

The Judge Advocate General's School, U.S. Army: 50 Years in Charlottesville



JAG School, Charlottesville, VA

This year marks the golden anniversary of the Judge Advocate General's School's affiliation with the University of Virginia and its presence in Charlottesville. Far from the public view on the southern most part of the university's north grounds, few outside the military community are familiar with the school's storied history or its purpose. The school is the home of the Army's Judge Advocate General's (JAG) Corps and is, perhaps, the finest institution of its kind in the world.

History

On July 29, 1775, George Washington appointed 25-year old Harvard graduate William Tudor as the first judge advocate of the Army—just 45 days after the Second Continental Congress established the American Army. While judge advocates have served the Army ever since, they did not receive formal military legal training until the opening days of World War II. During the preceding 166 years, judge advocates largely received on-the-job training.

With the Army's rapid expansion in 1941 and the proportional increase in the need for judge advocates, on-the-job training proved insufficient. To ensure judge advocates were fully prepared

for their assignments, the Army authorized the judge advocate general to create a school to provide the necessary training.

by **Colonel Richard D. Rosen**
Commandant, The Judge Advocate
General's School, U.S. Army

Because space for the school was not available in the War Department, the Army arranged with the National University Law School in Washington, D.C.,¹ to use classrooms and offices. The school conducted its first military law classes in February 1942. National University proved to be too small for the JAG Corps' needs. Consequently, in the summer of 1942, the Army accepted the invitation of the University of Michigan at Ann Arbor to move the school to the university's Law Quadrangle. Throughout the war, hundreds of officers received training in military law subjects at Ann Arbor. At the end of the war, as part of the general demobilization, the school closed.

In 1946, a committee headed by Arthur T. Vanderbilt, dean of the New York University Law School and later the chief justice of the New Jersey Supreme Court, studied the administration of military justice and found (among other things) the need for continuing the formal education of military lawyers. The passage of the Uniform Code of Military Justice in 1950, which increased reliance on military lawyers, and the subsequent growth of the armed forces during the Korean conflict, confirmed this requirement.

As a result, in late 1950, the JAG School was re-established in a temporary building at South Post, Fort Myer, Virginia (now part of Arlington National Cemetery). In the meantime, the Army appointed a board consisting of representatives from the Army Staff and the JAG Corps to locate a permanent site for the school.

The board considered a number of sites, both on and off military installations. Ultimately, the Army accepted the invitation of University of Virginia President Colgate W. Darden, Jr., to locate the school at the university. This gave the school an academic environment and access to the University of Virginia School of Law's world-class library. It was also within reach of potential guest speakers from the JAG Corps' headquarters in the Pentagon.

On August 2, 1951, the Secretary of the Army established The Judge Advocate General's School, U.S. Army, "under the jurisdiction of the Secretary of the Army, at the University of Virginia, Charlottesville, Virginia."² Thereafter, on August 25, 1951, the school moved from Fort Myer to the grounds of the University of Virginia. Classes began on September 10, 1951.

Initially, it shared facilities with the University of Virginia School of Law. As the military community grew in the 1960s, so did the school's needs. Consequently, in 1975, the school moved to its own facility on the North Grounds of the university, adjacent to the School of Law and the Colgate W. Darden Graduate School of Business.

Mission

The school's primary responsibility is to educate and train members of the JAG Corps, including judge advocates, civilian attorneys, legal administrators, non-commissioned officers and enlisted personnel, although—as seen below—its student population is considerably more diverse. Last year, nearly 4,300 students attended 59 resident courses.

The school also supports members of the JAG Corps stationed or deployed worldwide by furnishing reference materials in the six core legal disciplines practiced by military lawyers: administrative law, civil law, claims, international law, legal assistance and military justice. The school supplies both hard-copy publications and digital materials, such as compact discs and Internet-accessible information.

The school's goal is to provide the best possible post-graduate legal education to America's military and federal civilian legal community. It ultimately seeks to produce judge advocates, Department of the Army civilian attorneys and legal support staffs that can operate independently across the spectrum of military operations and core legal disciplines in any environment to support Army commanders and soldiers.

Organization

Five departments administer the school's academic and non-academic functions. These are the academic department, the combat developments department, the training development department, the school support department and the office of the post judge advocate.

The academic department prepares and teaches the school's resident academic courses. It also develops nonresident officer courses and reviews training-support packages that provide legal training for nonlawyers across the Army. The academic department has five subordinate departments—for criminal law, international and operational law, contract and fiscal law, administrative and civil law, and legal research and communications. An Army officer (usually a lieutenant colonel) who has undergone a rigorous selection process chairs each department.

The director of academics is an Army colonel with extensive teaching and practical legal experience. The director also serves as the school's deputy commandant. The director's staff, which includes an educational consultant from the University of Virginia's Curry School of Education, performs all aspects of student administration. The staff also coordinates states' mandatory continuing legal education requirements to ensure that the school remains an accredited CLE provider.

The combat developments department develops the legal aspects of Army doctrine, training, organizations and material requirements. It ensures that units receive adequate legal support—in the U.S. and while deployed.

The training development department develops instructional material to train Army enlisted paralegals; administers the school's nonresident instruction program; manages the school's distance learning program; oversees the development of legal educational materials for non-legal officers and soldiers Army-wide; and trains all Army court reporters.

The school's support department has adjutant, logistics, lodging and transportation, and legal technology management divisions.

The post judge advocate's office furnishes legal assistance and claims services to active duty military personnel and retirees in Central Virginia. The post judge advocate advises the school's commandant and provides public affairs and protocol support.

The school is also the home of the Center for Law and Military Operations (CLAMO). CLAMO is the JAG Corps' central repository for materials pertaining to legal support to military operations, both foreign and domestic. It supports judge advocates by analyzing these materials, developing lessons learned across all military legal disciplines, and disseminating these lessons and other operational information through publications, instruction, training and databases accessible to operational forces worldwide. CLAMO also assists judge advocates in the field by responding to requests for assistance.

Faculty

Representing all branches of military service and all legal disciplines within those services, there are 44 full-time judge advocate professors, supplemented by 24 part-time faculty in the Army Reserve, as well as nonlawyer instructors. All faculty members are accomplished and experienced members of the military legal community, who normally serve three-year tours. Many on the faculty have held significant policy-making positions in Washington, D.C., and elsewhere, and nearly all have practical

teaching experience. About one-third of the faculty returns to full-time military legal practice each year.

All faculty members teach the one-year judge advocate graduate course (whose graduates receive an L.L.M. in Military Law) and the 14-week judge advocate basic course for newly-commissioned judge advocates. They also teach more than 57 resident continuing legal education courses. Faculty members travel around the United States to train Army National Guard and Army Reserve judge advocates, and travel to locations throughout the world to teach judge advocates stationed or deployed overseas, as well as the armies of developing countries.

Faculty members also write for publication, review materials submitted for publication, assist in creating JAG Corps' doctrine, refine course curriculum and answer questions in their subject areas from judge advocates in the field.

Library

The school's students are all practicing attorneys with significant independent research and writing needs. The school's library meets those needs by blending traditional and advanced research. Its collection supports in-depth research in all areas of the curriculum, including military justice, government contract law, international and operational law and military administrative law. The library also has comprehensive collections in new areas of military legal emphasis, such as federal government ethics, United Nations peacekeeping, war crimes trials, environmental law, federal labor relations, and federal litigation.

The school's faculty and students have full access to the 850,000-volume collection at the Arthur J. Morris Law Library of the University of Virginia School of Law, renowned for its international and oceans law collections. Faculty and students also use the university's nearly 5,000,000-volume collection at the Alderman Library on the university's Central Grounds.

Students

The school trains judge advocates from all the military services (Army, Navy, Marine Corps, Air Force and Coast Guard), representing both the Active and Reserve components. It also teaches Department of Defense civilian lawyers, as well as attorneys from other federal agencies. Additionally, the school offers programs for nonlawyers, including enlisted paralegals, legal administrators, court reporters, senior Army and Marine Corps commanders, comptrollers, and government contract personnel.

The school benefits from the attendance of international students under the Foreign Military Sales Act³ and the International Military Education and Training Program.⁴ In the past two years, military lawyers from Canada, the Czech Republic, Egypt, Guatemala, Israel, Jordan, Korea, Papua New Guinea, Romania, Thailand, Trinidad, Zambia and Zimbabwe have attended.

Courses

The school's flagship course is the Judge Advocate Graduate Course. Reviewed by the American Bar Association,⁵ the course prepares experienced attorneys for supervisory duties and other

positions of increased responsibility. Students who successfully complete the graduate course are awarded a Master of Laws degree in Military Law.⁶

Selection for attendance at the graduate course is competitive. Each class consists of students selected from the Army, Navy, Air Force and Marine Corps, as well as international military students and Department of the Army civilian attorneys. All students are attorneys with five to eight years of experience.

The graduate course covers a full resident academic year, from mid-August to late May. The course includes both core classes and about 40 electives offered by the five academic departments. The school also allows students to specialize in contract and fiscal law, international and operational law, criminal law, or administrative and civil law by writing a thesis in the area of specialization or earning at least seven elective credit hours and writing an extensive paper in the area.

Offered three times a year, the judge advocate officer basic course is a 14-week course for newly commissioned judge advocates. The first four weeks of the basic course are conducted at Fort Lee, Virginia, where new judge advocates get an overview of officer responsibilities and basic soldier skills, including a three-day field exercise emphasizing deployment and weapons familiarization.

Students attend the subsequent ten weeks of the course in Charlottesville. This phase is devoted to instruction in substantive military law. The course emphasizes those areas most likely to be encountered during a judge advocate's first duty assignment. The curriculum includes extensive practical exercises. For example, students participate as trial counsel (prosecutor) or defense counsel in an administrative separation board, a guilty plea court-martial and a contested court-martial. They also take part in a series of situational training exercises and a mock emergency deployment readiness exercise.

Over 5,000 students participate annually in the school's other education programs that are held in Charlottesville, Europe and the Pacific Rim. These CLEs vary in length from three days to three weeks. The school's extensive continuing legal education curriculum consists of specialized courses for military attorneys, as well as courses for non-lawyers dealing with the role of the law in military activities.

Most of the practice-oriented, continuing legal education courses provide an update in a particular legal field. The subjects vary and cover nearly all of the legal disciplines practiced by judge advocates, ranging from a two-week contract attorneys course to a four-and-a-half day law of war workshop. Other courses (such as the military judges' course and the staff judge advocate course) are advanced qualification courses for particular positions. The school is a certified provider of continuing legal education credit for all states that mandate CLE.

Not every course is limited to attorneys and their support staffs. The school also offers legal instruction to new commanders. The four-and-a-half day senior officer legal orientation is part of the pre-command course attended by senior Army commanders. It acquaints these commanders with legal responsibilities and



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issues commonly faced by installation, brigade, and battalion commanders and by commanders having special court-martial convening authority.

The one-day general officer legal orientation provides both Army and Marine Corps general officers instruction on the legal responsibilities and issues commonly faced by division, installation and other major activity commanders. This course is tailored to the specific needs of each attendee. General officers, in consultation with their legal advisors, choose from among the full range of subjects available to construct the course most relevant to their particular commands.

The school also trains Army court reporters—using the steno (“closed”) mask reporting system—through a nine-week course.⁷ In July, the school introduced voice-recognition technology that speeds the preparation of court-martial records of trial.

Distance Learning Initiatives

Using new technologies, TJAGSA has sought better means of providing instruction to non-resident students. For example, the school teaches some courses—most notably fiscal law—via a satellite education network. Additionally, since its inception in 1951, the school has had a non-resident CLE program, through which students (particularly those in the Army National Guard and Army Reserve) can take courses at home.

To provide better non-resident instruction, on May 21, 2001, the school fielded JAG University, a Web-based alternative to paper-based correspondence courses. Using a grant from the Army’s Training and Doctrine Command, the school’s training development department published its first Web-based course, Phase I of Legal Specialist Advanced Individual Training—akin to basic paralegal training. The course provides step-by-step instruction, practical exercises, a complete set of reference materials and examinations.

JAG University’s Web-based technology is a vast improvement over paper-based courses. It offers a much more effective and efficient means of training and

educating soldiers. The school will continue to expand the courses offered, ultimately replacing all paper-based correspondence courses.

Publications

Like other law schools, The Judge Advocate General’s School produces its own publications. The *Military Law Review* publishes scholarly legal research and writing related to the military. Issued quarterly, it is similar to a civilian law review and is available in civilian law libraries throughout the nation. *The Army Lawyer* is a monthly publication that features practical articles of interest to practitioners, much like a civilian bar journal.

The International and Operational Law Department and CLAMO annually publish the *Operational Law Handbook*, a compendium of the military attorney’s core legal disciplines. Intended for deployed judge advocates, it is the school’s most popular publication, requested by attorneys (military and civilian) worldwide. CLAMO produces other resource materials, such as its *Domestic Operational Law Handbook*, which addresses such timely issues as homeland defense and military assistance to civil authorities. CLAMO also publishes legal lessons learned from a number of military operations, including those in Haiti, the Balkans, Kosovo and in response to Hurricane Mitch. Many of these publications are available to the public at www.jagcnet.army.mil/CLAMO-Public.

Each teaching department publishes and regularly updates its own teaching materials, including course deskbooks, akin to civilian casebooks and hornbooks. In addition, most professors provide extensive outlines of materials covered during class. A number of the school’s publications—many of which may be useful to civilian attorneys—are available on-line at www.jagcnet.army.mil/tjagsa.

Facilities

As noted above, the school moved to its own facility on the North Grounds of the University of Virginia in 1975. The original facility, now known as the South Wing, provides classrooms and seminar rooms that seat from 10 to 200 students, two practice courtrooms, a library, 80 motel-type rooms for students attending courses, and private offices for members of the staff and faculty.

Because of the school’s increasing teaching mission, in 1988, construction began on a 48,500 square-foot North Wing. Completed in 1990, the wing includes a 325-seat multi-purpose auditorium, two large general-purpose classrooms, a computer learning center, a classroom equipped to train Army court reporters and several seminar rooms. It also has a television production studio, a post exchange and additional offices.

Conclusion

A key strategic objective of the JAG Corps is increasing the school’s capacity and versatility to lead the nation and the world in military legal training and practice. We believe the school is meeting this goal. Judge advocates and civilian attorneys from all services and many federal agencies attend the school’s courses and seek out the school’s materials. The school’s unique graduate program draws judge advocates from throughout the

Defense Department and from many other nations. The school receives daily requests for information and assistance from judge advocates stationed or deployed worldwide.

The Judge Advocate's School is widely known and respected in the international military legal community. It is a model for similar schools in other nations, such as Israel. Moreover, international students attend all of the school's basic and graduate courses, and the school regularly hosts international delegations. Members of the faculty routinely receive requests to participate in international training programs.

Challenges remain, particularly with the ever-evolving nature of the military and its operations and the ever-changing legal environment. The school continues to examine its operations; revise its policies, practices, and curriculum; and implement changes in its instruction and publications necessary to reinforce the school's standing as a preeminent institution of higher legal education. 🇺🇸



Colonel Richard D. Rosen, U.S. Army, Judge Advocate General's Corps, is the commandant of The Judge Advocate General's School, U.S. Army, Charlottesville, Virginia.

Before his present assignment, Colonel Rosen served as staff judge advocate, III Armored Corps and Fort Hood, Fort Hood, Texas, 1999–2001.

Colonel Rosen earned a Bachelor of Arts degree in 1970 from The Ohio State

University, a Juris Doctor degree in 1973 from the University of Miami, and a Masters of Laws degree in 1987 from the University of Virginia. He is a graduate of the adjutant general's officer basic course, the judge advocate general's officer basic and graduate courses and the U.S. Army Command and General Staff College. He completed an Army War College Senior Service College Fellowship with the Department of Justice.

Endnotes

- 1 National University Law School merged with George Washington University in 1954.
- 2 Dep't of Army, Gen. Order No. 71, ¶ 1 (August 2, 1951).
- 3 22 U.S.C. §§ 2761-2762.
- 4 22 U.S.C. §§ 2347-2347d.
- 5 The School is the only ABA-reviewed law school in the nation that exclusively awards a post-J.D. degree. Moreover, unlike other law schools, TJAGSA courses are all tuition-free.
- 6 Congress granted the School authority to award a Master of Laws degree in Military Law in 1987. This authority is codified at 10 U.S.C. § 4315:

Under regulations prescribed by the Secretary of the Army, the Commandant of the Judge Advocate General's School of the Army may, upon recommendation by the faculty of such school, confer the degree of master of laws (LL.M.) in military law upon graduates of the school who have fulfilled the requirements for that degree.

Although the School has had statutory authority to award an LL.M. only since 1987, the School's graduate program has been "approved" by the American Bar Association since 1958.
- 7 Until 1999, Army court reporters received their training from the Naval Justice School at Newport, Rhode Island.