joint Chiefs of Staff.</i></li> <li>● <i>Begin detailed execution planning upon receipt of a planning order or alert order.</i></li> </ul>	<p style="text-align: center; color: purple;"><b>Component II, Planning</b></p> <ul style="list-style-type: none"> <li>● <i>Incorporate legal considerations and instructions for developing ROE in the combatant commander's planning guidance.</i></li> <li>● <i>Review the combatant commander's estimate for compliance with law and policy and make appropriate recommendations.</i></li> <li>● <i>Coordinate legal issues and support requirements with counterparts.</i></li> <li>● <i>Contact legal counterparts and facilitate concurrent planning.</i></li> <li>● <i>Review and validate any JA JTF JMD requirements and synchronize joint legal support.</i></li> </ul>
<p style="text-align: center; color: purple;"><b>Component III, Execution</b></p> <ul style="list-style-type: none"> <li>● <i>Execute the operation order.</i></li> <li>● <i>Report force shortfalls to CJCS for resolution.</i></li> </ul>	<p style="text-align: center; color: purple;"><b>Component III, Execution</b></p> <ul style="list-style-type: none"> <li>● <i>Monitor operations for legal issues as required.</i></li> <li>● <i>Ensure legal arrangements for deployment/redeployment with host nations are in place through US Embassies on all affected AORs.</i></li> </ul>

**Figure II-5 Joint Operation Planning and Execution System Crisis Action Planning Duties and Responsibilities (cont.)**

Chairman of the Joint Chiefs of Staff Instruction *CJCSI 3100.01A*, Joint Strategic Planning System; and the User's Guide for JOPES.

### 3. 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 commander of a JTF. Regardless of the level

of command, the legal adviser has a key support role in developing legally sufficient plans and orders that support achievement of the operational objectives.

### **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**

b. The joint force SJA’s planning activities span the entire process of mission analysis, COA development, COA analysis, COA comparison, COA selection, OPORD development, issuing and synchronizing of the OPORD, and rehearsal. 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 detailed below.

#### **(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 the full spectrum of the operation. The SJA reviews and monitors relevant legal aspects of potential COAs and evaluates the potential legal consequences resulting from primary and secondary effects.

(b) The joint force SJA should be familiar with the unique capabilities of air, land, sea, space, and special operations legal organizations and understand their role in supporting the JFC’s concept of operations. The joint force SJA’s ultimate goal includes promoting effectiveness, synchronizing unity of effort, and preventing unnecessary duplication of functions among Service legal organizations. The joint force SJA’s concept of support should address deployment, entry, buildup, application, and redeployment of legal resources and identify and reinforce priorities of support.

(2) **Mission Analysis** (see Figure II-6). The joint planning staff’s focus in operational planning begins with mission analysis. **The SJA (or a 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.

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

(a) During COA development, COAs are proposed and evaluated to ensure that they are suitable, feasible, and legal. **If a COA is legally objectionable, the joint force SJA should seek**



Figure II-6. Mission Analysis

**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 [J5]), in determining **whether the standing rules of engagement/standing rules for the use of force (SROE/SRUF) 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, for example, 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, and cross border operations; and use of all necessary means during special operations, collective self-



Figure II-7. Course of Action Development



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, collateral damage (LOAC-standard or minimum possible), attacking space assets, computer network attack, destruction of designated lines of communications or facilities, destruction of designated major supplies or resources, and detention of civilians. Other areas that require review include detention and interrogation operations, treatment of civilians, integration of contractor personnel, and intelligence operations.

(4) **COA Analysis** (see Figure II-8). **During COA analysis, the joint force SJA participates in the disciplined process of war gaming 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.

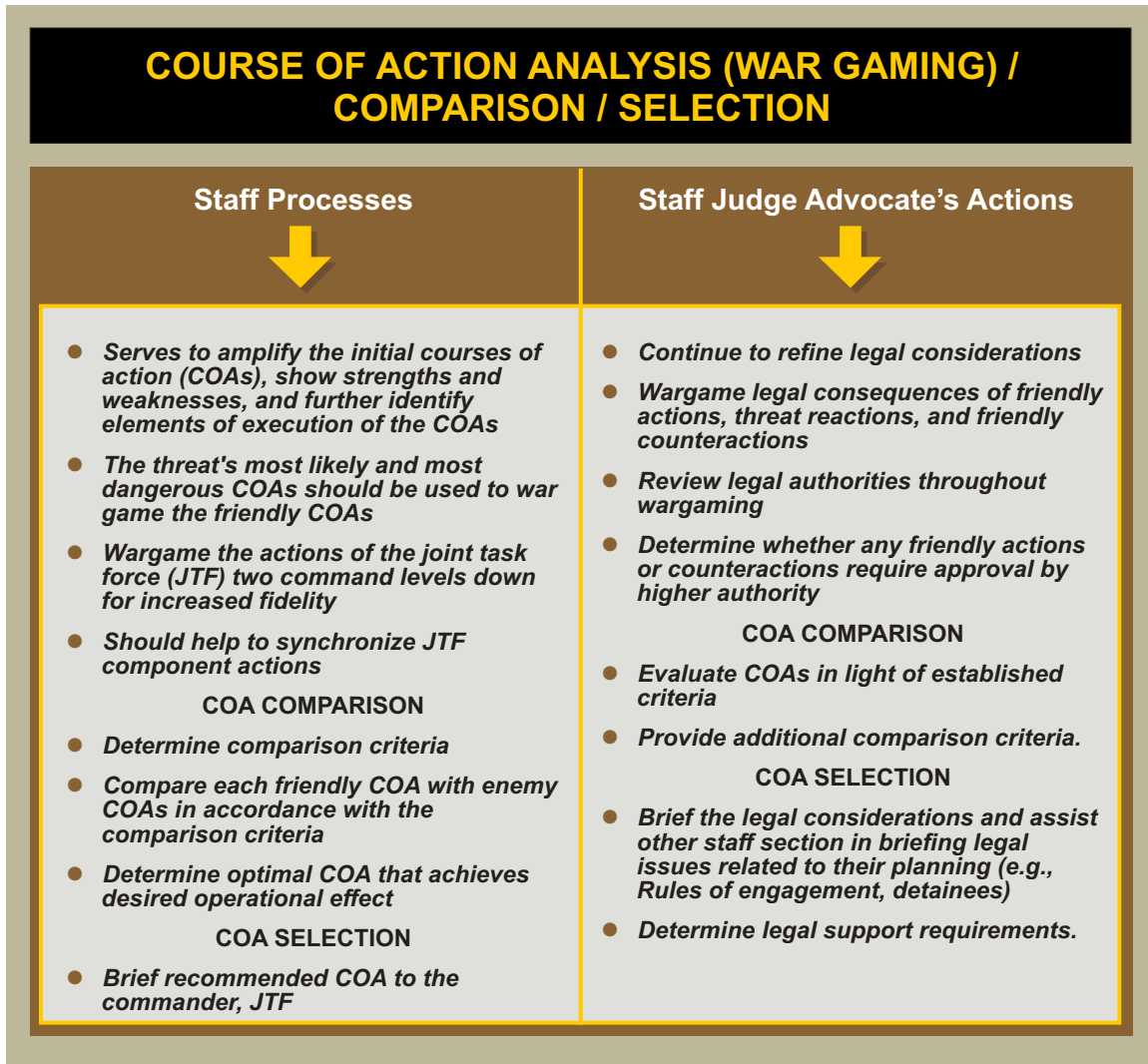
(5) **COA Comparison** (see Figure II-8). **During COA comparison, the joint force SJA assists in developing comparison criteria that identify the legal advantages and disadvantages of each COA.**

(6) **COA Selection** (see Figure II-8). 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.**

(7) **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 3122.03B, *Joint Operation Planning and Execution System Vol II: (Planning Formats)*. In addition, the SJA assists the J-3 or J-5 in preparing ROE request and authorization messages in 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 any legal considerations that may affect implementation of the plan or order (e.g., status of forces, ROE, international agreements, law of war, and United Nations Security Council resolutions).

(b) The **legal appendix** to the personnel annex (always Appendix 4 to Annex E) 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, host nation (HN), and reciprocal support agreements; define key terms; establish coordinating and other administrative instructions; and state policies and procedures for all matters within the joint



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

(c) The joint force SJA reviews and assists other staff sections in the preparation of other annexes that have significant legal implications for the operation. Often the most significant include the appendices for operations including **ROE, EPWs and detainees, intelligence, logistic (specifically the contracting support plan), and force protection. The significance of each appendix will vary depending on the desired effect for each operation.** The joint force SJA must read the entire OPORD to ensure it is consistent with applicable law and policy.

(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 joint operations area

(JOA), as appropriate. For multinational operations, close coordination with the allied or coalition force legal advisor is critical.

(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 that they are legally correct, complete, and consistent. 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

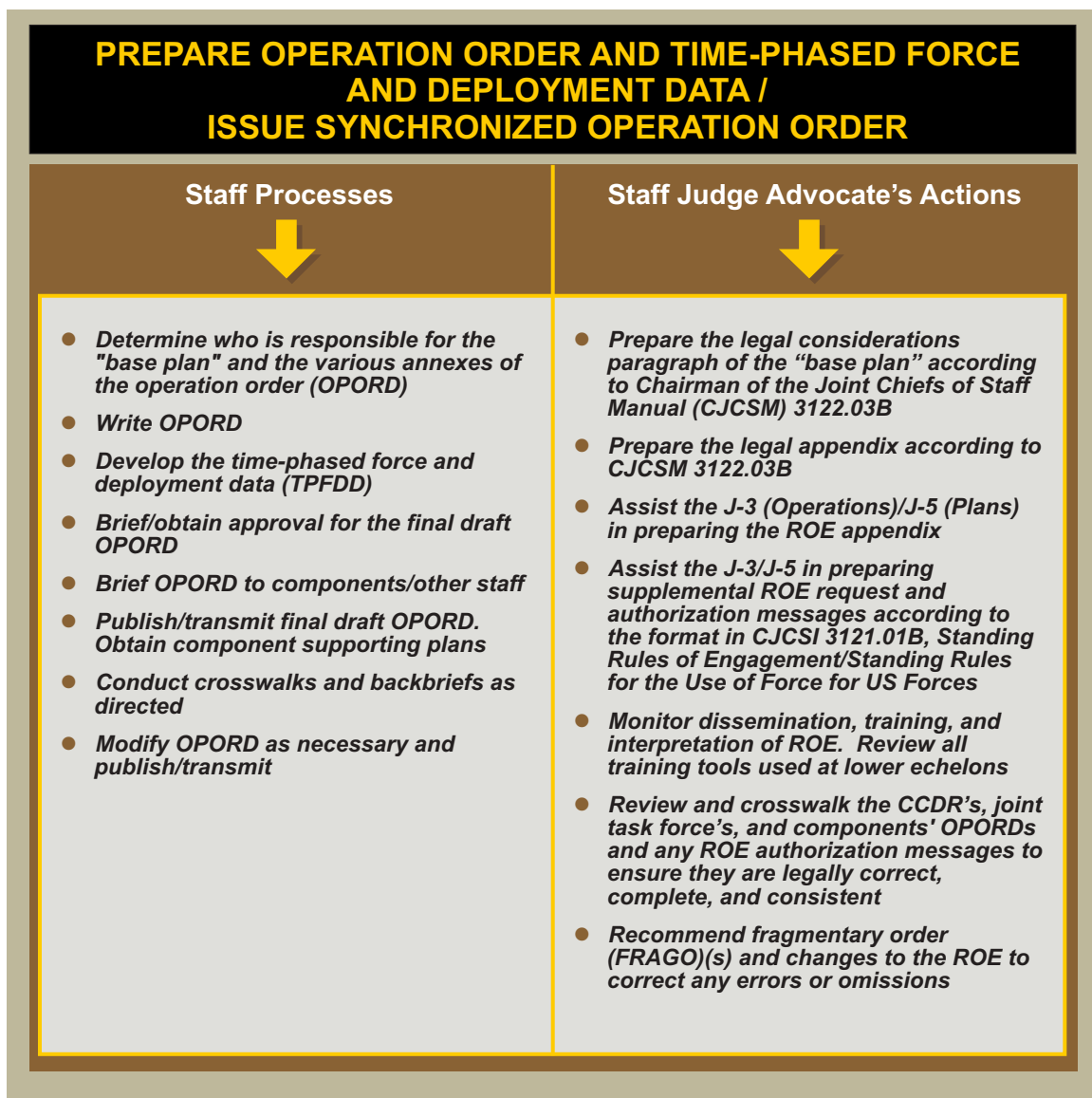


Figure II-9. Prepare Operation Order and Time-Phased Force and Deployment Data / Issue Synchronized Operation Order

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 and ROE situational training).

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

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## 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 MEF (1994-1996)**

#### 1. Introduction

a. The number of JTFs established to conduct specific operational or functional missions has grown exponentially in recent years – increasing over 100 percent between 2000 and 2005. Because the JTF is likely to be the command structure of choice in future contingency operations, it is critical to develop joint guidance and doctrine for legal support to this level of command. As the principal legal adviser to the commander, joint task force (CJTF) and JTF staff, the JTF SJA is responsible for the organization and employment of legal personnel assigned or attached to the JTF headquarters. The JTF SJA provides full spectrum legal service to the JTF HQ and coordinates with the supported combatant commander’s SJA and supporting component SJAs to optimize legal support throughout the JTF.

b. This chapter provides guidance on establishing, staffing, training, equipping, and employing a JTF SJA section. Although this chapter focuses specifically on a JTF, it is an applicable framework for

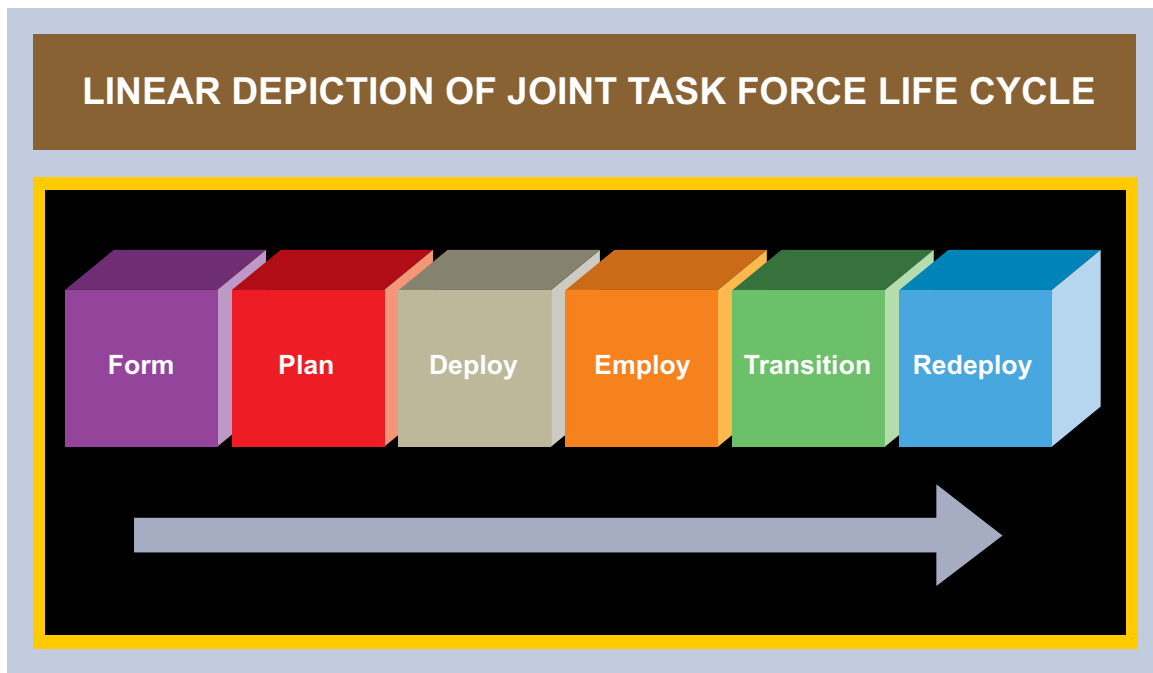


Figure III-1. Linear Depiction of Joint Task Force Life Cycle

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 forming, planning, deploying, employing, transitioning, and redeploying (See Figure III-1). Although this 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-2). The SJA section supporting a JTF HQ similarly must be dynamic in its organization, planning, training, and execution.

## 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 boards, centers, cells, and working groups 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 boards, centers, cells, and working groups of the JTF.

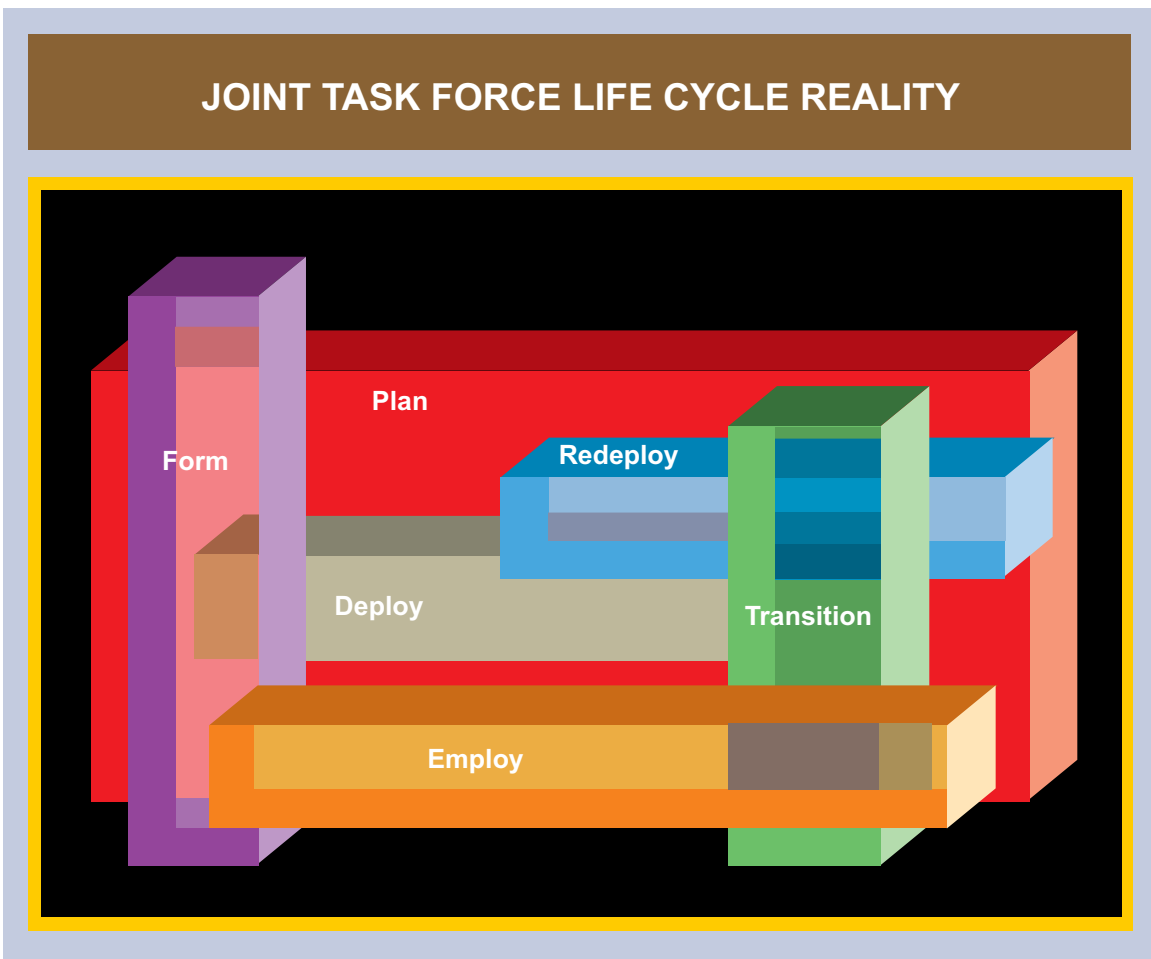


Figure III-2. Joint Task Force Life Cycle Reality

b. Boards, Centers, Cells, and Working Groups

(1) JTF mission planning and execution is conducted through various boards, centers, cells, and working groups formed to allow cross-functional synchronization of effort in a specific area of interest (See Figure III-3). Although the specific boards, centers, cells, and working groups vary according to the JTF mission, all should have a central planning group or joint planning group (JPG). The JTF SJA (or SJA representative) normally serves as a key member of the JPG. The JPG provides initial assessment of a crisis situation, develops the organization of the JTF, and conducts CAP. The SJA, as a JPG member, is familiar with the CAP process and the JOPES products. The JTF SJA assists the JPG by identifying domestic and international law considerations that may affect operational planning. To help with immediate legal support to the JPG, the JTF SJA section initially may be augmented by a judge advocate from a combatant command standing joint force headquarters (SJFHQ) or from a joint legal support element (JLSE).

(2) In addition to the JPG, the JTF SJA typically is a key 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 (JTCB), the joint interrogation and detention facility board, the joint military police agency, the joint acquisition board, and the joint reception center. Legal advisers are also assigned as members of any board, center, or cell that will likely face significant legal issues on a recurring basis, for example, Medical Resource Boards.

*For further details regarding the composition of a JTF see, JP 3-33, Joint Task Force Headquarters and JP 3-57, Joint Doctrine for Civil-Military Operations.*

c. Functional Areas. In addition to the direct support provided to the boards, centers, cells, and working groups, the JTF SJA is prepared, either directly or through the CIE, to provide legal support to the CJTF and the entire staff across the full spectrum of 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) Domestic operations law;



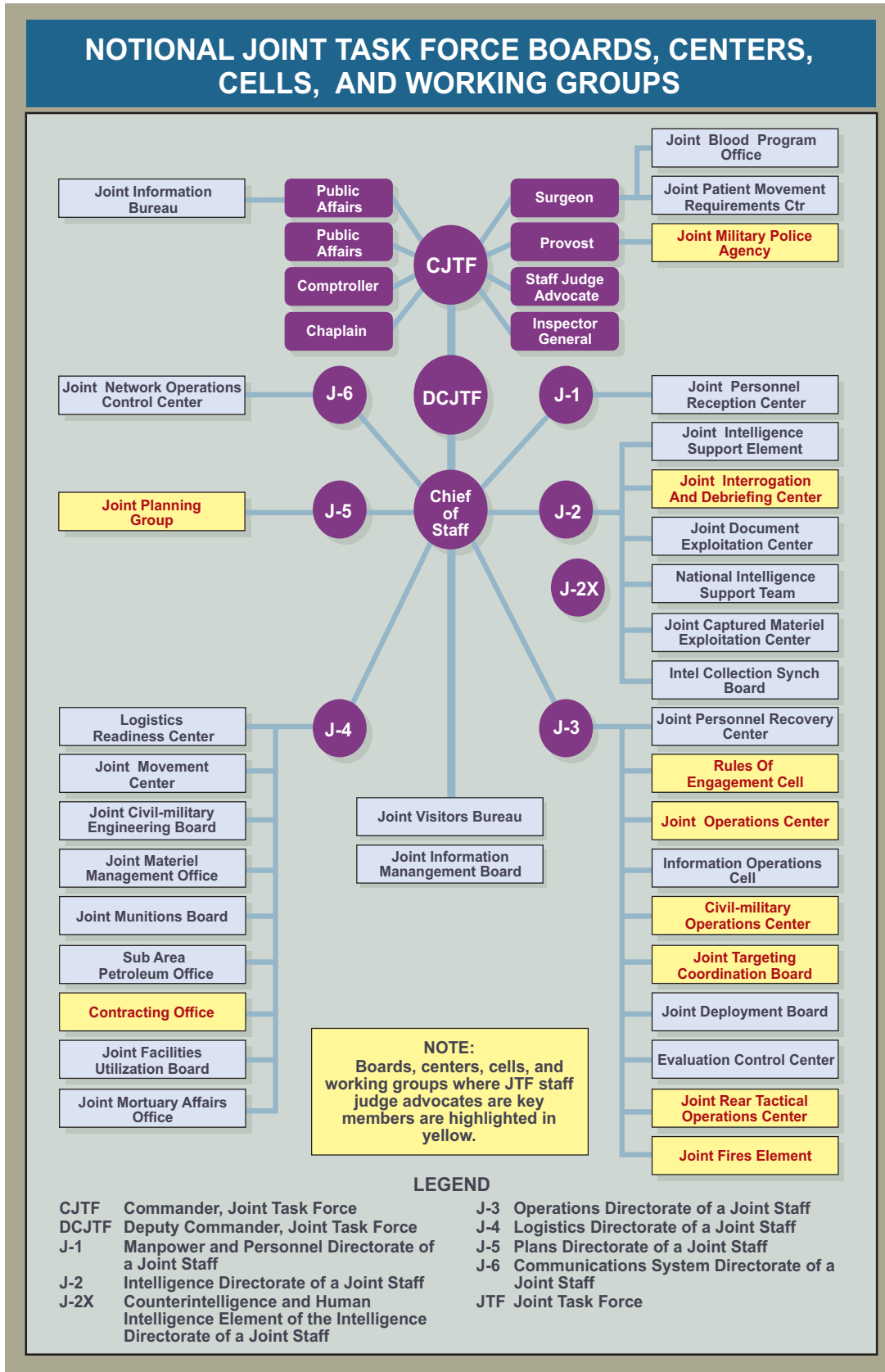


Figure III-3. Notional Joint Task Force Boards, Centers, Cells, and Working Groups

- (8) Environmental law;
- (9) Ethics and Standards of Conduct;
- (10) Fiscal law;
- (11) Intellectual property law;
- (12) Intelligence law;
- (13) International, comparative, and foreign law;
- (14) Law of the sea;
- (15) Law of war.
- (16) Labor and civilian personnel law;
- (17) Legal assistance;
- (18) Legal training;
- (19) Litigation;
- (20) Medical law;
- (21) Military Justice;
- (22) Military personnel law, including adverse actions;
- (23) Operational law;
- (24) Real property law;
- (25) Regulatory law;
- (26) Tax law;
- (27) Transportation law;
- (28) Telecommunications law; and
- (29) 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 Corps, US Air Force (2002); Judge Advocate General Instruction 5800.7D, Manual of the Judge Advocate General, Judge Advocate General's Corps, US Navy 2002; Naval Warfare Publication (NWP) 1-14M, 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 are responsible for developing 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 critically 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 is responsible for integrating and synchronizing the wide range of legal capabilities available throughout the JTF. The JTF SJA must 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 must be in close coordination with counterparts at higher, lower, and adjacent headquarters 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, tactics, and detention); terrain (land, sea, air, and space); forces (composition of the joint force); time available (for JTF forming and mission duration); civilian issues (contractors, interagency personnel, nongovernmental and intergovernmental personnel, and international civilian organizations); and political factors and the effect these factors will have on required legal support.

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

(3) Be prepared to support actively and provide SJA representation to the specific JTF boards, centers, cells, and working groups 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 reach back to functional experts via the CIE.

(5) Balance the SJA section staffing as to numbers, experience, influence of position, and rank of component, allied, and coalition members of the operation 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 combatant commander 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 must 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 force doctrine and organizations.

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

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

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. The JTF SJA's approach to jointness is the critical element in building this 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. The SecDef and CCDRs have many options in establishing a JTF HQ. The JTF HQ can be established either by using a standing JTF HQ, by augmenting a core Service component HQ or by forming an ad hoc HQ from multiple services. With any method, the CJTF will propose a JTF JMD that lists the personnel staffing requirements for all elements of that JTF HQ. 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 first step in ensuring optimal legal support for the JTF.

b. Historical reviews of past JTF JMDs and joint judge advocate 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 land-based JTF operating on a 24-hour battle rhythm with a 2- or 3-star commander where all Services comprise the joint force, has a staffing complement of 14 personnel. This notional JTF SJA section, organized into three subsections—operational law, legal services, and administration—includes the following:

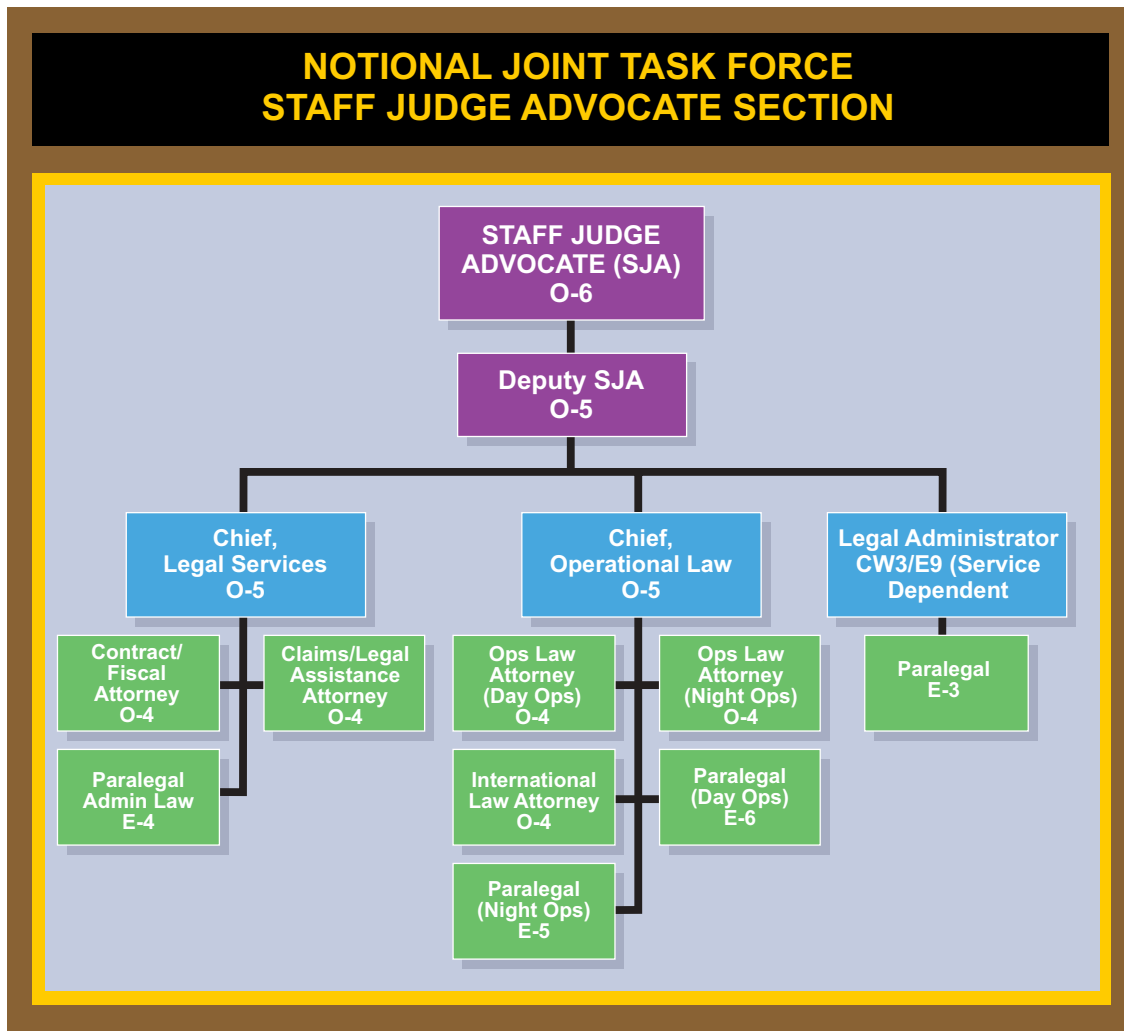
- (1) SJA (Rank O-6);
- (2) Deputy SJA (O-5);
- (3) Chief, Operational Law (O-5);
- (4) Two Operational Law Attorneys (O-4) (day and night operations);
- (5) One International Law Attorney (O-4);
- (6) Chief, Legal Services (O-5);
- (7) One Contract/Fiscal Law Attorney (O-4);
- (8) One Claims/Legal Assistance Law Attorney (O-4);
- (9) One Legal Administrator (chief warrant officer/E-9 (Service dependent); and
- (10) Four Paralegals (E-6, E-5, E-4, E-3).

c. The notional JTF SJA section reflects a starting point for SJA staff planning that ensures the many boards, centers, cells, and working groups 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-4).

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 resource for the JTF SJA is the Joint Judge Advocate Sourcing Working Group comprised of Service, supported combatant command, and USJFCOM SJA representatives who work to ensure that trained and qualified judge advocates and paralegals are sourced to fill specific JTF SJA JMD requirements.

### e. Augmentation of the SJA Section

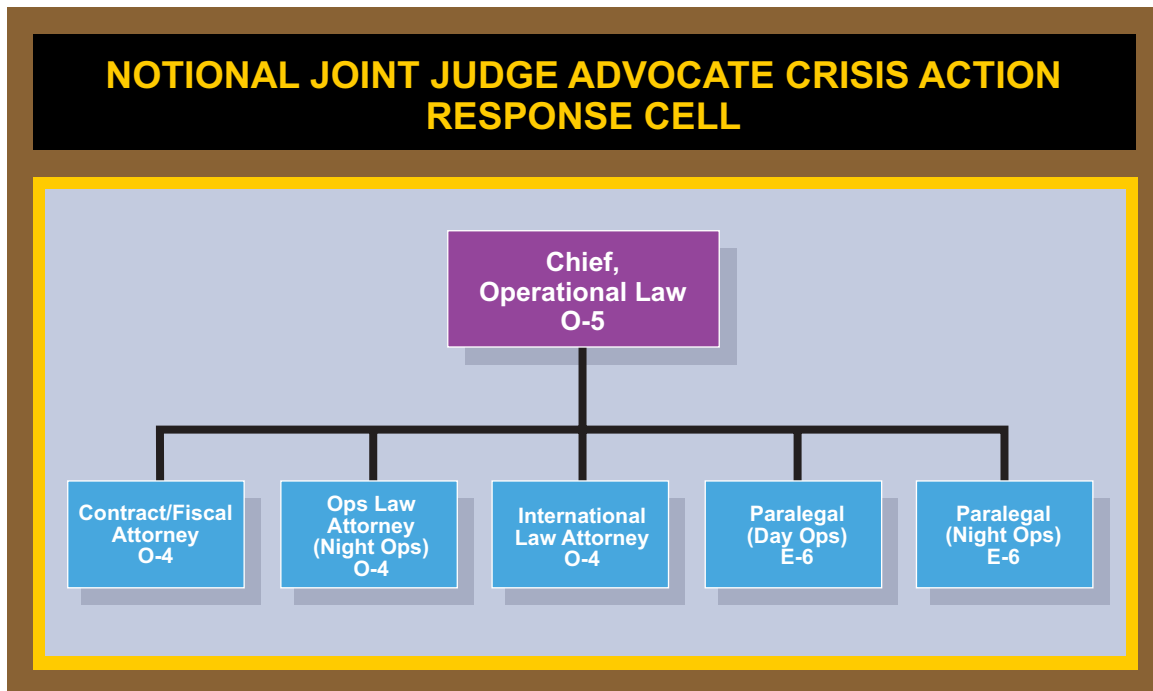
(1) The core JTF staff often is formed from an existing Service component HQ. This Service component HQ transforms into a joint organization and typically is augmented by other service personnel.



**Figure III-4. Notional Joint Task Force Staff Judge Advocate Section**

This augmentation may come in several forms. Immediate augmentation for CAP may come from part or all of the combatant command SJFHQ or from a JLSE, which is a multi-Service, multidisciplined legal enabling capability comprised of judge advocates or civilian attorneys assigned to the CCDR's staff. The SJFHQ JAs and JLSE can provide responsive legal expertise to the CJTF and staff during CAP. The SJFHQ 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 SJFHQ 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 politicalmilitary situation and the CCDR's plan and intent for resolving the crisis. If the SJFHQ does not include a judge advocate, 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-5). This cell, which could be sourced with JAs from combatant command components and/or Service HQs, provides the JTF SJA with immediate joint legal capability that augments the JTF



**Figure III-5. Notional Joint Judge Advocate Crisis Action Response Cell**

SJA section until permanent 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 (RFF) through the JTF J-3. This cell, like the judge advocate from the SJFHQ or JLSE, becomes part of the JTF SJA section and provides the JTF SJA immediate legal support in critical 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 1301.01C, *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 CDR assigns missions to subordinate JFCs and validates the forces required to accomplish those missions. Once validated, the CDR secures the required augmentees from the combatant command staff and component commands. (Exception: Requirements for SOF are sourced directly through theater special operations commands to USSOCOM.) The combatant command components source as much of the required joint force as possible from internal resources. Remaining requirements are passed to the appropriate Service headquarters for individual augmentee sourcing.

(4) The Joint JA Sourcing Working Group comprised of Service, combatant command, 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 recommendations to the prioritization sourcing review boards conducted for each JTF to ensure that the SJA sections of each JTF are adequately sourced from the appropriate service and with the appropriate legal and other necessary operational skill qualifications and training.

## 5. Joint Staff Judge Advocate Training

a. Joint training – the cornerstone to joint readiness – is one of the most critical 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 must ensure that assigned or attached personnel have the requisite individual training. All members of the JTF SJA section must have training in three areas – legal, joint, and operational (See Figure III-6). Although the level of experience and/or training in joint operations and legal issues may vary based upon the position and rank, all personnel must have commensurate operational 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, maritime operations, and ground maneuver operations) 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 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, senior JAs should attend the Joint Operational Law Course. This course provides advanced legal and joint training focused on the joint operational environment.

(2) Joint Training. The JTF SJA understands 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 by completing a qualifying course, either in residence or by correspondence.

(3) Operational Training. All 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 required of JAs within all of the Services. Consequently, certain operational skills must be acquired before embarking for service in a JTF SJA section. Operational skills training should include the following and may be augmented depending on mission requirements:

- (a) Individual weapons qualifications;
- (b) Nuclear, biological, and chemical training;
- (c) Force protection training;
- (d) Land navigation training;



SKILLS SETS FOR THE JOINT TASK FORCE JUDGE ADVOCATE			
Legal Skills	Joint Skills	Operational Skills	
<ul style="list-style-type: none"> <li>● <i>Joint Military Justice</i></li> <li>● <i>Operational Law: Law of War/ROE/RUF</i></li> <li>● <i>International Law</i></li> <li>● <i>Administrative Law</i></li> <li>● <i>Fiscal &amp; Contract Law</i></li> <li>● <i>Ethics</i></li> <li>● <i>Claims</i></li> <li>● <i>Detainee Ops</i></li> <li>● <i>Intelligence Law (Interrogations, Oversight)</i></li> <li>● <i>Non Combatants/Post-Conflict Ops</i></li> <li>● <i>Civil-Military Operations/Humanitarian Assistance</i></li> </ul>	<ul style="list-style-type: none"> <li>● <i>National Security Structure</i></li> <li>● <i>Joint Staff Structure</i></li> <li>● <i>Task Org/Cmd &amp; Support Relationships</i></li> <li>● <i>Military Decision-Making Process</i></li> <li>● <i>Plans/Orders</i></li> <li>● <i>JOPES/Joint Planning</i></li> <li>● <i>Targeting Ops</i></li> <li>● <i>Staff Studies</i></li> <li>● <i>Leadership/Training</i></li> <li>● <i>JPME1 (JPOC)</i></li> <li>● <i>Foreign Disclosure/Security</i></li> </ul>	<ul style="list-style-type: none"> <li>● <i>Weapons Qualification</i></li> <li>● <i>NBC</i></li> <li>● <i>Force Protection (Convoy Ops, IED recognition, etc.)</i></li> <li>● <i>First Aid</i></li> <li>● <i>Communications</i></li> <li>● <i>Navigation</i></li> <li>● <i>Troop Leading Procedures</i></li> <li>● <i>Military Briefing</i></li> <li>● <i>JOC Watch Standing</i></li> <li>● <i>Licensed to Operate/Drive Tactical Vehicle (e.g., HMMWV)</i></li> </ul>	
<b>LEGEND</b>			
IED	Improvised Explosive Device	JPOC	Joint Planning Orientation Course
JOC	Joint Operations Center	NBC	Nuclear, Biological, Chemical
JOPES	Joint Operations Planning and Execution System	OPLAW	Operational Law
JPME1	Joint Professional Military Education (Phase 1)	ROE	Rules of Engagement
		RUF	Rules for the Use of Force

Figure III-6. Skills Sets for the Joint Task Force Judge Advocate

- (e) JOC watch standing training;
- (f) Communications training;
- (g) Convoy operations training; and
- (h) First aid training.

(4) When a military 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 augmentation sourcing process (See Figure III-7).

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, is responsible for assisting the CJTF in developing 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 is responsible for identifying supporting tasks performed by the SJA section and in assisting subordinate component SJAs in identifying supporting tasks performed by their sections. The JTF SJA

COMPETENCIES FOR JOINT TASK FORCE STAFF JUDGE ADVOCATE SECTION MEMBERS			
DUTY TITLE	TRAINING/EXPERIENCE		
<i>Staff Judge Advocate</i>	<i>Operational Skills/JPOC/JOLC/Significant OPLAW Experience and Related Joint HQ Experience Reserve Components Matters</i>		
<i>Deputy Staff Judge Advocate</i>	<i>Operational Skills/JPOC/JOLC/Significant OPLAW Experience or Related Joint HQ Experience</i>		
<i>Chief, Legal Services</i>	<i>Operational Skills/JPOC/JOLC/Contract and Fiscal Law Courses or Subject Matter Experience</i>		
<i>Claims/Legal Assistance Attorney</i>	<i>Operational Skills/JPOC/JOLC/Subject Matter Experience</i>		
<i>Contract/Fiscal Law Attorney</i>	<i>Operational Skills/JPOC/JOLC/Subject Matter Experience</i>		
<i>Chief, Ops Law</i>	<i>Operational Skills/JPOC/JOLC/LLM in International/Military Law or Significant Subject Matter Experience</i>		
<i>Ops Law Attorneys</i>	<i>Operational Skills/JPOC/LOMO or OPLAW Course or JAGFLAG or Subject Matter Experience</i>		
<i>International Law Attorney</i>	<i>Operational Skills/JPOC/JOLC/LLM in International/Military Law or Subject Matter Experience</i>		
<i>Legal Administrator</i>	<i>Operational Skills/JPOC</i>		
<i>Ops Paralegals</i>	<i>Operational Skills/JPOC/COC Familiarization</i>		
<i>Paralegals</i>	<i>Operational Skills</i>		
LEGEND			
COC	Code of Conduct	LLM	Master of Laws
JAGFLAG	Air Force Operations Law Course	LOMO	Law of Military Operations Course
JOLC	Joint Operational Law Course	OPLAW	Operational Law
JPOC	Joint Planning Orientation Course		

Figure III-7. Competencies for Joint Task Force Staff Judge Advocate Section Members

also is responsible for developing 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 statement, the operations of the JTF HQ staff, the responsibilities of the JTF SJA section, and their specific billet role in the section. Because the JTF is augmented with personnel from different services and from Active and Reserve Components, the JTF section training program should include an orientation to the specific JTF HQ that includes the boards, centers, and cells that the SJA 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 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) LOAC;
- (b) ROE/RUF;
- (c) Host country or specific domestic law;
- (d) General orders applicable to the JTF;
- (e) Ethics and Standards of Conduct;
- (f) Procurement/fiscal considerations and constraints; and
- (g) 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 logistics 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 logistics 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. The equipment requirements consider the individual, the section, the law library and other research capabilities, and the necessity for SJA section participation in the CIE. Considering these factors, the equipment development process should:

(1) Identify equipment and facilities requirements relative to each JTF SJA personnel position requirement.

(2) Identify communications system requirements (e.g., video teleconferencing) with the CDR's SJA and component SJAs; internet access for legal research; secure local area network and telephone; digital sender, digital camera, and tactical satellite communications capability; laptop computer; and, portable printer).

(3) Identify transportation requirements (vehicles and qualified drivers) for all JTF SJA personnel and equipment.

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

(5) Assess legal library requirements given the environment and the force composition.

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

(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 (SIPRNET) and passwords that allow access to the Federal Legal Information Through Electronics (FLITE) database.

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

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 Equipment/Capabilities List."

## 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 headquarters

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, contracting support, 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.

*For further details regarding peacetime agreements and arrangements in place concerning overflight and personnel travel requirements, refer to DOD 4500.54-G, Department of Defense Foreign Clearance Guide. This document may be used as a starting position for understanding and negotiating contingency response agreements with host nations.*

b. The JTF SJA ensures that the section, including any augmentees, is trained and ready to deploy (e.g., meets medical deployment requirements). 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. In addition, the JTF SJA designates a closure element that ensures the section is present, accounted for, and operational. Finally, the JTF SJA is responsible for monitoring changes to the TPFDD and coordinating adjustments to the flow of SJA section personnel as necessary.

c. The JTF SJA ensures that all supporting regional and functional combatant command legal authorities are established with host nations to support the overflight and ground transit of forces. JTF SJA also will ensure that higher headquarters counterparts have addressed concerns that could be imparted by international, multilateral and bilateral treaties, agreements and arrangements in all affected AORs. Reference DOD 4500.54-G, *Department of Defense Foreign Clearance Guide*, for peacetime agreements and arrangements in place concerning overflight and personnel travel requirements. This document may be used as a starting position for understanding and negotiating contingency response agreements with host nations.

### 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 current 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 the 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 agencies, foreign government agencies, NGOs, and intergovernmental organizations may occupy a significant portion of the JFC's time. The JTF SJA assists the commander, JTF 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 JTF Commander 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 boards, centers, cells, and working groups. For example, to support JTF current operations, the JTF SJA assigns judge advocates as watch officers to the various JTF operations centers. SJA watch officers are responsible for assisting their J-3 counterparts in the preparation of plans relating to current operations; drafting OPOD and ROE and monitoring their execution with J-3 and/or J-5; 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 headquarters appropriately informed utilizing the CIE. The JTF SJA also assigns judge advocates to support other critical boards and cells like the JTTCB, 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 enemy prisoners of war and detainees is in accordance with applicable law.

d. Information management is a critical 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. If information is key to understanding the operational environment, information overload caused by the massive volume of information transmitted by high-technology systems can significantly impede decision making. Some suggestions concerning information management include the following:

(1) Carefully craft the SJA's intent to empower subordinates, enhance unity of effort, and reduce information requirements.

(2) Foster communication and trust relationships between the JTF SJA and component SJAs. Such relationships help improve understanding of each other's missions and actions and allow for collaborative solutions to legal issues.

(3) Use mission-type orders, and challenge SJA sections to work closely with their staff counterparts to ensure SJA input to OPLANs and OPORDs is understood and incorporated.

(4) Use a system of informing the JTF SJA staff and component SJAs of the most important information required. Utilizing commander's critical information requirements is one such system.

(5) Minimize the number of organizational subdivisions. More organizations require more information, slow down information flow and quality, and increase the rigidity of planning and execution processes.

(6) Keep all communications simple, direct, and devoid of unnecessary information and graphics.

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 ensure an orderly transfer of authority and responsibility. The JTF SJA's responsibilities include the following:

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

b. Assigning a representative to the transition cell.

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

d. Reviewing and recommending a timeline and milestones for transition that optimizes legal conditions.

e. Monitoring 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 must monitor the current situation in light of the JTF commander's intent and guidance and adjust the section's manning and individual responsibilities accordingly. The personnel and equipment identified for redeployment must be incorporated into the TPFDD process, and the security requirements of remaining section personnel must be coordinated with the appropriate JTF staff directorates or subordinate commander.

## 11. Lessons Learned

a. During execution, transition, and redeployment, the JTF SJA and legal section should capture and chronicle legal lessons learned. Use of lessons learned will ensure succeeding SJAs will have the benefit of the experiences of its predecessors.

b. Lessons learned should be captured in accordance with CCDR and Service requirements and submitted to both. Each CCDR and USJFCOM operates a lessons learned office responsible for the collection of lessons from the field, their distillation, and their introduction into the joint training process. Similarly, each service operates a lessons learned command dedicated to ensuring that the lessons of each operational unit are passed on in Service training to all forces. These Service lessons learned commands coordinate with USJFCOM to ensure that all lessons are available for integration into the joint training process.

c. 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**  
**EQUIPMENT/CAPABILITIES LIST**

The following is a notional equipment list for a 14-person SJA section providing legal support to a land-based JTF.

<b>Equipment/Capabilities</b>	<b>Number Required</b>
Security Clearances Truck/Utility Vehicles: e.g., Cargo/Troop Carrier/Command Radio Sets: e.g., field phones, to include STEs and cell phones Computer/electronic storage devices: e.g., USB drives Data Transfer Device: e.g., digital sender, facsimile Current Version deployable computer system (CLASS/UNCLASS): e.g., laptop, printer, copier, scanner, digital camera, and accessories, extrabattery, CAC reader) Network Connectivity (CLASS/UNCLASS) Electronic legal research capability Night Vision capability GPS capability Classified storage container(s) Issued individual weapons Speech to Speech Translator System Office Space & Equipment Digital Recorders Field Generators (15,000-20,000 Watts) Storage (Tuff ) Boxes Light Sets Sleep Tentage Organizational Clothing and Individual Equipment (OCIE) (Includes sleeping bags, CBRN, protective masks, kevlar helmets, etc.)	
<b>Law Library</b>	
CD FLITE Deployment CD Enduring Freedom/JAG Flag CD AF Publication Electronic Library CD US Code Service CD DL Wills Electronic Judge Advocate Warfighting System (EJAWS) Resource Digital Library OPLAW Handbook Air Force Operations and the Law Handbook Navy JAG Manual Commander's Handbook On the Law of Naval Operations Manual for Courts-Martial Army's Law of War Documents	16 4 6

### ***Web-based Legal Resources***

#### **Air Force**

Air Force Judge Advocate General's Corps (WebFLITE): <https://aflsa.jag.af.mil/cgi-bin/thome.cgi>

WebFLITE - DOD Reference Materials: Operations and International Law: [https://aflsa.jag.af.mil/GROUPS/ALL\\_FLITE/INTERNATIONAL/](https://aflsa.jag.af.mil/GROUPS/ALL_FLITE/INTERNATIONAL/)

S-FLITE (SIPRNET): <http://aflsa.maxwell.af.smil.mil>

WebFLITE Army resource materials:  
[https://aflsa.jag.af.mil/GROUPS/ALL\\_FLITE/INTERNATIONAL/army.html](https://aflsa.jag.af.mil/GROUPS/ALL_FLITE/INTERNATIONAL/army.html)

WebFLITE Navy and Marine Corps resource materials:  
[https://aflsa.jag.af.mil/GROUPS/ALL\\_FLITE/INTERNATIONAL/sea.html](https://aflsa.jag.af.mil/GROUPS/ALL_FLITE/INTERNATIONAL/sea.html)

#### **Army**

JAGCNet: <https://www.jagcnet.army.mil/>

Center for Law and Military Operations (CLAMO): [https://www.jagcnet.army.mil/laawsxxi/jagcprofile.nsf/\(JAGCNetDocID\)/CLAMOWebSite](https://www.jagcnet.army.mil/laawsxxi/jagcprofile.nsf/(JAGCNetDocID)/CLAMOWebSite)

OPLAW Handbook:  
<https://www.jagcnet.army.mil/jagcnetintranet/databases/operational%20law/clamo.nsf/d88727d971c2df8f85256da3006e2514/F9775914756167DE8525709E00588ECE?OpenDocument>

EJAWS: <https://www.jagcnet.army.mil/eJAWS>

Army Publications: <http://www.usapa.army.mil/>

Navy Directives: <http://neds.daps.dla.mil/>

Marine Corps Publications: <http://www.marines.mil/directiv.nsf/web+orders>

DOD Publications: <http://www.dtic.mil/whs/directives/>

#### **Navy and Marines Corps**

Navy JAG Manual (JAGMAN): <http://www.jag.navy.mil/documents/JAGMAN2004.pdf>

Commander's Handbook on the Law of Naval Operations:  
[https://aflsa.jag.af.mil/GROUPS/ALL\\_FLITE/INTERNATIONAL/Navy/navsup.pdf](https://aflsa.jag.af.mil/GROUPS/ALL_FLITE/INTERNATIONAL/Navy/navsup.pdf)

US Code Service: <http://uscode.house.gov/>

Manual for Courts-Martial: <http://www.au.af.mil/au/awc/awcgate/law/mcm.pdf>

Air Force Publications: <http://www.e-publishing.af.mil/>

Army Publications: <http://www.usapa.army.mil/>

Navy Directives: <http://neds.daps.dla.mil/>

Marine Corps Publications: <http://www.marines.mil/directiv.nsf/web+orders>

DOD Publications: <http://www.dtic.mil/whs/directives/>

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## APPENDIX B REFERENCES

The development of JP 1-04 is based on the following primary references:

### 1. General

- a. *The National Security Act of 1947*, as amended (Title 50, USC, Section 404a).
- b. *Goldwater-Nichols DOD Reorganization Act of 1986* (Title 10, USC, Section 161 et seq.).
- c. *Manual for Courts-Martial, United States*.
- d. Executive Order 12673, *Delegation of Disaster Relief and Emergency Assistance Functions*.
- e. Presidential Decision Directive 2, *Organization of the National Security Council, The White House*.

### 2. Department of Defense

- a. DOD Directive 2311.01E, *DOD Law of War Program*
- b. DOD Directive 3025.15, *Military Assistance to Civil Authorities*
- c. DOD Directive 5100.3, *Support of the Headquarters of Combatant and Subordinate Joint Commands*
- d. DOD Directive 5145.1, *General Counsel of the Department of Defense*
- e. DOD Directive 5145.4, *Defense Legal Services Agency*
- f. DOD Directive 5530.3, *International Agreements*

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

- a. CJCSI 3100.01A, *Joint Strategic Planning System*.
- b. CJCSI 3121.01B, *Standing Rules of Engagement/Standing Rules for the Use of Force for US Forces*.
- c. CJCSI 3141.01C, *Responsibilities for the Management and Review of Contingency Plans*.
- d. CJCSI 3150.25, *Joint Lessons Learned Program*.

- e. CJCSI 5810.01B, *Implementation of the DOD Law of War Program*.
- f. CJCSM 3122.03B, *Joint Operation Planning and Execution System Vol II: (Planning Formats)*.
- g. CJCSM 3500.03, *Joint Training Manual for the Armed Forces of the United States*.
- h. CJCSM 3500.04D, *Universal Joint Task List*.
- i. JP-1, *Joint Doctrine for the Armed Forces of the United States*.
- j. JP 1-02, *Department of Defense Dictionary of Military and Associated Terms*.
- k. JP 3-0, *Joint Operations*.
- l. JP 3-08, *Interagency, Intergovernmental Organization and Nongovernmental Organization Coordination During Joint Operations, Vols I and II*.
- m. JP 3-13, *Information Operations*.
- n. JP 3-16, *Multinational Operations*.
- o. JP 3-30, *Command and Control for Joint Air Operations*.
- p. JP 3-33, *Joint Task Force Headquarters*.
- q. JP 3-60, *Joint Targeting*.
- r. JP 5-0, *Joint Operation Planning*.

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

- a. DA Pam 27-1, *Treaties Governing Land Warfare*.
- b. DA Pam 27-24, *Selected International Agreements, Vol. II*.
- c. DA Pam 27-161-1, *Law of Peace, Vol. I*.
- d. DA Pam 27-161-2, *International Law, Vol. II*.
- e. Field Manual (FM) 27-10, *The Law of Land Warfare*.
- f. FM 27-100, *Legal Operations*.

g. Operational Law Handbook (JA 422), Center for Law and Military Operations, The 39 Judge Advocate General's School, United States Army.

h. NWP 1-14M, *Commander's Handbook on the Law of Naval Operations*.

i. NWP 10-2, *Law of Naval Warfare*.

j. AFP 110-31, *International Law — The Conduct of Armed Conflict and Air Operations*.

k. AFP 110-34, *Commander's Handbook on the Law of Armed Conflict*.

l. Air Force Operations and the Law, *A Guide for Air and Space Forces*, Air Force Judge Advocate General's Department.

m. Commandant, US Coast Guard Instruction (COMDTINST) M16247.1A, *Maritime Law Enforcement Manual*.

n. COMDTINST M1000.6 (series), *Coast Guard Personnel Manual*.



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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: Commander, United States Joint Forces Command, Joint Warfighting Center, ATTN: Doctrine and Education Group, 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 for this publication is the US Joint Forces Command. The Joint Staff doctrine sponsor for this publication is the Legal Counsel for the Chairman of the Joint Chiefs of Staff.

### 3. Change Recommendations

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

TO: JOINT STAFF WASHINGTON DC//J7-JEDD//  
INFO: CDRUSJFCOM SUFFOLK VA//DOC GP//

Routine changes should be submitted to Commander, Joint Warfighting Center, Doctrine and Education Group and info the Lead agent and the Director for Operational Plans and Joint Force Development (J-7), JEDD, via the CJCS JEL at <http://www.dtic.mil/doctrine>.

b. When a Joint Staff directorate submits a proposal to the Chairman of the Joint Chiefs of Staff 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 Military Services and other organizations are requested to notify the Joint Staff/J-7 when changes to source documents reflected in this publication are initiated.

c. Record of Changes:

CHANGE NUMBER	COPY NUMBER	DATE OF CHANGE	DATE ENTERED	POSTED BY	REMARKS

#### 4. Distribution of Publications

Local reproduction is authorized and access to unclassified publications is unrestricted. However, access to and reproduction authorization for classified joint publications must be in accordance with DOD Regulation 5200.1 R, *Information Security Program*.

#### 5. Distribution of Electronic Publications

a. Joint Staff J-7 will not print copies of JPs for distribution. Electronic versions are available at <http://www.dtic.mil/doctrine> (NIPRNET), and <http://nmcc20a.nmcc.smil.mil/dj9j7ead/doctrine/> (SIPRNET), or on JDEIS at <https://jdeis.js.mil> (NIPRNET), and <https://jdeis.js.smil.mil> (SIPRNET).

b. Only approved joint publications and joint test publications are releasable outside the combatant commands, Services, and Joint Staff. Release of any classified joint publication to foreign governments or foreign nationals must be requested through the local embassy (Defense Attaché Office) to DIA Foreign Liaison Office, PO-FL, Room 1E811, 7400 Pentagon, Washington, DC 20301-7400.

c. JEL CD-ROM. Upon request of a JDDC member, the Joint Staff J-7 will produce and deliver one CD-ROM with current joint publications. 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 and Services.

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

AOR	area of responsibility
CAP	crisis action planning
CBRNE	chemical, biological, radiological, nuclear and high-yield explosives
CCDR	combat commander
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
CMAT	consequence management advisory team
COA	course of action
COMDTINST	Commandant, United States Coast Guard instruction
CSS	central security service
DA	Department of the Army
DCMA	Defense Contract Management Agency
DCST	Defense Logistics Agency (DLA) contingency support team
DIA	Defense Intelligence Agency
DISA	Defense Information Systems Agency
DLA	Defense Logistics Agency
DOD	Department of Defense
DON	Department of the Navy
DTRA	Defense Threat Reduction Agency
EPW	enemy prisoner of war
FLITE	federal legal information through electronics
GC	general counsel
GEOINT	geospatial intelligence
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
J-7	Operational Plans and Joint Force Development Directorate, Joint Staff
JA	judge advocate
JAG	Judge Advocate General

JAGMAN	Manual of the Judge Advocate General (US Navy)
JFC	joint force commander
JLSE	joint legal support element
JMD	joint manning document
JOA	joint operations area
JOC	joint operations center
JOPEs	Joint Operation Planning and Execution System
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
LOAC	law of armed conflict
NGA	National Geospatial-Intelligence Agency
NGO	nongovernmental organization
NSA	National Security Agency
NSCS	National Security Council System
NWP	Naval Warfare publication
OPLAN	operation plan
OPORD	operation order
PPBE	Planning, Programming, Budgeting, and Execution
RC	Reserve Component
ROE	rules of engagement
RUF	rules for the use of force
SAF	Secretary of the Air Force
SIGINT	signals intelligence
SJA	staff judge advocate
SJFHQ	standing joint force headquarters
SOF	special operations forces
SROE	standing rules of engagement
SRUF	standing rules for the use of force
TJAG	the judge advocate general
TPFDD	time-phased force and deployment data

USC	United States Code
USEUCOM	United States European Command
USJFCOM	United States Joint Forces Command
USPACOM	United States Pacific Command
USSOCOM	United States Special Operations Command
USSTRATCOM	United States Strategic Command
USTRANSCOM	United States Transportation Command

## PART II — TERMS AND DEFINITIONS

**acquisition and cross-servicing agreement.** Agreements negotiated on a bilateral basis with US allies or coalition partners that allow US forces to exchange most common types of support, including food, fuel, transportation, ammunition, and equipment. Authority to negotiate these agreements is usually delegated to the combatant commander by the Secretary of Defense. Authority to execute these agreements lies with the Secretary of Defense, and may or may not be delegated. Governed by legal guidelines, these agreements are used for contingencies, peacekeeping operations, unforeseen emergencies, or exercises to correct logistic deficiencies that cannot be adequately corrected by national means. The support received or given is reimbursed under the conditions of the acquisition and cross-servicing agreement. Also called ACSA. (JP 1-02)

**area of responsibility.** The geographical area associated with a combatant command within which a combatant commander has authority to plan and conduct operations. Also called AOR. (JP 1-02)

**combatant commander.** A commander of one of the unified or specified combatant commands established by the President. Also called CCDR. (JP 1-02)

**course of action.** 1. Any sequence of activities that an individual or unit may follow. 2. A possible plan open to an individual or commander that would accomplish, or is related to the accomplishment of the mission. 3. The scheme adopted to accomplish a job or mission. 4. A line of conduct in an engagement. 5. A product of the Joint Operation Planning and Execution System concept development phase and the course-of-action determination steps of the joint operation planning process. Also called COA. (JP 1-02)

**crisis.** An incident or situation involving a threat to a nation, its territories, citizens, military forces, possessions, or vital interests that develops rapidly and creates a condition of such diplomatic, economic, political, or military importance that commitment of military forces and resources is contemplated to achieve national objectives. (JP 1-02)

**joint force.** A general term applied to a force composed of significant elements, assigned or attached, of two or more Military Departments operating under a single joint force commander. (JP 1-02)

**joint force air component commander.** The commander within a unified command, subordinate unified command, or joint task force responsible to the establishing commander for making recommendations on the proper employment of assigned, attached, and/or made available for tasking air forces; planning and coordinating air operations; or accomplishing such operational missions as may be assigned. The joint force air component commander is given the authority necessary to accomplish missions and tasks assigned by the establishing commander. Also called JFACC. (JP 1-02)

**joint force commander.** A general term applied to a combatant commander, subunified commander, or joint task force commander authorized to exercise combatant command (command authority) or operational control over a joint force. Also called JFC. (JP 1-02)

**joint force land component commander.** The commander within a unified command, subordinate unified command, or joint task force responsible to the establishing commander for making recommendations on the proper employment of assigned, attached, and/or made available for tasking land forces; planning and coordinating land operations; or accomplishing such operational missions as may be assigned. The joint force land component commander is given the authority necessary to accomplish missions and tasks assigned by the establishing commander. Also called JFLCC. (JP 1-02)

**joint force maritime component commander.** The commander within a unified command, subordinate unified command, or joint task force responsible to the establishing commander for making recommendations on the proper employment of assigned, attached, and/or made available for tasking maritime forces and assets; planning and coordinating maritime operations; or accomplishing such operational missions as may be assigned. The joint force maritime component commander is given the authority necessary to accomplish missions and tasks assigned by the establishing commander. Also called JFMCC. (JP 1-02)

**joint operations area.** An area of land, sea, and airspace, defined by a geographic combatant commander or subordinate unified commander, in which a joint force commander (normally a joint task force commander) conducts military operations to accomplish a specific mission. Also called JOA. (JP 1-02)

**joint targeting coordination board.** A group formed by the joint force commander to accomplish broad targeting oversight functions that may include but are not limited to coordinating targeting information, providing targeting guidance and priorities, and refining the joint integrated prioritized target list. The board is normally comprised of representatives from the joint force staff, all components, and if required, component subordinate units. Also called JTCB. (JP 1-02)

**joint task force.** A joint force that is constituted and so designated by the Secretary of Defense, a combatant commander, a subunified commander, or an existing joint task force commander. Also called JTF. (JP 1-02)

**judge advocate.** An officer of the Judge Advocate General's Corps of the Army, Air Force, Marine Corps, and the United States Coast Guard who is designated as a judge advocate. Also called JA. (Approved for inclusion in the next edition of JP 1-02.)

**rules for the use of force.** Directives issued to guide United States forces on the use of force during various operations. These directives may take the form of execute orders, deployment orders, memoranda of agreement, or plans. Also called RUF. (JP 1-02)

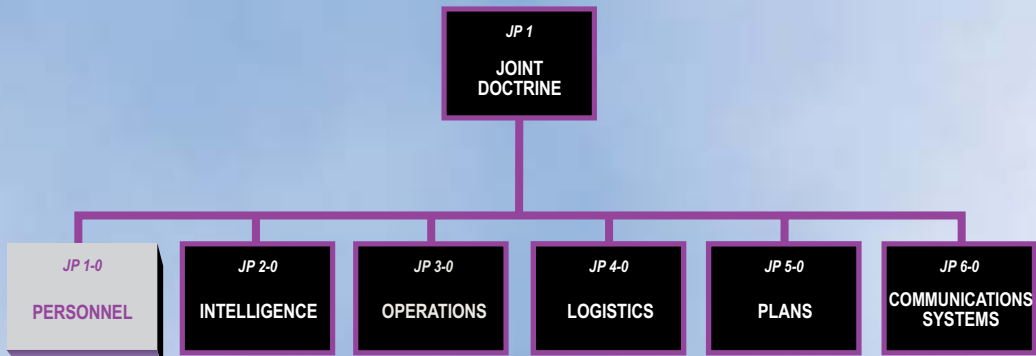


**rules of engagement.** Directives issued by competent military authority that delineate the circumstances and limitations under which United States forces will initiate and/or continue combat engagement with other forces encountered. Also called ROE. (JP 1-02)

**staff judge advocate.** A judge advocate so designated in the Army, Air Force, or Marine Corps, and the principal legal adviser of a Navy, Coast Guard, or joint force command who is a judge advocate. Also called SJA. (Approved for inclusion in the next edition of JP 1-02.)

**status-of-forces agreement.** An agreement that defines the legal position of a visiting military force deployed in the territory of a friendly state. Agreements delineating the status of visiting military forces may be bilateral or multilateral. Provisions pertaining to the status of visiting forces may be set forth in a separate agreement, or they may form a part of a more comprehensive agreement. These provisions describe how the authorities of a visiting force may control members of that force and the amenability of the force or its members to the local law or to the authority of local officials. To the extent that agreements delineate matters affecting the relations between a military force and civilian authorities and population, they may be considered as civil affairs agreements. Also called SOFA. (JP 1-02)

# JOINT DOCTRINE PUBLICATIONS HIERARCHY



All joint doctrine and tactics, techniques, and procedures are organized into a comprehensive hierarchy as shown in the chart above. **Joint Publication (JP) 1-04** is in the **Personnel** series of joint doctrine publications. The diagram below illustrates an overview of the development process:

