



July 2021

# MILITARY TRAINING

## The Services Need to Ensure That All Commanders Are Prepared for Their Legal Responsibilities

Accessible Version



A Century of Non-Partisan Fact-Based Work

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### Abbreviations

|             |   |
|-------------|---|
| ASEP - B    | Army Strategic Education Program - Basic      |
| Cornerstone | The Commandants Combined Commandership Course |
| DOD         | Department of Defense                         |
| GOLO        | General Officer Legal Orientation             |
| JAG         | judge advocate general                        |
| MAJCOM      | major command                                 |
| NETC        | Naval Education and Training Command          |
| OGC         | Office of General Counsel                     |
| SEAL        | Sea, Air, and Land                            |
| SJA         | Staff Judge Advocate                          |
| SLLC        | Senior Leader Legal Course                    |
| SOLO        | Senior Officer Legal Orientation              |
| SWCC        | Special Warfare Combatant-craft Crewman       |
| UCMJ        | Uniform Code of Military Justice              |

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July 8, 2021

The Honorable Jack Reed  
Chairman  
The Honorable James M. Inhofe  
Ranking Member  
Committee on Armed Services  
United States Senate

The Honorable Adam Smith  
Chairman  
The Honorable Mike Rogers  
Ranking Member  
Committee on Armed Services  
House of Representatives

U.S. military commanders are entrusted with a wide range of unique legal responsibilities that are necessary to carry out their designated missions.<sup>1</sup> Specifically, commanders have legal authority over the people who work for them, including the power to discipline under the Uniform Code of Military Justice (UCMJ), while they also have the responsibility to conduct their mission and use resources appropriately.<sup>2</sup> Many command responsibilities involve interpretation of and compliance with legal requirements. For example, the military justice system expects that commanders at all levels will exercise their discretion over the disposition of charges independently and without the unlawful command influence of superiors. At the same time, superior commanders are required to provide leadership and exert lawful influence over their commands in the interest of maintaining good order and discipline. The balance between these two competing requirements requires agile leadership, situational awareness, and strong character, all of which are familiar and expected aspects of military leadership.

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<sup>1</sup>According to the *Manual for Courts-Martial*, a commander is a commissioned officer or warrant officer who, by virtue of rank and assignment, exercises primary command authority over a military organization or prescribed territorial area.

<sup>2</sup>The Uniform Code of Military Justice (UCMJ) provides the statutory framework of the military justice system and establishes the complete code of military criminal law. 10 U.S.C. §§801-946a.

As summarized in the Navy's 2019 review of its legal communities, it is imperative that the commander be informed and discerning, one who knows how to spot issues and seek legal advice.<sup>3</sup> As commanders operate in an increasingly complex legal and policy environment, appropriately tailored legal training can enable them to carry out their roles and responsibilities and help ensure compliance with legal requirements.

House Report 115-676, accompanying a bill for the John S. McCain National Defense Authorization Act for Fiscal Year 2019, included a provision for us to review the legal training that commanders receive. This report examines the extent to which the military services (1) provide legal training to commanders throughout their careers and are able to account for the training received; (2) assess legal training provided to commanders to determine whether it meets commanders' needs; and (3) make resources, beyond training, available to commanders to assist them in carrying out their legal responsibilities.

For the first objective, we identified legal training that each service<sup>4</sup> provided to different grades of active-duty commanders.<sup>5</sup> We identified training that was either solely dedicated to legal subjects and material, or where, as part of a longer training program, a portion of the training included legal subjects and material—which we refer to throughout this report as a “block” of legal material. We also determined whether courses were required or optional. We obtained and analyzed statutes and military

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<sup>3</sup>Department of the Navy, *Comprehensive Review of The Department of the Navy's Uniformed Legal Communities* (Dec. 9, 2019).

<sup>4</sup>On December 20, 2019, the National Defense Authorization Act for Fiscal Year 2020, Pub. L. No. 116-92, established the United States Space Force as a military service within the Department of Defense (DOD). We did not gather data from the Space Force given its status as a new organization. Throughout this report we refer to only four military services within DOD: the Army, the Navy, the Marine Corps, and the Air Force.

<sup>5</sup>The term “grade” means a step or degree, in a graduated scale of office or military rank that is established as a grade by law or regulation. 10 U.S.C. §101. Officer grades range from O-1 to O-10, with O-1 being the lowest ranking grade and O-10 being the highest ranking grade.

service guidance.<sup>6</sup> In addition, we interviewed legal training providers, training command staff, and other officials from each service.

Based on our document reviews and interviews, we identified 75 relevant training courses.<sup>7</sup> For each of these training courses, we analyzed course materials and schedules and spoke with training providers and other service officials to determine the legal subjects covered and the duration of time spent covering legal content. We analyzed military service training guidance to identify the military services' legal training requirements and content.<sup>8</sup> We determined that the information and communication component of internal control was significant to this objective, along with the underlying principle that management should use quality information

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<sup>6</sup>10 U.S.C. § 937(c); Army Regulation 350-1, *Army Training and Leader Development* (Dec. 10, 2017); Navy Personnel Command, MILPERSMAN 1301-907, *Naval Senior Leader Legal Training* (June 22, 2020); Chief of Naval Personnel, Memorandum for the Record, *Training for Sexual Assault Initial Disposition Authority* (Sept. 4, 2012); Commander, Naval Surface Forces, COMNAVSURFORINST 1211.3, *Billet Specialty Training for Officers En Route to Surface Force Ships* (May 15, 2019); Commander, Naval Special Warfare Command, COMNAVSPECWARCOMINST 1412.2C, *SEAL Officer (113x) Command Qualification Program* (May 15, 2015); Marine Corps Training and Education Command, MARADMIN 471/19, *Fiscal Year 2020 Cornerstone: The Commandants Combined Commandership Course* (Aug. 29, 2019); Marine Corps Order 1553.4B, *Professional Military Education (PME)* (Jan. 25, 2008); Secretary of the Air Force and Chief of Staff, United States Air Force Memorandum, *Pre-Command/Spouse Training Courses* (Jan. 3, 2019).

<sup>7</sup>The scope of our review focused on legal training that is targeted toward or specifically taken by military commanders, as opposed to officers more generally. We also included training on legal subjects provided to general and flag officers, regardless of whether the training is directed solely toward commanders or toward all officers in those grades. Legal training that is taken by all officers or military personnel was excluded from the scope of this review. Although this training taken by all servicemembers can provide a foundation to facilitate commanders' understanding of legal subjects, we excluded it from the scope of our review because these trainings are intended for a broader population. For additional information about our scope and methodology, please see appendix I.

<sup>8</sup>Army Regulation 350-1, *Army Training and Leader Development* (Dec. 10, 2017); Navy Personnel Command, MILPERSMAN 1301-907, *Naval Senior Leader Legal Training* (June 22, 2020); Chief of Naval Personnel, Memorandum for the Record, *Training for Sexual Assault Initial Disposition Authority* (Sept. 4, 2012); Commander, Naval Surface Forces, COMNAVSURFORINST 1211.3, *Billet Specialty Training for Officers En Route to Surface Force Ships* (May 15, 2019); Commander, Naval Special Warfare Command, COMNAVSPECWARCOMINST 1412.2C, *SEAL Officer (113x) Command Qualification Program* (May 15, 2015); Marine Corps Training and Education Command, MARADMIN 471/19, *Fiscal Year 2020 Cornerstone: The Commandants Combined Commandership Course* (Aug. 29, 2019); Marine Corps Order 1553.4B, *Professional Military Education (PME)* (Jan. 25, 2008); Secretary of the Air Force and Chief of Staff, United States Air Force Memorandum, *Pre-Command/Spouse Training Courses* (Jan. 3, 2019).

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to achieve its objectives.<sup>9</sup> We assessed the effectiveness of the services' systems of record for tracking training completion in order to determine whether they were capable of achieving the services' objectives.

We requested data—including grade, current and prior position titles, and position start and end dates—for all officers in the Army, the Navy, and the Marine Corps. We identified the subset of officers who served in positions of command in fiscal year 2019, the most recent year for which complete data were available at the time of our review, by analyzing position titles and other information. Two analysts independently reviewed lists of officers and determined whether titles indicated a position as a commander. The two analysts reconciled differences in their lists of possible commander titles to produce a final list of commanders for each military service. This methodology likely enabled us to identify most officers who served as commanders in fiscal year 2019, but we may not have identified all commanders in each service. For the Air Force, we requested and received record-level data for all active-duty commanders in fiscal year 2019. We then analyzed record-level data for relevant training courses taken by those commanders in our final lists from each of the services. We used individual identifiers to match commanders with training records to determine which legal training courses each commander took.

We assessed the reliability of the datasets we received by examining the documentation that officials provided to us on each database, having discussions with officials about the reliability of data, and conducting electronic tests on the data to check for completeness and accuracy. While analyzing the extent to which the commanders had completed the training courses, we identified issues with the accuracy of each service's data on who had completed certain training courses in their systems of record for training information. As discussed in more detail later in the report, we determined that training completion data in the service databases differed from the training completion records maintained by training providers for some courses. For other courses we were unable to analyze training completion rates because individual course managers did not use the system of record to track course completion. We did not report completion rates for those courses where we determined the data in the service databases were not sufficiently reliable, unless we obtained

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<sup>9</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 2014).

the completion rates using the data maintained by the training course providers.<sup>10</sup> We found the data were sufficiently reliable to report on the extent that identified commanders had completed some of the legal training courses we analyzed.

For the second objective, we obtained and analyzed guidance and training survey materials and interviewed providers of legal training to determine how each military service assesses its legal training.<sup>11</sup> For training courses dedicated solely to legal subjects, we determined the type of course surveys conducted for each course, when course surveys were performed, and what information was considered in the review process. For training courses that included blocks of legal content in each military service, we determined which courses included course surveys, and whether those course surveys included any questions about the legal blocks in the course. We compared the processes for obtaining feedback on both the dedicated legal training courses and the training with blocks of legal content to relevant best practices for assessing strategic management of training and internal controls to determine if the service training evaluation processes were consistent with these best practices and whether the services could determine if the amount, timing, and mix of training met commanders' needs.<sup>12</sup>

We also determined that the control environment component of internal control was significant to this objective, along with the underlying principle that management should demonstrate a commitment to recruit, develop, and retain competent individuals.<sup>13</sup> For the Navy and Marine Corps we assessed whether those services had fully implemented recommendations specific to legal training for commanders included in the Navy's *Comprehensive Review of the Department of the Navy's Uniformed Legal Communities* to determine if those services are

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<sup>10</sup>Figures and tables with completion data in this report include a table note that describes the source(s) we used to determine the completion rates.

<sup>11</sup>TRADOC Regulation 350-70, *Army Learning Policy and Systems* (July 10, 2017); Air Force Instruction 36-2670, *Total Force Development* (June 25, 2020) (incorporating Air Force Guidance Memorandum 2020-03, Dec. 7, 2020).

<sup>12</sup>GAO, *Human Capital: A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, [GAO-04-546G](#) (Washington, D.C.: March 2004); and *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 2014).

<sup>13</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 2014).

providing legal training that meets commanders' needs.<sup>14</sup> For the Army and the Air Force, we assessed whether the design of their system of feedback provided a comprehensive view of the legal training provided to commanders that would allow those services to determine if the legal training provided meets the commanders' needs.

For the third objective, we reviewed the military services' policies and guidance and interviewed Judge Advocate General's (JAG) Corps staff and other officials from each service and Office of General Counsel staff from each military department to determine how and when each service provides legal support and resources to commanders to assist them in carrying out their legal responsibilities.<sup>15</sup> We analyzed service guidance and other documents to determine which entities within each service had responsibilities for providing legal support in specific areas of law.<sup>16</sup> We also obtained data about the number and composition of legal support personnel and offices in each military service's JAG Corps or Division and each military department's Office of General Counsel. Further, we reviewed handbooks that each military service provides as a legal reference resource for commanders, to identify similarities and differences in the subjects covered in each handbook.<sup>17</sup>

To inform all objectives, we conducted facilitated group discussions and semi-structured interviews at four installations—one for each military

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<sup>14</sup>Department of the Navy, *Comprehensive Review of The Department of the Navy's Uniformed Legal Communities* (Dec. 9, 2019).

<sup>15</sup>Army Regulation 71-32, *Force Development and Documentation Consolidated Policies* (Mar. 20, 2019); Air Force Instruction 38-101, *Manpower and Organization* (Aug. 29, 2019); Air Force Instruction 51-101, *The Air Force Judge Advocate General's Corps (AFJAGC) Operations, Accessions, and Professional Development* (Nov. 28, 2018).

<sup>16</sup>Army Field Manual 1-04, *Legal Support to Operations* (June 2020); Army General Order 2020-01, *Assignment of Functions and Responsibilities Within Headquarters, Department of the Army* (Mar. 6, 2020); SECNAVINST 5430.27E, *Responsibility of the Judge Advocate General and the Staff Judge Advocate to the Commandant of the Marine Corps for Supervision and Provision of Certain Legal Services* (May 13, 2019); SECNAVINST 5430.25F, *The General Counsel of the Navy Assignment of Responsibilities* (Mar. 26, 2019); Headquarters Air Force (HAF) Mission Directive 1-14, *General Counsel and The Judge Advocate General* (Dec. 29, 2016).

<sup>17</sup>U.S. Army Misc. Pub. 27-8, *The Judge Advocate General's Legal Center and School, Commander's Legal Handbook 2019* (June 2019); Naval Justice School, *USN/USMC Commander's Quick Reference Legal Handbook (QUICKMAN)* (March 2021); U.S. Air Force The Judge Advocate General's School, *The Military Commander and the Law* (2020 Electronic Update).

service. We conducted our site visits at major installations in each service that were likely to contain large populations of both commanders and legal staff. We conducted 16 group discussions with a nonprobability sample of 104 mid-level commanders (two group discussions with O-5 commanders and two group discussions with O-6 commanders in each service), and we interviewed 16 senior commanders (general and flag officers) to obtain their perspectives on the legal training they have received and the legal resources provided to them.<sup>18</sup> We also conducted 18 semi-structured interviews with nonprobability samples of staff judge advocates (SJA) and 24 group discussions with 201 other judge advocates, civilian attorneys, legal officers, and senior enlisted advisers to get their perspectives on the legal training and support that is provided to commanders. Because servicemembers did not speak on every topic, and participants in our discussion groups in particular did not have the same level of participation on every topic, we do not specify the number of individuals who expressed various statements. Instead we specify the number of interviews and discussion groups in which a category was coded.

To aggregate and analyze the results of the discussion groups and semi-structured interviews, we performed a content analysis of the session notes. The information and perspectives from the discussion groups and interviews cannot be generalized to all commanders and legal support personnel in their respective services that we did not interview; they represent only the views of the individuals with whom we spoke. Nevertheless, the discussion groups and interviews provide illustrative examples of commanders' experiences with and views of the legal training they receive, as well as insights into the extent commanders receive training on legal subjects throughout their careers. They also provide insights into the extent military services assess legal training provided to commanders, whether the legal training provided meets commanders' needs, and the resources beyond the training that the military services make available to commanders to assist them in carrying out their legal responsibilities. A more detailed description of our scope and methodology appears in appendix I.

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<sup>18</sup>In the Army, the Air Force, and the Marine Corps, O-5s are known as "lieutenant colonels"; in the Navy, they are known as "commanders." In the Army, the Air Force, and the Marine Corps, O-6s are known as "colonels"; in the Navy, they are known as "captains." For purposes of this report, we refer to commanders at grades O-3 and O-4 as junior commanders; grades O-5 and O-6 as mid-level commanders; and O-7 and higher as senior commanders or general and flag officers.

We conducted this performance audit from June 2019 to July 2021 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## Background

### Overview of Military Commanders' Roles and Legal Responsibilities

“Commander” is a common term used within the Department of Defense (DOD) that generally refers to an officer in a position of authority over an organization or area. In addition to this generally accepted meaning, there are also service-specific nuances that further define this role. Figure 1 summarizes these service-specific definitions.

**Figure 1: Definitions of Military Commander**

| Department of Defense   | Army   | Navy and Marine Corps  | Air Force  |
|---|--|--|--|
| “Commander” means a commissioned or warrant officer who, by virtue of rank and assignment, exercises primary command authority over a military organization or prescribed territorial area, which under pertinent official directives is recognized as a “command.” “Commander” includes a commander of a joint command. <sup>a</sup> | A commander is a commissioned or warrant officer who, by virtue of grade and assignment, exercises primary command authority over a military organization or prescribed territorial area that under pertinent official directives is recognized as a “command.” <sup>b</sup> | A commander includes the following officers: an officer empowered to convene general and/or special courts-martial; a commander of a joint command; an officer designated pursuant to U.S. Navy Regulation 0722; an officer designated as a commander of a separate and detached command pursuant to U.S. Navy Regulation 0723; and a commissioned or warrant officer exercising command. <sup>c</sup> | A commissioned officer who, by virtue of rank and assignment, exercises command authority over a military organization or prescribed territorial area, which under pertinent official directives is recognized as a “command.” This designation is used in all Air Force units authorized to be led by a commander except the U.S. Air Force Academy, which is commanded by a superintendent, and school/academic units, which may be commanded by commandants. <sup>d</sup> |

Source: GAO analysis of Department of Defense and service guidance. | GAO-21-338

<sup>a</sup>Manual for Courts-Martial (2019).

<sup>b</sup>Army Regulation 600-20, Army Command Policy (July 24, 2020).

<sup>c</sup>Department of the Navy JAGINST 5800.7G, Manual of the Judge Advocate General (Jan. 15, 2021).

<sup>d</sup>Air Force Instruction 51-509, Appointment to and Assumption of Command (Jan. 14, 2019).

Military commanders are entrusted with a variety of roles that can involve understanding, interpreting, or complying with legal requirements. Although the specific nature of their roles involving legal issues varies

based on the commander’s position and grade, table 1 provides an overview of some actions that could potentially fall under a commander’s purview in different legal areas.

**Table 1: Overview of Actions that Potentially Fall under the Purview of Military Commanders in Different Legal Areas**

| <b>Legal area</b>                             | <b>Commander’s potential actions</b>   |
|---|--|
| <b>Civilian personnel (labor) law</b>         | Commanders (and other supervisors) may take disciplinary and adverse actions against civilian employees when necessary to promote the efficiency of the service.   |
| <b>Constitutional law</b>                     | Commanders balance mission accomplishment, national security, and good order and discipline while preserving to the maximum extent possible a servicemember’s constitutional rights.   |
| <b>Contract law</b>                           | Commanders generally do not have contracting authority, but they may exercise oversight to ensure sufficient capability to manage and oversee the contracting process, and ensure that all contracts entered into by personnel under their command comply with all relevant statutes, the Federal Acquisition Regulation, and the Defense Federal Acquisition Regulation Supplement.   |
| <b>Environmental law</b>                      | Commanders take actions that comply with applicable laws and regulations intended to protect human health and the environment—such as pollution control standards and requirements related to hazardous waste, underground storage tanks, drinking water, and lead-based paint—and may be held liable for violations.  |
| <b>Ethics</b>                                 | Many commanding officers, as specified in §7-300(a)(1) of the DOD Joint Ethics Regulation, are required to take annual ethics training and file annual financial disclosure reports. Commanders also must enforce the Joint Ethics Regulation, which provides standards of conduct for Department of Defense (DOD) employees in areas such as acceptance of gifts, use of government resources, and conflicts of interest.   |
| <b>Fiscal law</b>                             | Commanders must have affirmative or positive authority to use funds for a particular purpose; any expenditure of funds requires Congress to have authorized and appropriated funds.  |
| <b>International Law</b>                      | Commanders exercise oversight to ensure that their personnel are trained in and comply with the laws of war, such as treaty law arising from formal written international agreements, and customary international law arising from the practice of states. Actions taken by commanders can include determining whether civilians or civilian objects may be made the subject of attack; considering the extent of civilian destruction and probable casualties that will result; and, to the extent consistent with the necessities of the military situation, seeking to avoid or minimize such casualties and destruction. |
| <b>Military justice</b>                       | Commanders may maintain good order and discipline through actions such as imposing nonjudicial punishment for minor offenses committed by members under their command; charging offenses committed under the Uniform Code of Military Justice (UCMJ) by servicemembers who were subject to the UCMJ at the time the offense was committed; and conducting a preliminary inquiry when a member is accused or suspected of an offense.   |
| <b>Military personnel/ administrative law</b> | Commanders may identify enlisted members who do not show potential for further service and initiate involuntary separation; may remove or exclude persons whose presence on an installation is unauthorized or disrupts good order and discipline; and review and assess allegations of financial irresponsibility of servicemembers, among other things.  |
| <b>Operational law</b>                        | Commanders may take actions that pertain to activities of military forces across the entire conflict spectrum. This can include determining whether a target is a military objective before authorizing attack, whether to limit force against enemy combatants who appear to be in retreat, or whether to cancel or suspend an attack in light of new information.  |

Source: GAO analysis of DOD and service guidance, handbooks, and other documents. | GAO-21-338

In each military service, officers can serve as commanders in a variety of grades, with command responsibilities generally increasing at higher

grades. Table 2 provides examples of some of the commander positions in which an officer may serve at different grades in each military service.

**Table 2: Examples of Military Commander Grade Names and Positions across Services**

| Grade                                       | Army   | Navy  | Marine Corps                              | Air Force                         |
|---|--|---|---|-----------------------------------|
| <b>O-10</b>                                 | General                                      | Admiral   | General                                   | General                           |
| <b>Examples of O-10 commander positions</b> | Field Army Commander<br>Army Group Commander | Component Commander   | Commandant                                | Major Command Commander           |
| <b>O-9</b>                                  | Lieutenant General                           | Vice Admiral  | Lieutenant General                        | Lieutenant General                |
| <b>Examples of O-9 commander positions</b>  | Corps Commander                              | Component Commander<br>Numbered Fleet Commander   | Marine Expeditionary Force Commander      | Numbered Air Force Commander      |
| <b>O-8</b>                                  | Major General                                | Rear Admiral Upper Half   | Major General                             | Major General                     |
| <b>Examples of O-8 commander positions</b>  | Division Commander                           | Shore Activity Commander<br>Operating Forces Commander  | Division Commander<br>Wing Commander      | Numbered Air Force Commander      |
| <b>O-7</b>                                  | Brigadier General                            | Rear Admiral Lower Half   | Brigadier General                         | Brigadier General                 |
| <b>Examples of O-7 commander positions</b>  | Division Commander                           | Operating Forces Commander<br>Area Commander  | Installation Commander                    | Wing Commander                    |
| <b>O-6</b>                                  | Colonel                                      | Captain   | Colonel                                   | Colonel                           |
| <b>Examples of O-6 commander positions</b>  | Brigade Commander<br>Garrison Commander      | Afloat Commander (vessels such as destroyers, cruisers, and amphibious assault ships)<br>Shore Activity Commander<br>Operating Forces Commander<br>Area Commander | Regiment Commander<br>Group Commander     | Group Commander<br>Wing Commander |
| <b>O-5</b>                                  | Lieutenant Colonel                           | Commander   | Lieutenant Colonel                        | Lieutenant Colonel                |
| <b>Examples of O-5 commander positions</b>  | Battalion Commander<br>Garrison Commander    | Afloat Commander (vessels such as littoral combat ship, dock landing ship, and destroyers)<br>Shore Activity Commander<br>Aviation Squadron Commander             | Battalion Commander<br>Squadron Commander | Squadron Commander                |
| <b>O-4</b>                                  | Major  | Lieutenant Commander  | Major                                     | Major                             |
| <b>Examples of O-4 commander positions</b>  | Detachment Commander                         | Afloat Commander (vessels such as mine countermeasures and patrol coastal ships)  | Company Commander<br>Detachment Commander | Squadron Commander                |
| <b>O-3</b>                                  | Captain                                      | Lieutenant  | Captain                                   | Captain                           |
| <b>Examples of O-3 commander positions</b>  | Company Commander                            | Afloat Commander<br>Shore Activity Commander  | Company Commander                         |                                   |

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## Overview of Military Services' Judge Advocate General's Corps Structures

Legal support in the military services is provided by the services' Judge Advocate General's (JAG) Corps and Offices of General Counsel (OGC).<sup>19</sup> As shown in figure 2, each service's JAG Corps varies in size, and includes military attorneys, known as judge advocates, as well as civilian attorneys and other legal support staff such as paralegals.<sup>20</sup> They also have field office structures that provide legal support in specialized areas as needed.

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<sup>19</sup>While the Marine Corps does not have a JAG Corps like the other military services, it has a Judge Advocate Division. In this report we use the term "JAG Corps" for all of the services.

<sup>20</sup>Judge advocates in the Marine Corps are unique in that they serve as line officers and follow a career development path that includes assignments to operational units and non-legal billets, and compete for promotion and command selection with all other Marine Corps officers. Enlisted paralegals in the Navy are called "Legalmen."

**Figure 2: Staffing and Field Office Structure in Military Service Active-Duty Judge Advocate General's Corps**

|                                | Army  | Navy  | Marine Corps  | Air Force   |
|--------------------------------|---|---|---|---|
| <b>Staff</b>                   | More than 1,800 judge advocates and 700 civilian attorneys<br><br>Almost 2,400 legal support staff  | More than 965 judge advocates and 100 civilian attorneys<br><br>465 military paralegals   | More than 510 judge advocates and about 16 civilian attorneys   | More than 1,300 judge advocates and 600 civilian attorneys<br><br>Around 900 paralegals   |
| <b>Legal support structure</b> | Staff judge advocates, brigade judge advocates, judge advocates, civilian attorneys, and other legal support staff provide support to commanders at the battalion, brigade, and installation level.<br><br>In addition, the U.S. Army Legal Services Agency has more than 20 offices, divisions, and activities worldwide.  | Staff judge advocates, judge advocates, civilian attorneys, and other legal support staff provide support to commanders at all levels of command, to include both installation and operational forces.<br><br>In addition, the Naval Legal Service Command has 9 Region Legal Service Office commands with offices in 55 locations worldwide. | Staff judge advocates, judge advocates, civilian attorneys, and other legal support staff provide support to commanders at all levels of command, to include both installation and operational forces.<br><br>In addition, the Marine Corps Installations Command has 4 regional Legal Services Support Sections with 9 subordinate Legal Services Support Teams. | Staff judge advocates, judge advocates, civilian attorneys, and other legal support staff provide support to commanders at all levels of command, to include both installation and operational forces.<br><br>In addition, the Air Force Legal Operations Agency has 7 Field Support Centers.   |
| <b>Areas of support</b>        | The typical staff judge advocate office provides support in military justice, administrative and civil law, contract and fiscal law, national security law, trial defense services, and soldier and family support. U.S. Army Legal Services Agency provides support in areas such as contract, fiscal, environmental, and intellectual property law, among other responsibilities. The Office of the Judge Advocate General and U.S. Army Legal Services Agency provide support to Army senior leaders in all areas. | Staff judge advocates and Region Legal Service Office commands provide support in areas such as military justice, command advice, and legal assistance.   | Staff judge advocates and Legal Services Support Sections provide support in areas such as military justice, administrative law, operational law, and legal assistance.   | The typical staff judge advocate office provides support in military justice, civilian performance and labor matters, environmental law, contract law, ethics, and related civil law issues. Field Support Centers provide support in areas such as contracts, labor law, utility law, environmental law, commercial and civil litigation, medical law, and claims. |

Source: GAO analysis of service documents and information from service officials. | GAO-21-338

Note: Staff numbers for military personnel refer only to active-duty servicemembers.

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|                                | <b>Army</b>   | <b>Navy</b>  | <b>Marine Corps</b>  | <b>Air Force</b>  |
|--------------------------------|---|--|--|---|
| <b>Staff</b>                   | <p>More than 1,800 judge advocates and 700 civilian attorneys.</p> <p>Almost 2,400 legal support staff.</p>   | <p>More than 965 judge advocates and 100 civilian attorneys.</p> <p>465 military paralegals.</p>   | <p>More than 510 judge advocates and about 16 civilian attorneys</p>   | <p>More than 1,300 judge advocates and 600 civilian attorneys Around 900 paralegals</p>   |
| <b>Legal Support Structure</b> | <p>Staff judge advocates, brigade judge advocates, judge advocates, civilian attorneys, and other legal support staff provide support to commanders at the battalion, brigade, and installation level.</p> <p>In addition, the U.S. Army Legal Services Agency has more than 20 offices, divisions, and activities worldwide.</p>   | <p>Staff judge advocates, judge advocates, civilian attorneys, and ether legal support staff provide support to commanders at all levels of command, to include both installation and operational forces.</p> <p>In addition, the Naval Legal Service Command has 9 Region Legal Service Office commands with offices in 55 locations worldwide.</p> | <p>Staff judge advocates, judge advocates, civilian attorneys, and other legal support staff provide support to commanders at all levels of command, to include both installation and operational forces.</p> <p>In addition, the Marine Corps Installations Command has 4 regional Legal Services Support Sections with 9 subordinate Legal Services Support Teams.</p> | <p>Staff judge advocates, judge advocates, civilian attorneys, and other legal support staff provide support to commanders at au levels of command, to include both installation and operational forces.</p> <p>In addition, the Air Force Legal Operations Agency has 7 Field Support Centers.</p>   |
| <b>Areas of Support</b>        | <p>The typical staff judge advocate office provides support in military justice, administrative and civil law, contract and fiscal law, national security law, trial defense services, and soldier and family support. U.S. Army Legal Service as Agency provides support In areas such as contra fiscal, environmental, and Intellectual property law, among other responsibilities. The Office of the Judge Advocate General and U.S. Army Legal Services Agency provide support to Army senior leaders in all areas.</p> | <p>Staff judge advocates and Region Legal Service Office commands provide support In areas such as military justice, command advice, and legal assistance.</p>   | <p>Staff judge advocates and Legal Services Support Sections provide support In areas such as military justice, administrative law, operational law, and legal assistance-.</p>  | <p>The typical staff judge advocate office provides support: in military justice, civilian performance and labor matters, environmental law, contract law, ethics, and related civil law issues. Field Support Centers provide support In areas such as contracts, labor law, utility law, environmental law, commercial and civil litigation, medical Jaw, and claims.</p> |

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## Legal Training Opportunities for Officers

Military officers, including commanders, receive a variety of education and training throughout their careers, some of which may contain blocks of legal content.<sup>21</sup> Before officers can be commissioned at the most junior level, candidates must complete training programs, some of which take up to 4 years. The military services use programs that award commissions to officer candidates after they graduate from a program. These programs include (1) military academies; (2) Reserve Officers' Training Corps; and (3) Officer Candidate School for the Army, the Navy, and the Marine Corps or Officer Training School for the Air Force.

Additionally, DOD relies on professional military education and joint professional military education to prepare its military personnel, throughout their careers, for the intellectual demands of complex contingencies and major conflicts that typically involve more than a single military service. The professional military education continuum consists of five military educational levels that correspond to the five phases of a military officer's career: (1) precommissioning, (2) primary, (3) intermediate, (4) senior, and (5) general/flag officer. The continuum structures the development of officers by organizing professional military education into educational levels and linking those levels so that each builds on the experience, self-development, and learning mastered previously.

Furthermore, the military services provide training that is taken by officers that may cover legal topics but is not specific just to commanders. For example, the Naval Leadership and Ethics Center provides a Command Leadership Course that is taken by prospective commanders. Furthermore, there are annual trainings required of all servicemembers in areas such as sexual assault and suicide prevention. Although this training taken by all servicemembers can provide a foundation to facilitate commanders' understanding of legal subjects, we excluded it from the

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<sup>21</sup>According to the *Joint Training Policy for the Armed Forces of the United States*, in its broadest sense, education conveys general bodies of knowledge and develops habits of mind applicable to a wide spectrum of endeavors. In contrast, training focuses on the instruction of personnel to enhance their capacity to perform specific functions and tasks. However, training and education are not mutually exclusive as both are partners in the generation and sustainment of an individual's abilities to perform. Chairman of the Joint Chiefs of Staff Instruction 3500.01J, *Joint Training Policy for the Armed Forces of the United States* (Jan. 13, 2020).

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scope of our review because these trainings are intended for a broader population.

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## The Military Services Train Commanders on Various Legal Subjects throughout Their Careers, but Service Ability to Account for Training Completion Varies

Throughout commanders' careers, the military services provide training to commanders on a variety of legal subjects that we found generally falls into one of three categories: (1) dedicated legal training that is focused solely on legal subjects; (2) training that covers many subjects, including some blocks of legal content; and (3) informal, non-classroom-based training, which may include ad hoc discussions between military attorneys and commanders about specific situations or cases.<sup>22</sup> Although each service requires certain types of legal training for commanders, we found that the military services may not know whether commanders have completed all required or optional legal training because their training databases do not comprehensively and accurately record commanders' completion of legal training for some legal training courses.

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## The Military Services Have Three Primary Methods for Administering Legal Training to Commanders throughout Their Careers

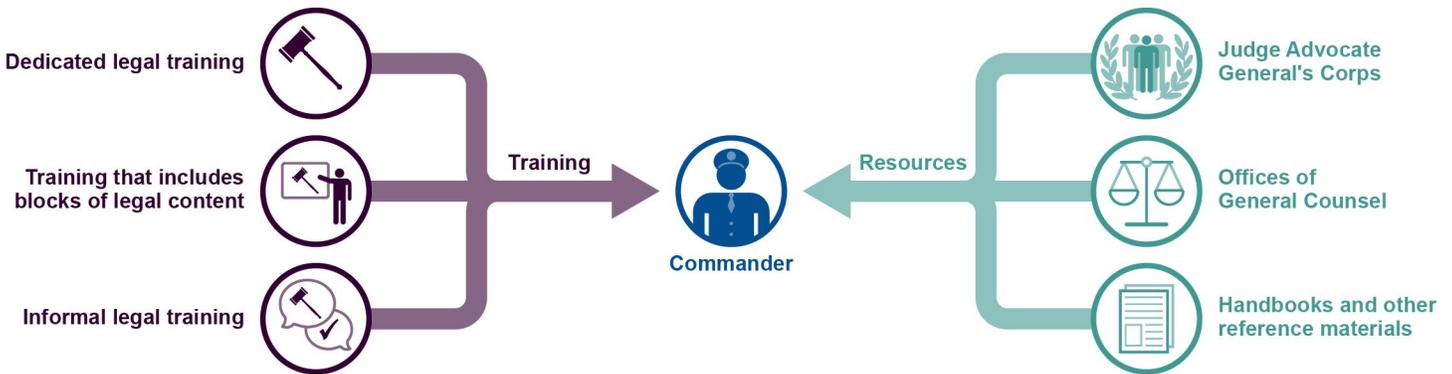
The military services use various methods to train commanders on legal subjects throughout their careers that we found generally fall into three categories. The first two categories of training are more formal in nature and consist of dedicated legal training and training with blocks of legal content. The third category covers training that is informal in nature and may occur, for example through on-the-job experiences. As shown in figure 3, these three categories of training combine to provide the legal foundation to prepare commanders to carry out their legal responsibilities,

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<sup>22</sup>We created these categories of legal training for purposes of this report to facilitate organization of the discussion, but these distinctions in types of training are not used within DOD. As a result, one category of legal training should not be considered more important than another category of legal training.

in addition to other resources provided to commanders that are discussed in more detail later in the report.

**Figure 3: Categories of Legal Training and Resources Available to Military Commanders**



Source: GAO analysis of Department of Defense information. | GAO-21-338

A summary overview of the legal training provided to commanders in each of the military services is provided in the figures that follow. The time spent on legal training and the subjects covered in the Army's dedicated legal training and training with blocks of legal content for general officers are summarized in figure 4.

**Figure 4: Army Dedicated Legal Training for Mid-Level Commanders and General Officers and Training with Blocks of Legal Content for General Officers**

| Type of law   | Civilian personnel | Contract and fiscal | Ethics | Military justice | Military personnel | Operational/International | Other <sup>a</sup> |
|---|--------------------|---------------------|--------|------------------|--------------------|---------------------------|--------------------|
| <b>Dedicated legal training</b>   |                    |                     |        |                  |                    |                           |                    |
| <b>General Officer Legal Orientation</b><br><i>8 hours</i>              |                    | ●                   | ●      | ●                | ●                  |                           | ●                  |
| <b>Senior Officer Legal Orientation</b><br><i>26 hours</i>              | ●                  | ●                   | ●      | ●                | ●                  | ●                         | ●                  |
| <b>Training with blocks of legal content for general officers</b>       |                    |                     |        |                  |                    |                           |                    |
| <b>Strategic Education Program - Basic</b><br><i>8 hours of 10 days</i> | ●                  | ●                   | ●      | ●                | ●                  |                           | ●                  |

Source: GAO analysis of Army course materials and officials' statements. | GAO-21-338

<sup>a</sup>The General Officer Legal Orientation includes electives that the commander can choose from; the Senior Officer Legal Orientation includes segments on consumer law and soldier family support, and the Strategic Education Program includes panels by experienced staff judge advocates.

The time spent on legal training and the subjects covered in the Army's training with blocks of legal content for junior and mid-level commanders is summarized in figure 5.

**Figure 5: Army Training with Blocks of Legal Content for Junior and Mid-Level Commanders**

| Type of law  | Civilian personnel | Contract and fiscal | Ethics | Military justice | Military personnel | Operational/International | Other <sup>a</sup> |
|--|--------------------|---------------------|--------|------------------|--------------------|---------------------------|--------------------|
| <b>Training with blocks of legal content for junior and mid-level commanders</b> |                    |                     |        |                  |                    |                           |                    |
| <b>Company Commander/First Sergeant Pre-Command Course (CCFSPCC)<sup>b</sup></b> |                    |                     |        |                  |                    |                           |                    |
| <b>CCFSPCC</b><br><i>Time varies per location</i>                                |                    | ●                   | ●      | ●                | ●                  |                           | ●                  |
| <b>Pre-Command and Command Sergeants Major Course (PCC/CSMC) Phase I</b>         |                    |                     |        |                  |                    |                           |                    |
| <b>Battalion</b><br><i>5.5 hours of 10 days</i>                                  | ●                  |                     | ●      | ●                | ●                  |                           |                    |
| <b>PCC/CSMC Phase II</b>   |                    |                     |        |                  |                    |                           |                    |
| <b>Contracting/Acquisition</b><br><i>1.5 hours of 4.5 days</i>                   |                    | ●                   | ●      | ●                |                    |                           |                    |
| <b>Garrison</b><br><i>5.5 hours of 10 days</i>                                   | ●                  |                     | ●      |                  |                    |                           |                    |
| <b>Initial Military Training</b><br><i>1 hour of 9 days</i>                      |                    |                     | ●      | ●                | ●                  |                           |                    |
| <b>Recruiting</b><br><i>1 hour of 10 days</i>                                    |                    |                     | ●      | ●                | ●                  |                           |                    |
| <b>Sustainment</b><br><i>1 hour of 8 days</i>                                    |                    |                     |        | ●                |                    |                           |                    |
| <b>U.S. Army Corps of Engineers</b><br><i>0.5 hours of 5 days</i>                |                    | ●                   | ●      |                  |                    |                           | ●                  |
| <b>PCC/CSMC Phase III</b>  |                    |                     |        |                  |                    |                           |                    |
| <b>Air Defense Artillery</b><br><i>2 hours of 10 days</i>                        |                    | ●                   | ●      | ●                | ●                  | ●                         | ●                  |
| <b>Aviation</b><br><i>3 hours of 10 days</i>                                     |                    |                     | ●      | ●                | ●                  |                           |                    |
| <b>CBRN</b><br><i>4 hours of 5 days</i>  | ●                  | ●                   | ●      | ●                | ●                  |                           |                    |
| <b>Engineer</b><br><i>4.5 hours of 9 days</i>                                    |                    | ●                   | ●      | ●                | ●                  |                           |                    |
| <b>Fires</b><br><i>2.5 hours of 9.5 days</i>                                     |                    | ●                   | ●      | ●                | ●                  | ●                         | ●                  |
| <b>Intelligence</b><br><i>1 hour of 5 days</i>                                   |                    |                     |        |                  |                    |                           | ●                  |
| <b>Maneuver</b><br><i>2 hours of 10 days</i>                                     |                    |                     | ●      | ●                | ●                  |                           |                    |
| <b>Maneuver Support</b><br><i>4 hours of 9 days</i>                              |                    | ●                   | ●      | ●                | ●                  |                           |                    |
| <b>Medical</b><br><i>5 hours of 5 days</i>                                       |                    | ●                   | ●      | ●                | ●                  |                           | ●                  |
| <b>Military Police</b><br><i>4 hours of 9 days</i>                               |                    | ●                   | ●      | ●                | ●                  |                           |                    |
| <b>Signals/Cyber</b><br><i>4 hours of 5 days</i>                                 |                    | ●                   | ●      | ●                |                    |                           | ●                  |

Source: GAO analysis of Army course materials and officials' statements. | GAO-21-338

Legend: CBRN=Chemical, Biological, Radiological, Nuclear

<sup>a</sup>The Company Commander course includes a segment on environmental law; the Phase II Army Corps of Engineers course includes a segment on environmental law; the Phase III Air Defense Artillery course includes a segment on environmental law; the Phase III Fires course include a

segment on environmental law; the Phase III Intelligence course includes a segment on intelligence oversight law; the Phase III Medical course includes a segment on domestic operations; and the Phase III Signals course includes a segment on cyber law.

<sup>b</sup>The course materials for the Army's Company/Commander/First Sergeant Pre-Command Course are centrally developed by the Army's School for Command Preparation and the Army JAG School, and the information in this figure reflects the content of that centrally-developed material. However, this course is offered at 25 different installations, and the time spent covering this material varied by the location where the instruction took place, ranging from 1.25 hour to 9 hours.

The time spent on legal training and the subjects covered in the Navy is summarized in figure 6.

**Figure 6: Navy Legal Training for Commanders**

| Type of law  | Civilian personnel | Contract and fiscal | Ethics | Military justice | Military personnel | Operational/International | Other <sup>a</sup> |
|--|--------------------|---------------------|--------|------------------|--------------------|---------------------------|--------------------|
| <b>Dedicated legal training</b>  |                    |                     |        |                  |                    |                           |                    |
| Senior Leader Legal Course<br><i>19.5 hours</i>  | ●                  |                     | ●      | ●                | ●                  | ●                         | ●                  |
| <b>Training with blocks of legal content for flag officers</b>                           |                    |                     |        |                  |                    |                           |                    |
| New Flag and Senior Executive Training Symposium (NFLEX)<br><i>1 hour of 4 days</i>      |                    |                     | ●      |                  |                    |                           |                    |
| <b>Training with blocks of legal content for junior and mid-level commanders</b>         |                    |                     |        |                  |                    |                           |                    |
| Sea, Air and Land Forces (SEAL) Command Leaders Seminar<br><i>1 to 3 hours of 4 days</i> |                    |                     | ●      |                  |                    |                           |                    |
| Senior Shore Leader Course (SSLC)<br><i>2 hours of 10 days</i>                           | ●                  |                     | ●      | ●                |                    |                           | ●                  |
| Surface Commander's Course<br><i>7 hours of 55 days</i>                                  |                    | ●                   | ●      |                  |                    |                           | ●                  |
| Surface Major Commander's (MCO) Course<br><i>2 hours of 15 days</i>                      |                    | ●                   | ●      |                  |                    |                           |                    |
| Surface Prospective Commanding Officer's (PCO) Course<br><i>4 hours of 15 days</i>       |                    |                     |        | ●                | ●                  | ●                         |                    |

Source: GAO analysis of Navy course materials and officials' statements. | GAO-21-338

<sup>a</sup>The Senior Leader Legal Course contains breakout sessions for officers O-5 and above, O-4 and below, and Marine Corps. The Senior Shore Leader Course and the Surface Commander's Course both cover environmental law.

The time spent on legal training and the subjects covered in the Marine Corps is summarized in figure 7.

**Figure 7: Marine Corps Legal Training for Commanders**

| Type of law   | Civilian personnel | Contract and fiscal | Ethics | Military justice | Military personnel | Operational/ International | Other |
|---|--------------------|---------------------|--------|------------------|--------------------|----------------------------|-------|
| <b>Training with blocks of legal content for general officers</b>                                   |                    |                     |        |                  |                    |                            |       |
| <b>Brigadier General Select Orientation Course (BGSOC)</b><br><i>1 hour of 7 days</i>               |                    |                     | ●      |                  |                    |                            |       |
| <b>Training with blocks of legal content for mid-level commanders</b>                               |                    |                     |        |                  |                    |                            |       |
| <b>Commandants Combined Commandership Course (Cornerstone) (O-5)</b><br><i>8.5 hours of 14 days</i> |                    | ●                   | ●      | ●                | ●                  |                            |       |
| <b>Commandants Combined Commandership Course (Cornerstone) (O-6)</b><br><i>8.5 hours of 14 days</i> |                    | ●                   | ●      | ●                | ●                  |                            |       |

Source: GAO analysis of Marine Corps course materials and officials' statements. | GAO-21-338

The time spent on legal training and the subjects covered in the Air Force's dedicated legal training for mid-level commanders and training with blocks of legal content for general officers are summarized in figure 8.

**Figure 8: Air Force Dedicated Legal Training for Mid-Level Commanders and Training with Blocks of Legal Content for General Officers**

| Type of law   | Civilian personnel | Contract and fiscal | Ethics | Military justice | Military personnel | Operational/ International | Other <sup>a</sup> |
|---|--------------------|---------------------|--------|------------------|--------------------|----------------------------|--------------------|
| <b>Dedicated legal training</b>   |                    |                     |        |                  |                    |                            |                    |
| <b>Senior Officer Legal Orientation</b><br><i>16 hours</i>                      | ●                  | ●                   | ●      | ●                | ●                  | ●                          | ●                  |
| <b>Training with blocks of legal content for general officers</b>               |                    |                     |        |                  |                    |                            |                    |
| <b>Combined Force Air Component Commander Course</b><br><i>1 hour of 7 days</i> |                    |                     |        |                  |                    | ●                          |                    |
| <b>Joint Flag Officer Warfighting Course</b><br><i>1 hour of 5 days</i>         |                    |                     |        |                  |                    | ●                          |                    |
| <b>Senior Leader Orientation Course</b><br><i>2 hours of 10 days</i>            |                    |                     | ●      |                  |                    |                            | ●                  |

Source: GAO analysis of Air Force course materials and officials' statements. | GAO-21-338

<sup>a</sup>The Senior Officer Legal Orientation includes a segment on installation law, and the Senior Leader Orientation Course contains segments on cyber law and space law.

The time spent on legal training and the subjects covered in the Air Force's training with blocks of legal content for mid-level commanders is summarized in figure 9.

**Figure 9: Air Force Training with Blocks of Legal Content for Mid-Level Commanders**

| Type of law   | Civilian personnel | Contract and fiscal | Ethics | Military justice | Military personnel | Operational/ International | Other <sup>a</sup> |
|---|--------------------|---------------------|--------|------------------|--------------------|----------------------------|--------------------|
| <b>Training with blocks of legal content for mid-level commanders</b>                                 |                    |                     |        |                  |                    |                            |                    |
| Air Combat Command, Squadron Commanders Course<br><i>4 hours of 5 days</i>                            |                    |                     | ●      | ●                |                    |                            |                    |
| Air Education and Training Command, Senior Leaders Conference<br><i>1 hour of 4 days</i>              |                    |                     |        | ●                |                    |                            |                    |
| Air Education and Training Command, Squadron Leadership Conference<br><i>2 to 4 hours of 4.5 days</i> |                    |                     | ●      | ●                |                    |                            |                    |
| Air Force Global Strike Command, Squadron Commanders Course<br><i>1 hour of 5 days</i>                |                    |                     |        | ●                |                    |                            |                    |
| Air Force Materiel Command, Squadron Leader Orientation<br><i>2.5 hours of 5 days</i>                 |                    |                     |        | ●                | ●                  |                            |                    |
| Air Force Special Operations Command, Squadron Leadership Course<br><i>4 hours of 5 days</i>          |                    |                     |        | ●                |                    |                            |                    |
| Air Mobility Command, Squadron Commanders Course<br><i>2.5 hours of 5 days</i>                        |                    |                     | ●      | ●                |                    |                            |                    |
| Air Mobility Command, Wing Commandner Course (Phoenix Rally)<br><i>1 to 1.5 hours of 3 days</i>       |                    |                     | ●      |                  |                    |                            |                    |
| Civil Engineer Commander/Deputy Course<br><i>1.5 hours of 7 days</i>                                  |                    |                     |        | ●                |                    |                            |                    |
| Emergency Operations Center Directors Course<br><i>1 hour of 4 days</i>                               |                    |                     |        |                  |                    |                            | ●                  |
| Mission Support Group Commanders' Course<br><i>1 hour of 2 days</i>                                   |                    |                     |        |                  |                    |                            | ●                  |
| Pacific Air Forces, Commanders Conference<br><i>1 hour of 3 days</i>                                  |                    |                     | ●      | ●                |                    |                            |                    |
| Pacific Air Forces, Squadron Commanders Course<br><i>3.5 hours of 5 days</i>                          | ●                  | ●                   | ●      | ●                |                    |                            |                    |
| U.S. Air Forces Europe - Air Forces Africa, Squadron Commanders Course<br><i>2.5 hours of 5 days</i>  | ●                  |                     | ●      | ●                |                    |                            |                    |
| U.S. Air Forces Europe - Air Forces Africa, Wing Commanders Course<br><i>1 hour of 2 days</i>         |                    |                     |        | ●                |                    |                            |                    |

Source: GAO analysis of Air Force course materials and officials' statements. | GAO-21-338

<sup>a</sup>The Emergency Operations Center Directors' Course covers topics such as Defense Support to Civil Authorities, and the Mission Support Group Commanders' Course contains a segment on magistrate duties.

Each category of training is described in more detail below.

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### Dedicated Legal Training

Each military service's respective JAG school provides dedicated legal training that is focused solely on legal subjects and is generally intended for mid-level commanders at the grades of O-5 and O-6.<sup>23</sup> Specifically, the Army and the Air Force each have a Senior Officer Legal Orientation (SOLO) course; while the Navy offers the Senior Leader Legal Course (SLLC), which is open to both Navy and Marine Corps commanders. The Army also offers a General Officer Legal Orientation (GOLO) course for general officers. No other military service provides similar dedicated legal training for general officers.

Although each military service has developed some form of dedicated legal training for its commanders, the requirement to attend these courses varies by both military service and the commander's grade. For example, the Army's SOLO course is required for O-6 and O-5 commanders with special court-martial convening authority.<sup>24</sup> The course is optional for all other O-6 and O-5 commanders, with attendance based on space and at the discretion of the individual commander's leadership. The Army's GOLO course is likewise optional and intended for officers who have obtained the rank of O-7 and above, including those in command

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<sup>23</sup>The dedicated legal training is offered in-residence by The Army's The Judge Advocate General's Legal Center and School in Charlottesville, VA; the Navy's Naval Justice School in Newport, RI, Norfolk, VA and San Diego, CA; and the Air Force Judge Advocate General's School at Maxwell Air Force Base, AL. The Naval Justice School also used mobile training teams to provide SLLC at other locations for Navy and Marine Corps officers. Due to the Coronavirus Disease 2019 (COVID-19) pandemic, both the Army and the Navy are offering their respective courses in a virtual format.

<sup>24</sup>In creating the military justice system, Congress established three types of military courts, called courts-martial: summary, special, and general. Each of these types respectively is intended to deal with progressively more serious offenses, and each court-martial type may adjudicate more severe maximum punishments as prescribed under the Uniform Code of Military Justice. If a commander is a convening authority for a special court-martial, the commander can take an administrative action, impose nonjudicial punishment, dismiss a case or take no action, convene a special court-martial, convene a preliminary hearing, return a case to a lower court convening authority (summary court-martial), or forward charges to a higher level convening authority.

positions.<sup>25</sup> As of June 2020, the Navy requires all prospective commanders and prospective executive officers, regardless of grade or community, to attend SLLC.<sup>26</sup> Conversely, the Marine Corps does not require dedicated legal training for its commanders. Instead, Marine Corps officials told us that commanders at the O-5 and O-6 grades attend the Navy’s SLLC at the discretion of the individual commander’s leadership. The Air Force requires dedicated legal training for O-6 wing and group commanders, but does not generally offer the training to O-5 commanders.<sup>27</sup> Figure 10 below summarizes each military service’s requirements for dedicated legal training.

**Figure 10: Military Service Requirements for Dedicated Legal Training for Commanders**

| Army                              | Navy   | Marine Corps                             | Air Force   |  |
|-----------------------------------|--|--|---|--|
| General Officer Legal Orientation | Senior Officer Legal Orientation   | Senior Leader Legal Course               | Senior Officer Legal Orientation  |  |
| Optional for O-7+                 | Required for O-6 and O-5 commanders with special court-martial convening authority<br><br>Optional for O-6 and O-5 commanders without special court-martial convening authority; attendance based on space and at the discretion of commander’s leadership | Required for all commanders in all ranks | Not required by service guidance; attendance based on space and at the discretion of commander’s leadership | Required for O-6 Wing and Group commanders |

Source: GAO analysis of service guidance and documents. | GAO-21-338

<sup>25</sup>According to an Army JAG School official, the GOLO course covers topics such as fiscal law, military justice, and ethics and is generally offered about 20 times per year. The official also stated that the Army’s GOLO course was previously mandatory, but it was made optional after additional legal training was incorporated into another general officer training. Specifically, the Army’s Strategic Education Program – Basic is required for all Army officers selected for promotion to the grade of O-7, and includes a full day of instruction on legal issues. For additional information about this course, see figure 4 above and Appendix II.

<sup>26</sup>Navy Personnel Command, MILPERSMAN 1301-907, *Naval Senior Leader Legal Training* (June 22, 2020) and Department of the Navy, Chief of Naval Personnel Memorandum for the Record, *Training for Sexual Assault Initial Disposition Authority* (Sept. 4, 2012). Prior to June 2020, the Navy only required SLLC for O-6 commanders with special court-martial convening authority; however, individual Navy communities may have separately required this training for commanders other than those required to take the course.

<sup>27</sup>An Air Force Group consists of two or more squadrons and is generally commanded by an O-6 grade officer. A Wing consists of two or more groups and is generally commanded by an O-6 or O-7 grade officer. In addition to commanders, the Air Force also requires vice-wing commanders to attend SOLO.

Note: In addition to the dedicated legal training summarized in this figure, commanders also take training with blocks of legal content and informal training (which can include refresher training provided by the staff judge advocate). These categories of legal training are discussed later in this report.

Each military service generally covers the same or similar topics during its respective dedicated legal training courses, but the amount of time spent on each topic and the overall length of the training varies. For example, the Army's SOLO course is approximately 26 hours long, whereas the Navy's and the Air Force's courses are about 20 hours and 16 hours, respectively. In addition, the majority of the Army's and the Navy's courses are focused on military justice and military personnel legal issues (approximately 50 percent), while nearly 50 percent of the Air Force's course is devoted to the topic of military justice. Figure 11 details the legal subjects covered in each military service's dedicated legal training course and the amount of time spent on each.

**Figure 11: Subjects Covered in and Duration of Dedicated Legal Training for Military Commanders in Fiscal Year 2020, By Military Service**



Source: GAO analysis of military service course materials. | GAO-21-338

Note: The blocks of instruction covered in the legal training courses are not limited to the subjects outlined above; the list in this figure aggregates several blocks of instruction in various subject matters.

<sup>a</sup>The hours for each type of law for each course may not sum to the total hours for the course because commanders are not required to take all sessions.

<sup>b</sup>The courses contain other legal content not included in the listed subjects. For example, the Army's Senior Officer Legal Orientation (SOLO) includes segments on consumer law and soldier family support and the Air Force's SOLO includes a segment on installation law.

<sup>c</sup>The Army's SOLO course has a 4-hour block where commanders break out into installation and operational tracks to cover mission specific legal matters. Civilian personnel law is covered in two blocks: "Disciplinary Actions for Civilians," which is provided to the entire population attending SOLO, and "Law of Federal Employment & Labor Management Relations," which is provided to commanders in the installation track. The international law and operational law block lasts 2.5 hours and is provided to commanders in the operational track. The environmental law block lasts 50 minutes and is provided to commanders in the installation track.

<sup>d</sup>The Navy's Senior Leader Legal Course (SLLC), which is taken by both Navy and Marine Corps commanders, has a 3-hour block where commanders break out into installation and operational tracks to cover mission-specific legal matters. The civilian personnel law block lasts for 1 hour and is provided to commanders in the installation track. The international and operational law block has 1 hour dedicated to "Overseas Legal Issues" for commanders in the installation track, whereas commanders in the operational track have 3 hours dedicated to "Law of the Sea" and "Law of Armed Conflict."

| Type of law                   | Army Senior Officer Legal Orientation (26 total hours) | Navy Senior Leader Legal Course (19.5 total hours)                 | Air Force Senior Officer Legal Orientation (16 total hours) |
|-------------------------------|--|--|---|
| Civilian personnel            | 2.5 (1.5 for installation commanders)                  | 2 (2 for installation commanders)                                  | 1   |
| Constitutional                | 1  | 2  | 2   |
| Contract and fiscal           | 2  | 0  | 1   |
| Environmental                 | 1 (1 for installation commanders)                      | 0  | 1   |
| Ethics                        | 1.5  | 3.5  | 1   |
| International and operational | 2.5 (2.5 for operational commanders)                   | 4 (1 for installation commanders and 3 for operational commanders) | 1   |
| Military justice              | 6.5  | 3.5  | 7   |
| Military personnel            | 6.5  | 6.5  | 1   |
| Other subjects                | 5  | 1  | 1   |

In addition to the core subjects covered in these dedicated legal training courses, each military service covers topics that are designed to meet the specific needs of commanders' different roles. For example, Army and Navy operational commanders receive training on topics such as operational law, and installation commanders receive training on topics

such as civilian personnel law.<sup>28</sup> The Navy's SLLC also includes separate breakout sessions for grades O-5 and above, O-4 and below, and for Marine Corps officers. The Air Force's course does not have separate breakout sessions for different types of commanders; however, it does tailor some lessons to either group or wing commanders. For example, Air Force group commanders' coursework covers topics such as their role in progressive discipline, options as an Article 15 appellate authority, and facilitation of court-martial member nominations. Wing commanders' coursework includes information about their responsibilities as a Special Court-Martial Convening Authority, among other things.

Army general officers who choose to take GOLO will cover seven mandatory topics, such as military personnel law, fiscal law, military justice, ethics, and unlawful command influence. These officers then may choose up to eight electives from a list that includes subjects such as cyber law, intelligence law, command responsibility and war crimes, veterans law, and government contracting. According to an official from the Army JAG School, officers often select their electives in consultation with their SJA and other staff. The official said that all GOLO instruction is provided on a one-on-one basis at the JAG School, and the programs usually last 1 day but can extend to a day and a half if the officer wishes.

### Training with Blocks of Legal Content

In addition to dedicated legal training, the military services provide junior and mid-level commanders and senior officers with training throughout their careers that, while not solely focused on legal topics, may include blocks of legal content.<sup>29</sup>

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<sup>28</sup>An installation or garrison commander is responsible for day-to-day operation and management of installations and base support services. An operational commander commands forces whose primary mission is to participate in combat and the integral supporting elements thereof. Army Regulation 600-20, *Army Command Policy* (July 24, 2020); Army Regulation 71-32, *Force Development and Documentation Consolidated Policies* (Mar. 20, 2019).

<sup>29</sup>Training with blocks of legal content is training that may cover a variety of subjects, with legal content blocks making up only part of the overall training. For this section, we reviewed training that was specifically intended for commanders and did not review training that was intended for all officers, even if commanders may have taken that training. Additionally, we were only able to review a selected number of courses. There may be additional training available to commanders that we were not able to review.

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## Junior and Mid-Level Commanders

Each service offers various types of pre-command training that cover legal topics during courses attended by junior and mid-level commanders, but the specific training an individual commander receives depends on the specific community or installation that provides the training. For example, the Army requires company commanders (O-3) to take the Company Commander/First Sergeant Pre-Command Course, which, depending on the installation where it is offered, includes from 1.25 hours up to 9 hours of legal training on topics such as military justice, ethics, and enlisted separations.<sup>30</sup>

The Army also requires pre-command training for all battalion (O-5) and brigade (O-6) commanders that is conducted in three phases—each of which includes some training on legal issues.<sup>31</sup> All O-5 commanders attend Phase I at Fort Leavenworth, which contains a 5.5-hour legal block on topics such as military justice and military personnel law. Commanders then attend Phase II and Phase III courses that are held at various locations and are tailored to the type of unit the officer is commanding. In these phases, the amount of legal training varies depending on the installation where it is offered—ranging from no legal content to more than 5 hours in Phase II, and from 1 hour to 5 hours of legal content in Phase III. Army officials stated that they are revising the pre-command training for battalion (O-5) and brigade (O-6) commanders, and plan to include more legal training for battalion commanders starting in fiscal year 2022. See figure 5 above and appendix II for more details on the content, duration, and completion rates of the Army’s training with blocks of legal content for junior and mid-level commanders.

The Navy also provides training with blocks of legal content to some junior and mid-level commanders, based on the specific Navy community to which they are assigned, with at least 21 different commands providing

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<sup>30</sup>Army Regulation 350-1, *Army Training and Leader Development*, para. 3-41a (Dec. 10, 2017).

<sup>31</sup>Army Regulation 350-1, *Army Training and Leader Development*, para. 3-41b (Dec. 10, 2017).

training to Navy officers.<sup>32</sup> For the five communities whose training we reviewed, we found that three communities provide some training with legal blocks to commanders. First, the Navy Surface Warfare Schools Command conducts three trainings for commanders at various grades, with legal content ranging from 2 hours to 7 hours depending on the course, and covering subjects such as military justice, ethics, and contract law. In addition, the Center for SEAL (Sea, Air, and Land) and SWCC (Special Warfare Combatant-craft Crewman) provides O-5 commanders with legal training on ethics that lasts between 1 and 3 hours, and the Navy's Installations Command provides 2 hours of legal training to O-5 and O-6 commanders that covers military justice, civilian law, ethics, and environmental law. Commander-specific courses at Naval Aviation Schools Command and the Submarine Learning Center did not contain training with legal blocks, according to Navy officials. See figure 6 above and appendix II for more details on the content, duration, and completion rates of the Navy's training with blocks of legal content for commanders.

The Marine Corps provides training with blocks of legal content to officers selected for command at the O-5 and O-6 levels. These officers attend the Commandants Combined Commandership Course (Cornerstone), which contains about 8.5 hours of legal training covering military justice, contracts and fiscal law, military personnel law, and ethics. See figure 7 above and appendix II for more details on the content, duration, and completion rates of the Marine Corps' training with blocks of legal content for commanders.

The Air Force's training with legal blocks for junior and mid-level commanders is provided through the individual major commands (MAJCOM), with additional training provided at central locations depending on the commander's grade and specialty.<sup>33</sup> In all eight

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<sup>32</sup>We examined 21 Navy commands for potentially relevant training courses and conducted follow-up with the five commands that we deemed most relevant. We identified the five commands as relevant based on initial outreach from a Navy Education and Training Command official who indicated these commands may provide relevant training, as well as our determination that these commands covered communities that contain a large number of commanders. See Appendix I for additional details about the methodology we used to identify relevant training.

<sup>33</sup>The eight MAJCOMs included in this review are: Air Combat Command, Air Education and Training Command, Air Force Global Strike Command, Air Force Materiel Command, Air Force Special Operations Command, Air Mobility Command, Pacific Air Forces, and U.S. Air Forces in Europe and Air Forces Africa.

MAJCOMs, squadron commanders (generally O-4 and O-5) attend a squadron commander's course that contains some legal blocks, with legal training ranging from 1 hour to 4 hours and covering subjects such as military justice and ethics. Some of the MAJCOMs hold additional conferences for higher-level commanders that contain legal blocks of instruction. For wing and group commanders (generally O-6), the Air Force requires pre-command training at the Commanders' Professional Development School, where two of the courses provide training with legal blocks of instruction.<sup>34</sup> See figure 9 above and appendix II for more details on the content, duration, and completion rates of the Air Force's training with blocks of legal content for mid-level commanders.

### **General and Flag Officers**

The military services also provide training that contains blocks of legal content for officers promoted to the general and flag officer ranks. In each service, officers promoted to the O-7 grade are generally required to attend this training.<sup>35</sup> The legal blocks range from an hour-long ethics brief in the Navy and the Marine Corps courses to a full day of legal training as part of the course for Army officers. Figure 12 provides additional information about the content and duration of this legal training for each service. See appendix II for more details about the military services' training with blocks of legal content for general and flag officers.

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<sup>34</sup>Secretary of the Air Force and Chief of Staff, United States Air Force Memorandum, *Pre-Command/Spouse Training Courses* (Jan. 3, 2019).

<sup>35</sup>While Navy and Air Force officials stated that their respective courses are a requirement, officials did not identify any written policy requiring the course.

**Figure 12: Training with Blocks of Legal Content for General and Flag Officers**

| Type of law   | Civilian personnel | Contract and fiscal | Ethics | Military justice | Military personnel | Operational/ International | Other <sup>a</sup> |
|---|--------------------|---------------------|--------|------------------|--------------------|----------------------------|--------------------|
| <b>Army</b>   |                    |                     |        |                  |                    |                            |                    |
| Strategic Education Program – Basic<br><i>8 hours of 10 days</i>                    | ●                  | ●                   | ●      | ●                | ●                  |                            | ●                  |
| <b>Navy</b>   |                    |                     |        |                  |                    |                            |                    |
| New Flag and Senior Executive Training Symposium (NFLEX)<br><i>1 hour of 4 days</i> |                    |                     | ●      |                  |                    |                            |                    |
| <b>Marine Corps</b>   |                    |                     |        |                  |                    |                            |                    |
| Brigadier General Select Orientation Course (BGSOC)<br><i>1 hour of 7 days</i>      |                    |                     | ●      |                  |                    |                            |                    |
| <b>Air Force</b>  |                    |                     |        |                  |                    |                            |                    |
| Senior Leader Orientation Course<br><i>2 hours of 10 days</i>                       |                    |                     | ●      |                  |                    |                            | ●                  |

Source: GAO analysis of military service course materials and officials' statements. | GAO-21-338

<sup>a</sup>Other legal blocks in the Army course include panels by experienced staff judge advocates; the Air Force course contains blocks on space law and cyber law.

### Informal Legal Training

All of the military services provide commanders with various types of non-classroom-based or informal legal training. Such training may take the form of informal briefings, highlighting a trending legal issue in a newsletter, or impromptu discussions between a commander and their SJA, among other things. The generally ad hoc nature of informal legal training makes it impossible to quantify exactly how much time is spent discussing legal issues. However, the commanders and legal personnel we spoke with during our review emphasized that it occurs on an ongoing basis and is some of the most valuable training they receive.

For example, commanders in all 16 of our discussion groups and in 14 of our 16 semi-structured interviews reported receiving informal legal training, with participants in 13 of these discussion groups and 13 of the semi-structured interviews reporting that they received such training frequently or on a routine basis. Further, commanders in 13 of 16 discussion groups and 15 of 16 semi-structured interviews reported positive experiences with the informal training they received. For example, an Army O-5 commander in one discussion group praised the informal briefings by attorneys that cover topics such as sexual harassment and assault and how investigations of such incidents are

conducted. A Navy general officer we interviewed reported always receiving informal training through the legal counsel on staff and characterized all discussions with the JAG as learning opportunities, and a Marine Corps general officer told us that having discussions with the lawyer is always good training. We also spoke with a group of O-5 commanders from the Air Force that complimented their legal office for being continuously engaged with the community and trying to identify new ways to engage with personnel. These commanders added that this gives personnel many opportunities to ask questions and helps legal staff identify areas of pressing need or increased interest. Additionally, Air Force O-5 commanders said that the status of discipline briefing was the most valuable legal training they received as commanders.<sup>36</sup>

We also spoke with SJAs from each service that described similar experiences with the informal legal training that they provide to commanders. For example, in 16 of 17 of the semi-structured interviews that we conducted with SJAs, participants stated that they provide legal training to commanders on a frequent or routine basis. For example, one Army SJA reported providing informal training daily, adding that this is the most prevalent kind of training. A Navy SJA said that in addition to formal training, they provide informal training as issues come up. Further, an Air Force SJA said that they provide training at the monthly status of cases meeting, where they discuss legal trends.

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## The Military Services Do Not Have Complete Records of Whether Commanders Have Completed Legal Training

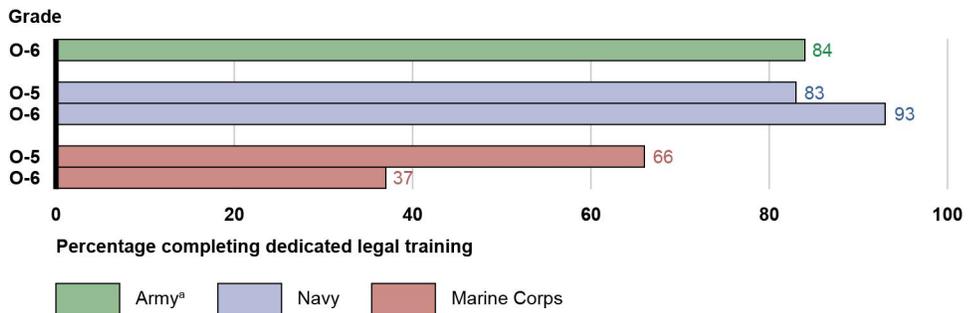
The military services do not have a complete record of the required and optional legal training that commanders have completed documented in their respective systems of record. Officers who were in positions of command during fiscal year 2019 completed dedicated legal training at

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<sup>36</sup>Status of discipline briefings are quarterly meetings for commanders conducted by legal offices covering, among other things, results of trials for courts-martial and information on nonjudicial punishment actions. Air Force Instruction 51-201, *Administration of Military Justice* (Jan. 18, 2019) (incorporating Department of the Air Force Guidance Memorandum 2021-01, Jan. 5, 2021). Air Force personnel told us that these briefings are also used to provide legal training for commanders.

varying rates depending on the service and commander's grade.<sup>37</sup> For example, at the O-6 grade, completion rates range from 38 percent for the Marine Corps to 95 percent for the Navy. Figure 13 provides further details about the completion rates for the Army's and Navy's SOLO and SLLC courses for officers who were in positions of command during fiscal year 2019. We were unable to provide completion rates for the Army O-5 officers or Air Force officers for both services' respective Senior Officer Legal Orientation courses due to issues with their training data, which are discussed below. See appendix II for training data for other courses we reviewed from each of the services.

**Figure 13: Dedicated Legal Training Completion Rates by Fiscal Year 2019 Military Commanders**



Source: GAO analysis of service personnel and training data. | GAO-21-338

Note: Fiscal year 2019 commanders refers to officers in each service who we identified as holding a position of command at some time during fiscal year 2019. Each rank includes commanders who may not have been required to complete their respective dedicated legal training course. For the period covered by this data, the Navy only required the Senior Leader Legal Course for O-6 commanders with special-court martial convening authority, but individual Navy communities may have required this training for more commanders. Marine Corps data includes fiscal 2019 commanders who completed the Navy's Senior Leader Legal course from fiscal year 2014 to fiscal year 2019. We could not provide completion rates for the Air Force Senior Officer Legal Orientation course due to issues with the reliability of their training data, which are discussed in this report.

<sup>a</sup>The Army requires its course for O-6 and O-5 commanders with special court-martial convening authority. Army completion rates were determined by analysis of data in the Army Training Requirements and Resources System, supplemented by information provided by an Army official who manually looked up all O-6 individuals who had not taken the Senior Officer Legal Orientation per our data analysis. We were unable to account for training completion for Army O-5 commanders as we did not request the manual review for that group due to the larger population size.

<sup>37</sup>Fiscal year 2019 commanders refers to those commanders we had identified as being in position of command at any time during fiscal year 2019. See appendix I for more details about how we identified these commanders. For courses that were required for all commanders of a certain grade, we expected to see very high completion rates by commanders in that grade, such as 90 percent or higher.

|              | Grade | Percentage completing dedicated legal training |
|--------------|-------|--|
| Army         | O-6   | 84   |
| Navy         | O-5   | 83   |
|              | O-6   | 93   |
| Marine Corps | O-5   | 66   |
|              | O-6   | 37   |

We identified three issues that prevented training completion from being comprehensively and accurately documented in the services' systems of record. First, the Army's, the Marine Corps', and the Air Force's systems of record did not always contain complete and accurate data on training completion for four courses. For example, we obtained data on course completion rates for the Army Strategic Education Program – Basic (ASEP-B)—a required course for all Army O-7 general officers—and found that only 26 of 56 fiscal year 2019 O-7 commanders had completed the course.<sup>38</sup> An Army official reviewed the list we provided of the fiscal year 2019 commanders and determined that their documented completion rates were higher than what we found using data from the Army's official training database.<sup>39</sup> For example, the official found that records maintained by the ASEP-B program showed that 20 of the O-7 commanders we identified as not having attended ASEP-B had completed the course during iterations in January and October 2016.<sup>40</sup> These completions were not in the training records we reviewed from the Army's system of record, but combined with the data from the system of record they show that 47 of 56 total commanders had taken the course. The official stated that the system that is used by the program to track

<sup>38</sup>The Army Training Requirements and Resources System (ATRRS) is the system of record for the management of personnel input to training for the Army and is the repository for training requirements, training programs, selected training cost data, and training personnel data.

<sup>39</sup>According to Army Regulation 350-10, ATRRS provides accurate and responsive information for input into reports and budgets submitted to DOD and Congress. Training managers are responsible for ensuring data accuracy in ATRRS for all personnel within their quota management. Army Regulation 350-10, *Management of Army Individual Training Requirements and Resources* (Sept. 3, 2009).

<sup>40</sup>We were only able to review Army training data covering fiscal year 2016 to fiscal year 2021. One of the completion dates provided by the ASEP-B program occurred before that time period, so would not be included in the data we reviewed. The Army official was also unable to determine completions for some officers likely due to the retirement of the officer, which would make their records unavailable in the system used by ASEP-B.

completion does not communicate with the Army's system of record, so completions must be manually updated in each system.

We also obtained Marine Corps course completion data and found that these data differed from the training completion records maintained by the training provider.<sup>41</sup> For example, we obtained data on individuals who attended the Brigadier General Select Orientation Course—a required program for newly promoted O-7 officers that includes a legal block of instruction. According to the data we reviewed, only two of the 19 O-7 officers who were in command during fiscal year 2019 attended the course. However, we also obtained the course's attendance rosters going back to 2015 and found that the rosters documented a much higher rate of course attendance, indicating that all of the 19 O-7 officers had completed the course.

Data that we obtained from the Air Force also showed that course completion rates recorded in the training system of record were lower than expected for required courses and that they differed from the completion rates documented in the system used by the training provider.<sup>42</sup> For example, we obtained training completion records for the Air Force's SOLO course and found that, although it is required for all wing and group commanders, just over 60 percent of commanders falling into these two categories in fiscal year 2019 had completed the course. An Air Force official compared the list from the training system of record to the training records used by the course provider and found that the completion rate was about 69 percent, but could not explain why the completion rate would be so low for a required course.<sup>43</sup>

The Air Force official explained that the system used by the course provider does not automatically communicate with the system of record and data is manually uploaded. But, he said that based on their process,

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<sup>41</sup>The Marine Corps training system of record is the Marine Corps Training Information Management System. This system communicates with the Marine Corps Total Force System. The data we reviewed were from the Total Force Data Warehouse, which is a monthly snapshot of data recorded in the Marine Corps Total Force System, according to Marine Corps officials.

<sup>42</sup>The Air Force requires unit training managers to update course completion in the Military Personnel Data System for all assigned units and maintain class rosters on file until information is verified in this system. Air Force Guidance Memorandum to Air Force Instruction 36-2670, *Total Force Development* (Dec. 7, 2020).

<sup>43</sup>An Air Force official stated that the Air Force uses the Senior Leader Career Management System to register and track commander completion of the course.

both systems should have the same record for training attendance. He could not fully explain the discrepancies between the data maintained in the two systems. Air Force officials told us that some commanders who we were told completed SOLO were missing data variables, such as the completion end date, that are needed to identify those commanders as completing the course in the system of record. We also found that completion rates for the Senior Leader Orientation Course for newly promoted O-7 general officers were lower than expected. For example, according to data in the system of record, only one of the 141 O-7 commanders we identified had completed the course. Air Force officials who run the course said that they believed those numbers were incorrect. The officials provided rosters that showed nearly all of the O-7 commanders we identified completed the course.

Second, for four other training courses in the Navy and the Air Force, training completion was tracked using a different system or method than the training system of record. Navy policy requires that formal training courses be identified in the system of record, including enrollments and completions.<sup>44</sup> However, training completion for some Navy courses with legal blocks of instruction were tracked using a different system or method than the training system of record. For example, Navy officials told us that the Command Leadership Seminar, which contains a legal block of instruction and is required for SEAL (Sea, Air, and Land) O-5 commanders, is not recorded in the system of record for formal training, but instead is recorded in another service-wide personnel system.<sup>45</sup> Navy officials with Center for SEAL and SWCC (Special Warfare Combatant-craft Crewman) said that they had used the separate system due to its flexibility as the program is a seminar that changes frequently based on community requirements. However, the officials said that they were moving toward making the Command Leadership Seminar a course that would be tracked in the system of record and said that they would begin

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<sup>44</sup>OPNAV Instruction 1510.10D, *Corporate Enterprise Training Activity Resource System* (Aug. 8, 2017). Navy officials stated that non-formal training is captured in Learning Management System – Distance Learning (some people still refer to as eLearning) and Total Workforce Management System. Additionally, the officials said the Fleet Training Management and Planning System has a method for capturing informal learning completions (like in-service trainings) performed at the unit level. Navy Training Management and Planning System is the data warehouse behind Fleet Training Management and Planning System, which receive data from the Corporate Enterprise Training Activity Resource System and many other sources and communicates training completions to the personnel system, according to the Navy officials.

<sup>45</sup>Navy officials stated the course is reported in the Navy Standard Integrated Personnel System, which includes records on military training and qualifications.

tracking the course in the system of record at the end of May 2021 and transfer all records to the system by the end of July 2021.

In addition, Navy officials told us the New Flag and Senior Executive Training Symposium, which contains a legal block and is required for newly promoted flag officers, is not recorded in any service-wide database. Officials with that program said that they maintain individual files on flag officers that are used to track completion of the training, but that these files have never been compiled into a single list and only go back to 2010. Similarly, the Air Force uses MAJCOM squadron commander training to provide legal training to commanders, but only five of the eight MAJCOMs used the system of record to record this training. Officials at two MAJCOMs said that their squadron commander courses are not tracked in the system of record. Officials at another MAJCOM said that they previously only tracked their squadron commander course locally, but as of February 2021 they began tracking the course in the system of record.

Third, for the Army's SOLO course we were unable to fully account for training completion due to several issues with the underlying data. For example, we found that of the O-6 officers we identified in positions of command during fiscal year 2019, about 84 percent (549 of 655) completed SOLO.<sup>46</sup> Only O-6 commanders with special court-martial convening authority are required to take this course, and an Army JAG School official identified some commanders on our list as not likely having that authority.

However, the Army official did not provide any explanation for approximately 60 fiscal year 2019 Army O-6 commanders who had not completed SOLO. He said he was unable to determine whether they were required to take SOLO, because he could not determine if the individual had special court-martial convening authority—the basis for the SOLO requirement—based on the position titles. Additionally, the JAG School official said that for some of the commanders we identified, the position dates suggested that the officer may not have been in command during fiscal year 2019. For example, three individuals had a command tour for

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<sup>46</sup>Army officials found that eight additional O-6 commanders completed the course in fiscal year 2020, but that time period was outside the scope of our review. Army completion rates were determined by analysis of data in the Army Training Requirements and Resources System, supplemented by information provided by an Army official who manually looked up all O-6 individuals who had not taken SOLO per our data analysis. We were unable to account for training completion for Army O-5 commanders as we did not request the manual review for that group due to the larger population size.

only 1 year, which the JAG School official said would be unusual as officers generally serve for 2-year or sometimes 3-year command periods. We also found 12 individuals whose commands began more than 3 years before fiscal year 2019. The JAG School official said that it would be unlikely that these individuals would still be in command during fiscal year 2019, which may explain nonattendance as the policy enforcing SOLO attendance only started in 2017.

According to *Standards for Internal Control in the Federal Government*, management should use quality information to achieve the entity's objectives. Among other things, this internal control principle calls for management to identify information requirements; obtain relevant data from reliable sources that are reasonably free from error; ensure that the data it receives are timely and reliable; and process the data obtained into quality information—information that is appropriate, current, complete, and accurate.<sup>47</sup> Until the services either track all training completion in systems of record or determine the reasons that the training completion data documented in the systems of record differs from the records maintained by the course providers, and take steps to address those issues to ensure that all formal legal training for commanders is fully and accurately tracked, they will be unable to ensure that commanders are completing all required legal training.

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## The Services Conduct Some End-of-Course Surveys, but Do Not Know Whether the Continuum of Legal Training Commanders Receive Meets Their Needs

All military services use optional, end-of-course surveys to solicit immediate feedback from participants in their dedicated legal training courses and training courses that contain blocks of legal content. Some services have also started to use additional survey techniques to gauge the effectiveness of the legal training that they provide to commanders, but thus far these efforts have been limited to certain courses and the Army, the Navy, and the Air Force have not developed and issued guidance to help ensure that these newly-instituted surveys continue over

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<sup>47</sup>[GAO-14-704G](#).

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time. Further, perspectives on commander preparation varied among the military services, and we found that inconsistencies in the timing, amount, and mix of legal training provided to commanders at various grades suggests that the services' current program of providing legal training to commanders may not be sufficient.

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## The Services Use Surveys to Obtain Feedback and Determine Whether Training Meets Commanders' Needs

### The Services Generally Use End-of-Course Surveys to Solicit Immediate Feedback on Formal Legal Training

The military services use optional, end-of-course surveys to solicit feedback from commanders immediately following their completion of a dedicated legal training course or training that contains legal blocks of instruction.<sup>48</sup> According to the Kirkpatrick Model—a commonly accepted training evaluation model endorsed by the Office of Personnel Management and used throughout the federal government—these are known as “Level 1” surveys and are designed to solicit a participant's initial reaction to training that they have recently completed. The Kirkpatrick Model consists of a four-level approach for soliciting feedback from training course participants and evaluating the impact the training had on individual development, among other things, as shown in figure 14. Using a balanced, multilevel approach to training evaluation, such as the Kirkpatrick Model, can help provide varied data and perspectives on the effect that training efforts have on the organization.<sup>49</sup>

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<sup>48</sup>The Army, the Navy, and the Air Force each has guidance that establishes requirements for course surveys for training courses administered by their training commands. The Army requires centers and schools to conduct a summative evaluation after implementation of any curricula to ensure learners achieve the intended outcome. The Navy generally requires courses to be evaluated using a standardized question set. The Air Force requires supervisors and trainers to evaluate formal course graduates to ensure training effectiveness. TRADOC Regulation 350-70, *Army Learning Policy and Systems* (July 10, 2017); NETC Instruction 1540.2A, *NETC Training Effectiveness Program* (Dec. 8, 2015); Air Force Instruction 36-2670, *Total Force Development* (June 25, 2020) (incorporating Air Force Guidance Memorandum 2020-03, Dec. 7, 2020).

<sup>49</sup>[GAO-04-546G](#).

**Figure 14: Kirkpatrick Training Evaluation Model**

|         | Description   | Example of evaluation method  |
|---------|---|---|
| Level 1 | Measures the training participants' reaction to, and satisfaction with, the training program  | A course survey that a participant fills out immediately after completing the training  |
| Level 2 | Measures the extent to which learning has occurred because of the training effort             | A written exam that a participant takes during the course   |
| Level 3 | Measures how training affects changes in behavior or performance on the job                   | A survey sent to participants several months after they have completed the training to follow up on the impact of the training on job performance |
| Level 4 | Measures the impact of the training program on the agency's mission or organizational results | A comparison of operational data before and after a training modification was made  |

Source: GAO analysis of GAO-04-546G and GAO-18-552. | GAO-21-338

|         | Description  | Example of evaluation method   |
|---------|--|--|
| Level 1 | Measures the training participants' reaction to, and satisfaction with, the training program.  | A course survey that a participant fills out immediately after completing the training.  |
| Level 2 | Measures the extent to which learning has occurred because of the training effort.             | A written exam that a participant takes during the course.   |
| Level 3 | Measures how training affects changes in behavior or performance on the job.                   | A survey sent to participants several months after they have completed the training to follow up on the impact of the training on job performance. |
| Level 4 | Measures the impact of the training program on the agency's mission or organizational results. | A comparison of operational data before and after a training modification was made.  |

For their dedicated legal training, the Army, the Navy, and the Air Force use these end-of-course surveys (Level 1) to solicit participant feedback on individual blocks of instruction, as well as on the overall course. According to officials from these services, they analyze the feedback obtained through these surveys and use the results to make ad hoc adjustments and to inform the annual curriculum review of their respective dedicated legal training courses.<sup>50</sup> For example, Army JAG School officials said that they added the separate blocks of instruction for installation and operational commanders based on feedback from the

<sup>50</sup>Army, Navy, and Air Force officials stated that they also make ad hoc changes to respond to periodic changes in the law. For example, according to an Army JAG School official, if a law is passed that affects a legal topic, they can work it into the course materials before the next class.

SOLO end-of-course surveys. Based on critiques in end-of-course surveys about the limited coverage of nonjudicial punishment procedures, a Naval Justice School official told us that they were developing a video that demonstrates nonjudicial punishment procedures that will be used in future iterations of the course. Similarly, Air Force JAG School officials said that staff work to identify and address common themes in the feedback they receive in end-of-course surveys. For example, one Air Force official said that as the result of the surveys, the Air Force JAG School incorporated transgender policy issues into the SOLO course. Figure 15 summarizes the surveys and other inputs each service uses to revise its dedicated legal training courses.

**Figure 15: Military Service Course Surveys and Curriculum Reviews for Dedicated Legal Training**

|                                    | Army  | Navy and Marine Corps  | Air Force   |
|------------------------------------|---|--|---|
|                                    | Senior Officer Legal Orientation  | Senior Leader Legal Course   | Senior Officer Legal Orientation  |
| <b>Type of survey</b>              | Optional end-of-course survey   | Optional end-of-course survey  | Optional end-of-course survey   |
| <b>Review period</b>               | Yearly and ad hoc   | Yearly and ad hoc  | Yearly and ad hoc   |
| <b>Inputs considered in review</b> | <ul style="list-style-type: none"> <li>• End-of-course surveys</li> <li>• Input from judge advocates and inspector general</li> </ul> | <ul style="list-style-type: none"> <li>• End-of-course surveys</li> <li>• Input from ethics office and Office of the Judge Advocate General</li> <li>• Input from inspector general on training methods</li> </ul> | <ul style="list-style-type: none"> <li>• End-of-course surveys</li> <li>• Changes in policy, guidance, or mandates</li> </ul> |

Source: GAO analysis of military service course information and officials' statements. | GAO-21-338

Note: In 2020 the Navy and the Air Force, and in early 2021 the Army, implemented surveys to capture participant feedback a period of time after they have assumed command, which are also likely to factor into future course revisions.

In addition, the military services generally use Level 1 surveys to obtain feedback about their courses that contain blocks of legal content. However, the extent to which the services solicit feedback specifically on the legal blocks in these courses varies. For example, we analyzed end-of-course surveys from each service and found that many but not all courses we reviewed use a Level 1 survey to obtain feedback about their training with blocks of legal content.

For courses in which no survey is used, officials described other methods for obtaining feedback. For example, for a Marine Corps course and an Air Force course, officials described the feedback as "informal," such as a participant relaying a comment to a course manager following the course. In other cases where the Army, the Navy, and the Air Force use Level 1 surveys, they do not have sections or questions that directly ask about the blocks of legal content. The results from our analysis on the use of end-of-course surveys for training that contains blocks of legal content are summarized in table 3 below.

**Table 3: Military Service Training Courses with Blocks of Legal Content That Use End-of-Course Surveys**

| Military service | Total number of courses reviewed | Number of reviewed courses with end-of-course surveys | Percent of reviewed courses with end-of-course surveys | Number end-of-course surveys with questions specific to the legal blocks | Percent end-of-course surveys with questions specific to the legal blocks |
|------------------|----------------------------------|---|--|--|---|
| Army             | 44                               | 42  | 95%  | 33   | 79%   |
| Navy             | 6                                | 6   | 100%   | 3  | 50%   |
| Marine Corps     | 3                                | 2   | 67%  | 2  | 100%  |
| Air Force        | 18                               | 14  | 78%  | 14   | 100%  |

Source: GAO analysis of service data and documents. | GAO-21-338

Some Services Have Begun to Use Additional Survey Techniques, but Efforts Are Limited to Certain Courses and May Not Be Sustained

In addition to Level 1 surveys, the Army, the Navy, and the Air Force have also started conducting Level 3 surveys to follow-up with commanders to determine how useful the more formal iterations of training have been in preparing them to carry out their legal responsibilities.<sup>51</sup> However, these efforts are largely focused on dedicated legal training courses and these services have not developed and issued guidelines to provide structure to the agencies’ efforts and help strengthen the use of these surveys over time. According to the Kirkpatrick Model, Level 3 surveys are administered to participants after a period of time has elapsed since the training was completed as a way to measure whether the knowledge gained from the training has had an impact on their job performance.

Navy and Air Force officials told us in December 2020 that they had begun implementing Level 3 surveys by collecting feedback from commanders who had completed their respective dedicated legal training courses. According to a Naval Justice School official, the Level 3 survey allowed them to assess whether commanders felt that the course covered the necessary subjects after the commander had been in the position for

<sup>51</sup>We do not discuss Level 2 assessments in this report because the services did not establish an expectation that commanders become legal experts. We do not discuss Level 4 assessments in this report because they are beyond the scope of our objectives.

a while.<sup>52</sup> For example, the survey asked participants to rate blocks of instruction based on the extent to which they added to their knowledge of and ability to address specific legal issues, such as managing investigations and identifying operational law issues. Naval Justice School officials told us that they have received 126 responses from Navy and Marine Corps participants who had attended SLLC in the previous 9 to 12 months, which an official thought was above a 10 percent response rate, and that they plan to continue administering such surveys on a periodic, possibly annual, basis.

Air Force Judge Advocate General's School officials developed and administered a similar survey to participants from prior years' SOLO courses. For example, the survey asked participants to rate the extent to which the course provided the training needed to spot legal issues and also solicited input on potential topics for future courses. Air Force officials also said that in January and February 2020, they sent out an initial Level 3 survey to SOLO graduates who had attended the course since its inception in fiscal year 2015 and received a response of about 10 percent. Going forward, Air Force officials said that they will likely conduct such surveys every 12 to 18 months.

The Army had not previously conducted a similar Level 3 survey for its SOLO course, but an Army official from the Judge Advocate General's Legal Center and School acknowledged that doing so would be beneficial. In March 2021, an Army official told us that the Army initiated the first Level 3 survey. The survey was sent to commanders who attended SOLO in fiscal year 2020 and were expected to have held command for about a year. The survey asked how well the course prepared commanders to make decisions on the legal issues they faced and if they faced legal issues that the course did not address.

Almost none of the training that contains blocks of legal content we reviewed used any additional type of survey to assess training after participants had assumed positions of command. For example, of the 71 courses with blocks of legal content that we reviewed, only three courses across the services conducted any type of systematic survey above a Level 1. Of these three courses, the first is administered by an Air Force

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<sup>52</sup>According to Naval Education and Training Command's (NETC) guidance, student feedback data, coupled with an evaluation of learning—which occurs both within the training environment and during later evaluations of the transfer of learning to the job—Level 3 behavior will allow for a better assessment and refinement of training programs. NETC Instruction 1540.2A, *NETC Training Effectiveness Program* (Dec. 8, 2015).

course manager who solicits feedback about the course from commanders approximately 6 months following completion of the course. The other two include the Army Battalion Pre-Command Course Phase I and the Army Pre-Command Course Phase III Military Intelligence, which collects survey responses between 11 and 13 months post-graduation on whether the training helped participants to perform their duties.

Although Level 1 surveys provide some useful feedback from commanders, they do not provide information about the applicability of course content to a commander's role and responsibilities that a Level 3 survey can provide. As such, the Army's, the Navy's, and the Air Force's recent use of Level 3 surveys are positive steps that could help the services better understand whether their dedicated legal training courses are meeting commanders' needs. None of these services have developed and issued guidelines to help ensure that these newly instituted surveys for dedicated legal training courses continue over time; however, developing and issuing guidelines would provide structure to the agencies' efforts, help strengthen the use of these surveys, and ensure continuity of this practice. Further, training that contains blocks of legal content also plays an important role in helping to prepare commanders for their legal responsibilities. Nevertheless, except for the three instances noted, none of the services have taken steps to institute Level 3 surveys for training that contains blocks of legal content.

According to *A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, a leading practice for training evaluation includes the establishment of guidelines or criteria for determining when and how the agency's training programs will be evaluated using different levels or analytical methods.<sup>53</sup> Although not all programs require or are suitable for higher levels of evaluation, the benefits derived from a specific training and developmental program are of greatest significance when employees directly apply newly acquired learning in their individual job performance and their collective performance. When evaluating a specific training and development program, agencies should select the analytical approach that best measures the effort of a program while also considering what is realistic and reasonable given the broader context of the issue and fiscal constraints. The guide also provides that a core characteristic of a strategic training and development process is to establish policies and procedures that recognize and support the importance of evaluating the

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<sup>53</sup>[GAO-04-546G](#).

quality and effectiveness of training and development efforts. In addition, the guide states that the agency establishes systems to provide reliable and relevant information that is useful in improving the agency's training and development efforts.

Establishing policies and guidelines for implementing Level 3 surveys would help ensure that the services' efforts to assess and, when necessary, improve the relevancy of their dedicated legal training for commanders continues over time. Further, we recognize that additional higher-level techniques such as Level 3 surveys may not be an appropriate method of analysis for all types of training, including training in which legal topics comprise only a portion of the coursework. However, without an examination to determine if using higher-level techniques is feasible and whether the benefits justify the work required, the services may be missing a valuable opportunity to help ensure commanders are optimally positioned to carry out their legal responsibilities.

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### The Current Timing, Amount, and Mix of Legal Training May Not Meet Commanders' Needs

Our analyses of the legal training offered and perspectives obtained through discussion groups and semi-structured interviews suggest that the current timing, amount, and mix of formal legal training may not be meeting commanders' needs. In our discussion groups and semi-structured interviews with commanders and legal personnel, we found that perspectives varied on the extent to which commanders are generally prepared to address the legal issues they may face. Commanders and legal support personnel in all military services expressed mixed views about commanders' preparation, with positive views about commanders' preparation more prevalent than negative views. Specifically, commanders in 13 of our 15 commander discussion groups and 10 of 16 semi-structured interviews with general officers said that commanders are generally prepared to handle the legal issues they face.<sup>54</sup> For example, an Army O-6 commander said that they are extremely well prepared and that from their first command they knew what to do.

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<sup>54</sup>We conducted 16 discussion groups with military service commanders, four groups in each service. However, one Air Force discussion group did not cover this issue due to time constraints, so for this topic there were 15 total commander discussion groups among the military services.

In addition, participants in 13 of 15 commander discussion groups and eight of 16 semi-structured interviews expressed the sentiment that they were prepared due to their ability to call an attorney for support. For example, an Army O-6 commander in one discussion group stated that commanders are not expected to know everything and therefore call their attorneys when legal issues arise.<sup>55</sup> Similarly, participants from each of the military services in 16 of our 24 discussion groups with legal support personnel and 12 of our 18 semi-structured interviews with SJAs felt that commanders were generally prepared to handle legal issues that may arise. For example, an Air Force SJA said that training prepares commanders to recognize and handle legal issues appropriately. Similarly, participants in 15 of 24 legal support personnel discussion groups and nine of 18 semi-structured interviews with SJAs stated that commanders were prepared due to the availability of attorneys.<sup>56</sup>

However, there were some comments that some commanders may not be prepared to handle legal issues. Navy participants in two of our four commander discussion groups said that they did not feel prepared to handle legal issues. For example, one Navy O-5 commander said that the legal training was not sufficient and that most of what they know did not come from training but from a gut feeling. For the Army, the Marine Corps, and the Air Force, participants in one commander group for each service expressed the view that some commanders may not be prepared. In addition, legal support personnel in 11 of 24 discussion groups from each military service did not think that commanders were prepared to deal with the legal issues that they may face. For example, in discussion groups with Army judge advocates, participants said that lower-level commanders may not be prepared. We also spoke with a Marine Corps judge advocate who shared personal experiences of working with commanders who did not ask questions of the attorney because they did not want to look bad. Further details and quantifications of the discussion

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<sup>55</sup>In addition, participants in nine of 15 commander discussion groups and three of 16 semi-structured interviews expressed neutral or other views regarding their preparation, including views that their experience combined with training prepares them to deal with legal issues. For example, in a Marine Corps discussion group, one O-5 commander said that handling legal issues takes experience and judgment and that commanders need to know who to call. Further, several other Air Force O-5 commanders stated that no amount of training can sufficiently prepare one for every potential issue, adding that knowing the points of contact is really what is most valuable.

<sup>56</sup>In addition, participants in 23 of 24 discussion groups and eight of 18 semi-structured interviews also expressed neutral or other views regarding commander preparation. For example, a Navy SJA said that the training prepares commanders on the issues but does not cover everything that is needed.

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group and semi-structured interview content can be found in appendices III-VI.

In addition to the views we collected on general commander preparedness, we identified—through our analyses of course materials and perspectives obtained—issues with the timing, amount, and mix of legal training received. Each is discussed in more detail below.

### Timing and Access to Dedicated Legal Training Varies

The timing of and commanders' access to dedicated legal training varied within all of the military services. As noted previously, military service officials told us that their dedicated legal training courses are generally intended for mid-level commanders at the grades of O-5 and O-6. Considering that commanders may begin serving in command positions at the grade of O-3 or O-4, this means that commanders may potentially hold multiple command positions prior to attending the only training currently offered by the services that is solely focused on legal topics. Further, we found that there are varying requirements and factors that may influence whether and when O-5 and O-6 commanders are able to attend their service's dedicated legal training courses.

For example, the Army's dedicated legal training, SOLO, is currently required for O-5 and O-6 commanders with special court-martial convening authority. Other O-5 commanders may take the course if space is available. However, an Army JAG School official stated that there is a waitlist for SOLO and that 10 to 15 of the O-5 commanders waiting for a space-available seat are usually unable to get into the course each time it is offered.

In addition, as of June 2020 the Navy requires all commanders, regardless of grade, to attend SLLC. However, prior to the Navy's changes in June 2020, only O-6 commanders with special court-martial convening authority were required to attend dedicated legal training, though individual Navy communities may have separately required the training for other commanders. For example, the surface warfare community required commanders starting at the O-4 grade to attend SLLC.

As discussed previously, the Marine Corps does not require any dedicated legal training for its commanders. However, the SLLC course completion data discussed earlier in this report indicate that some Marine Corps commanders at the O-5 and O-6 grades do attend the Navy's

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SLLC. Marine Corps officials told us that they are limited to 190 spaces at the Navy's SLLC each year and that attendance is based on the discretion of the individual commander's leadership.<sup>57</sup>

The Air Force provides dedicated legal training only to O-6 group and wing commanders. Other O-6 commanders, such as those commanding a squadron, are not required to take the Air Force's SOLO course. According to Air Force officials, commanders who completed the course indicated that they would like to have taken the course earlier in their careers. However, according to Air Force officials, attendance at the SOLO course is generally limited to just those officers who are required to attend.

In our discussion groups with commanders and legal support personnel, participants across all four services indicated that commanders would benefit from attending their service's dedicated legal training course earlier in their career.

- **Army.** Army commanders in all four of our commander discussion groups and in five of our seven semi-structured interviews with general officers stated that they would have preferred to take the Army's SOLO course earlier in their careers. Additionally, participants in four of six Army legal support staff discussion groups stated that SOLO should be required for all O-5 commanders. For example, one Army judge advocate said that O-5 commanders could use the SOLO course as there is a lot of legal authority gained at that level and they do not get as much legal training as O-6 commanders.<sup>58</sup>
- **Navy.** Navy O-6 commanders in one of our commander discussion groups and one of the flag officers we spoke with stated that they would have preferred to take the Navy's SLLC course earlier in their careers. Additionally, participants in two of six Navy legal support staff discussion groups stated that SLLC would be helpful for commanders earlier in their careers. For example, one Navy judge advocate said that "it is scary that not all commanders are required to take SLLC."

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<sup>57</sup>According to a Marine Corps official, the 190 is the approved number for in-person attendance in the Marine Corps training system. The officials said that additional registration beyond this number is allowed, based on coordination with the Naval Justice School.

<sup>58</sup>Army officials stated that they are revising the pre-command training for battalion (O-5) and brigade (O-6) commanders, and plan to include more legal training for battalion commanders starting in fiscal year 2022. See appendix II for more information about the planned changes.

Commanders need it and that most don't take SLLC seems backwards." Another Navy judge advocate said that SLLC was more important for O-5 commanders because they do not have direct access to legal support.

- **Marine Corps.** Marine Corps commanders in three of our four discussion groups expressed the view that it would have been useful to take SLLC earlier in their careers. For example, one Marine Corps commander said that early access was good because SLLC teaches commanders how to work on legal matters. However, participants in one of the four discussion groups told us that taking the course earlier may not be necessary.
- **Air Force.** None of the Air Force commanders in both O-5 commander discussion groups and one of the two O-6 commander discussion groups we spoke with had taken the Air Force's SOLO course. Participants in one of our O-5 commander discussion groups said that they felt they were missing out by not being able to take the SOLO course. Further, in two of the three semi-structured interviews with general officers, participants expressed the view they would have preferred to take SOLO earlier in their careers.

### Commanders of Similar Grades Receive Varying Amounts of Legal Training

The gap that exists between when commanders assume their first command position and when they are able to attend their service's dedicated legal training course further elevates the importance of the other training commanders receive that contains blocks of legal content. However, in some cases, we found that commanders of similar grades and legal responsibilities within the same service are not necessarily receiving comparable amounts of legal training. For example, we analyzed course schedules and materials used for the legal segments of the Army's Company Commander/First Sergeant Pre-Command Course and found that the course materials were centrally developed.<sup>59</sup> The Army directed a standardized course that includes learning objectives for legal

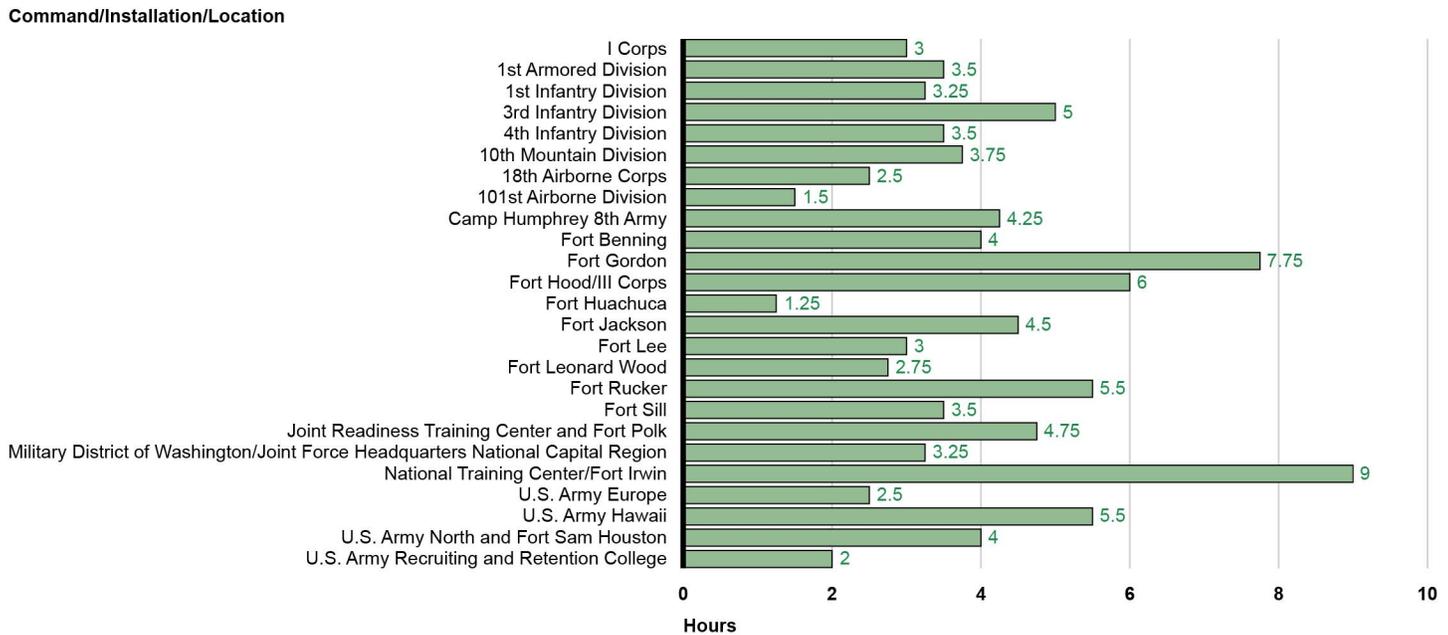
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<sup>59</sup>Course materials for the Army's Company/Commander/First Sergeant Pre-Command Course are centrally developed by the Army's School for Command Preparation and the Army JAG School. The Directorate of Environmental Integration at the Maneuver Support Center of Excellence provides a lesson on environmental law, according to Army officials.

topics including military justice, military personnel law, fiscal law, environmental law, and ethics.<sup>60</sup>

However, we found that the time spent covering these designated legal topics varied substantially by the location where the instruction took place. Specifically, the time spent covering the same legal materials and topics varied from between 1.25 hours to 9 hours at the 25 different installations that provide the course. We asked about the varying amounts of time spent on the standardized set of learning objectives, and Army officials responsible for developing the curriculum acknowledged that some installations probably do not allot sufficient time to cover all the legal topics in the course. Figure 16 illustrates the time spent on legal blocks at the installations where the Army's Company Commander/First Sergeant Pre-Command Course is offered.

**Figure 16: Time Spent Covering Legal Topics in Army Company Commander/First Sergeant Pre-Command Courses by Location**



Source: GAO analysis of Army documents. | GAO-21-338

<sup>60</sup>Department of the Army, HQDA EXORD 093-12, *Standardized Company Commander/First Sergeant Course (CCFSC)* (February 2012).

| Command/Installation/Location   | Hours |
|---|-------|
| I Corps   | 3     |
| 1st Armored Division  | 3.5   |
| 1st Infantry Division   | 3.25  |
| 3rd Infantry Division   | 5     |
| 4th Infantry Division   | 3.5   |
| 10th Mountain Division  | 3.75  |
| 18th Airborne Corps   | 2.5   |
| 101st Airborne Division   | 1.5   |
| Camp Humphrey 8th Army  | 4.25  |
| Fort Benning  | 4     |
| Fort Gordon   | 7.75  |
| Fort Hood/III Corps   | 6     |
| Fort Huachuca   | 1.25  |
| Fort Jackson  | 4.5   |
| Fort Lee  | 3     |
| Fort Leonard Wood   | 2.75  |
| Fort Rucker   | 5.5   |
| Fort Sill   | 3.5   |
| Joint Readiness Training Center and Fort Polk                                       | 4.75  |
| Military District of Washington/Joint Force Headquarters<br>National Capital Region | 3.25  |
| National Training Center/Fort Irwin   | 9     |
| U.S. Army Europe  | 2.5   |
| U.S. Army Hawaii  | 5.5   |
| U.S. Army North and Fort Sam Houston  | 4     |
| U.S. Army Recruiting and Retention College  | 2     |

As part of the training provided to battalion and brigade commanders, the Army also includes a required 4-hour legal block of instruction for O-5 commanders who do not take SOLO as part of the Phase III pre-command course provided at the Army's various branch schools. However, in our review of course schedules and materials, we found that of the 11 Phase III courses, six provided at least the full 4-hour block and five provided legal blocks ranging from 1 hour to 3 hours. An official with the School for Command Preparation said that while the course providers

should not shorten the legal training, some may do so if the course managers thought they could still achieve their learning outcomes.<sup>61</sup>

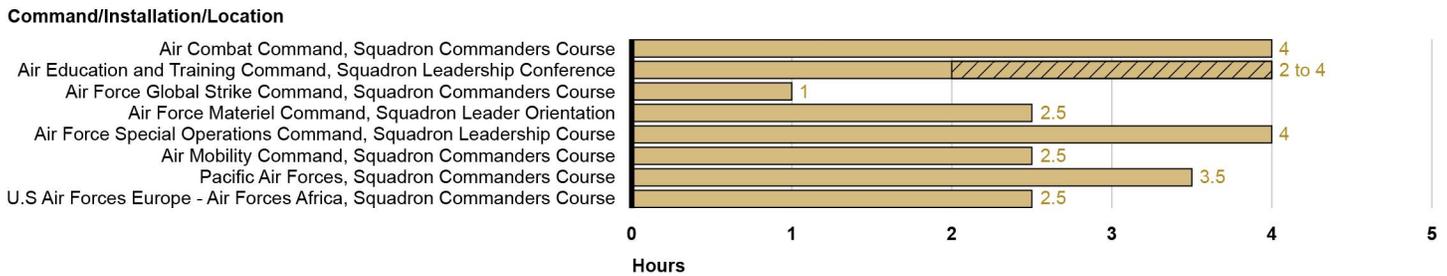
As discussed previously, Navy commanders receive most of their training with legal blocks through their individual communities. However, in our review of course schedules and materials and in discussions with officials in each community, we found that the amount and type of training with legal blocks of instruction for commanders of the same grade varies depending on the community. For example, surface warfare commanders at the O-5 grade receive up to 7 hours of legal training while SEAL commanders at the O-5 grade receive between 1 and 3 hours of legal instruction covering ethics. However, O-5 grade commander-specific courses in the submarine and aviation communities do not contain any legal blocks of instruction, according to Navy officials. We did not identify similar inconsistencies in the amount of legal training provided to Marine Corps commanders because Marine Corps officials did not identify any training with blocks of legal content that is provided to commanders other than what is provided through Cornerstone and the Brigadier General Select Orientation Course.

Similarly, we reviewed the Air Force's MAJCOM training for squadron commanders—generally officers at the grades of O-4 and O-5—and found inconsistencies in the amount of time devoted to teaching the blocks of legal content in these courses. Specifically, we reviewed course schedules and materials used for the legal topics and found that depending on the MAJCOM, the time spent on the legal blocks of instruction ranges from 1 hour to 4 hours. Air Force JAG Corps officials said that leaving MAJCOMs in charge of the training allows them to tailor the training to the needs of their individual commanders, and that the variable amounts of time spent on legal topics does not necessarily suggest inconsistent approaches. Figure 17 provides further details about the time spent covering legal topics in the squadron commander courses at each Air Force MAJCOM where it is offered.

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<sup>61</sup>Army officials said that they are revising the pre-command training for battalion (O-5) and brigade (O-6) commanders, and plan to include more legal training for battalion commanders starting in fiscal year 2022. See appendix II for more information about the planned changes.

**Figure 17: Time Spent Covering Legal Topics in Air Force Major Command (MAJCOM) Squadron Commander Courses**



Source: GAO analysis of Air Force training materials. | GAO-21-338

Note: The length of the legal block for the Air Education and Training Command course ranges from 2 hours to 4 hours, according to Air Force officials.

| Command/Installation/Location   | Hours  |
|---|--------|
| Air Combat Command, Squadron Commanders Course                        | 4      |
| Air Education and Training Command, Squadron Leadership Conference    | 2 to 4 |
| Air Force Global Strike Command, Squadron Commanders Course           | 1      |
| Air Force Materiel Command, Squadron Leader Orientation               | 2.5    |
| Air Force Special Operations Command, Squadron Leadership Course      | 4      |
| Air Mobility Command, Squadron Commanders Course                      | 2.5    |
| Pacific Air Forces, Squadron Commanders Course                        | 3.5    |
| U.S Air Forces Europe - Air Forces Africa, Squadron Commanders Course | 2.5    |

In addition, we identified inconsistencies in other training with legal blocks that is only provided to some squadron commanders. Specifically, Air Force officials identified the Leader Development Course for Squadron Command as an avenue for legal training. While this course contains an approximately 2-hour legal block of instruction and is designed for officers “on track” for squadron command within 3 years, it is not required, according to Air Force officials. As a result, Air Force squadron commanders who are able to attend this course may receive additional legal training compared to those squadron commanders who do not attend this course. Air Force officials said that the first iteration of the course was in October 2018. The officials said that as of December 2020, 14.4 percent of their graduates had been placed on command selection lists, but that they have an eventual goal of 60 percent.

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Mix of Legal Training May Not Be Meeting Commanders' Needs

The varying career milestone points at which the military services provide legal training and the differences in training provided to commanders of the same grade and with similar responsibilities indicate that the existing mix of legal training may not be meeting commanders' needs. We spoke with a number of commanders and legal personnel across all the military services, with roughly an equal number of groups and interview participants expressing the view that the current amount of legal training was sufficient compared to others who indicated that commanders would benefit from additional legal training beyond what they currently receive. We heard almost no comments that commanders needed less legal training.<sup>62</sup>

Overall, commanders in seven of 16 discussion groups and seven of 16 semi-structured interviews with general and flag officers expressed views that their legal training was sufficient. For example, a Navy flag officer said that they did not think having refresher training is necessary because the SJA is available to provide information on legal subjects. An Air Force O-6 commander said that additional training may have unintended consequences and make commanders think they are experts. Participants in 19 of 24 legal support discussion groups and in 14 of 18 semi-structured interviews with SJAs also expressed views that the current amount of legal training for commanders is sufficient. For example, an Army SJA said that the basic legal framework training provided to commanders is sufficient and that they are not opposed to more training but also are not trying to make them experts. Similarly, a senior enlisted advisor in one of our Marine Corps discussion groups said that commanders have so many other duties that more training is not necessary and that they have SJAs to provide legal support.

However, commanders in nine of 16 discussion groups and six of 16 semi-structured interviews with general and flag officers expressed views that additional legal training would be beneficial. Similarly, participants in 17 of 24 legal support focus groups and in 13 of 18 semi-structured interviews with SJAs expressed views that additional legal training for commanders may be useful. For example, as discussed above, there was broad support by Army commanders and legal support personnel for commanders to take the Army's dedicated legal training course earlier in

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<sup>62</sup>We heard one comment from an Air Force civilian attorney who stated that there should be less emphasis on training and more on risk management.

their careers. Further, Army commanders in two of four commander discussion groups and in two of the seven semi-structured interviews with general officers expressed views that commanders would benefit from additional legal training. General officers identified a need for more training in areas such as social media, contracts and acquisition, investigations, and dealing with civilian employees. In addition, Army legal support staff in four of the six discussion groups and three of the four semi-structured interviews expressed the view that commanders could use additional training. Several of these comments were directed at training for O-3 company commanders.

Similarly, Navy commanders and legal support staff we spoke with expressed views that commanders would like or benefit from additional legal training. Specifically, commanders in three of four Navy commander discussion groups expressed the view that they wanted more legal training. In addition, Navy legal support staff in two of five discussion groups and in four of five semi-structured interviews with SJAs also expressed the view that commanders would benefit from additional legal training. For example, a Navy SJA told us that O-5 commanders would probably benefit from additional training in their pipeline since only some take the Navy's SLLC program. Another SJA stated that commanders without a dedicated SJA could benefit from additional training.

Marine Corps participants in all four of our commander discussion groups and in one of two interviews with general officers expressed views that commanders would benefit from additional legal training. For example, we spoke with a Marine Corps O-6 commander who told us that the Marine Corps is not good about training and that they do not look well on taking time off from a current position to prepare for the next job, even though there is value in carving out this time. Further, we spoke with a Marine Corps general officer who said that more training could not hurt, especially given the sensitivity and complexity of the current legal environment. For the Air Force, as discussed above, we found that more commanders wanted to take the dedicated legal training course than were currently required to take it. Specifically, none of the Air Force commanders in both O-5 commander discussion groups and one of the two O-6 commander discussion groups we spoke had taken the Air Force's SOLO course.

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## The Military Services Have Not Comprehensively Addressed Issues with Commanders' Legal Training

The issues surrounding the timing, amount, and mix of legal training represent a continuum of challenges that the military services face in helping to ensure that commanders are sufficiently prepared to carry out their legal responsibilities. Officers may hold command positions at several points throughout their careers, so legal responsibilities are not isolated to any one point in time. As such, the surveys discussed previously, by themselves, may be insufficient to determine if the continuum of legal training that is currently provided to commanders during the course of their careers is meeting their needs by preparing them to carry out their legal responsibilities.

Similar to the findings of our review, the comprehensive review of its uniformed legal communities completed by the Navy and the Marine Corps identifies issues with the timing, amount, and mix of legal training that its commanders receive. However, current efforts may be insufficient to fully address the issues identified. Further, although the Army and the Air Force have taken some steps to improve portions of the legal training that they provide to their commanders, these efforts have not been comprehensive.

### Navy and Marine Corps Efforts May Be Insufficient to Address Issues

As discussed previously, in December 2019, the Navy issued a report on its comprehensive review of its uniformed legal communities that identified deficiencies in the legal education and training provided to commanders in the Navy and the Marine Corps.<sup>63</sup> Although the Navy and the Marine Corps have begun taking steps to address findings and recommendations from the review, the Navy's efforts have not been fully implemented and the Marine Corps' efforts may not fully meet commanders' legal training needs. For example, the report found that although it is needed, Navy commanders are not currently receiving systematic, career-long education and training on military justice, operational law, and ethics.

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<sup>63</sup>Department of the Navy, *Comprehensive Review of The Department of the Navy's Uniformed Legal Communities* (Dec. 9, 2019).

In response to the report, the Navy has begun taking steps to address the recommendations and resolve the issues identified. For example, the report found that there is no structured, standardized approach to ensure that commanders receive relevant, timely legal instruction over the course of a career. As a result, the Navy expanded the requirement for its commanders to attend SLLC—the Navy’s dedicated legal training course—and formalized the requirement in Navy policy. Specifically, as of June 2020, all Navy commanders, regardless of grade, are required to attend the course.<sup>64</sup> An official with the Naval Justice School said that the school will teach more courses to accommodate the larger number of students and that an additional instructor has been allocated for fiscal year 2022 to supplement the current staff.

Further, in response to a recommendation to develop and deliver an improved career continuum of legal training for line officers, a Naval Justice School official said that the school has begun to develop legal training courses that will be delivered to all officers, which would include those officers who subsequently serve in command positions. Specifically, in March 2021, the Navy initiated an online legal course for all junior officers, according to the official. The Naval Justice School official told us that the school was also developing an intermediate legal course for O-4 and senior O-3 grade officers and that both courses would cover topics related to military justice, legal resources, investigation, naval discipline, ethics and standards of conduct, and operational law. The official said that they have taught iterations of the intermediate course, and that it is already being provided by some Navy communities. Furthermore, the official told us they plan to make this training a requirement to be implemented in fiscal year 2022, and that Naval Justice School officials will work with the various Navy communities to figure out how to best deliver the training to officers.

These are positive steps toward addressing the findings of the Navy’s review that may also address issues we identified with the timing and amount of commanders’ legal training. However, it is unclear if these planned changes are achievable and sustainable as they have not been finalized and formally promulgated through policies and procedures, according to a Navy official. According to *A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, a leading practice for implementing training is that there are policies and

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<sup>64</sup>MILPERSMAN 1301-907, *Navy Senior Leader Legal Training* (June 22, 2020).

procedures to ensure that training and development efforts and expectations are discussed and understood by managers, supervisors, employees, training coordinators, and others.<sup>65</sup> The guide also provides that having a formal process for incorporating strategic and tactical changes such as new initiatives will help ensure that changes such as new and revised training and development efforts are quickly brought online. By formalizing policies and procedures to implement the two new legal training courses, the Navy could help to ensure sustained implementation and provide consistent legal training to all of its officers in order to prepare them for future command positions.

The Marine Corps also assessed its legal community and is taking steps to make some changes to training for commanders; however, its efforts may not fully address commanders' legal training needs. As part of the Navy's comprehensive review, a working group consisting of Marine Corps personnel reviewed the Marine Corps' legal community and found, among other things that Marine Corps commanders would benefit from additional training and education.<sup>66</sup> Specifically, the review recommended that Marine Corps commanders be provided (1) consistent guidance and training on unlawful command influence; (2) training on military legal matters (military justice, ethics, etc.) during every formal professional military education course using case studies; and (3) annual military justice refresher training if they have court-martial convening authority.

Marine Corps Judge Advocate Division officials told us that they were addressing these recommendations in a couple ways. For example, in response to the first recommendation, the Navy and the Marine Corps legal communities developed and distributed primers for commanders on unlawful command influence and the selection of court-martial members. Marine Corps officials said that they updated Cornerstone—the primary source of legal training for its commanders—for the April 2021 iteration to include an additional 30-minute block of military justice training, including additional slides specifically covering unlawful command influence.

Marine Corps officials said that they have also revised the Cornerstone legal presentation to include discussion of a variety of legal issues, a lengthy military justice block, and vignette and scenario-based training. In our review of Cornerstone course materials, we found that the course

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<sup>65</sup>[GAO-04-546G](#).

<sup>66</sup>Department of the Navy, *Comprehensive Review of The Department of the Navy's Uniformed Legal Communities* (Dec. 9, 2019).

covers 8.5 hours of legal topics, including military justice, military personnel law, and ethics. While useful, the Marine Corps' Cornerstone course is not as comprehensive as the nearly 20 hours spent covering legal topics in the Navy's dedicated legal training course (SLLC). As noted previously, Marine Corps commanders are not required to attend the Navy's SLLC, and Marine Corps officials said that there were no plans to institute such a requirement because they do not believe there is a risk associated with not attending SLLC.<sup>67</sup> These officials further stated that all Marine Corps commanders have SJAs who are the legal experts and can provide guidance when needed on legal issues.

We recognize that Cornerstone includes some training on legal topics and that the SJA is a valuable resource to commanders. However, Cornerstone, by itself, and SJA advice do not provide the additional training that participants in our discussion groups and findings in the Navy's comprehensive review suggest may benefit Marine Corps commanders. Further, according to the Navy's comprehensive review, "the data suggests [Marine Corps] commanders may not understand the depth and breadth of their SJA's responsibilities. Like Navy commanders, Marine Corps commanders need to be 'better educated clients,' such that they can fully explore all the 'right questions' and better exercise their responsibilities to supervise and oversee the actions of their SJAs."<sup>68</sup>

According to *Standards for Internal Control in the Federal Government*, management should demonstrate a commitment to recruit, develop, and retain competent individuals to achieve the entity's objectives.<sup>69</sup> Training enables individuals to develop competencies appropriate for key roles, reinforce standards of conduct, and tailor training based on the needs of the role. Without requiring a comprehensive mix of legal training to be provided to commanders throughout their careers, Marine Corps commanders may not be fully prepared for the legal aspects of their roles as commanders, which could negatively affect some commanders' ability to carry out their legal responsibilities.

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<sup>67</sup>Though not required, 67 percent of O-5 Marine Corps officers and 38 percent of O-6 Marine Corps officers who served as commanders in fiscal year 2019 had taken the Navy's dedicated legal training course—SLLC.

<sup>68</sup>Department of the Navy, *Comprehensive Review of The Department of the Navy's Uniformed Legal Communities* (Dec. 9, 2019).

<sup>69</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 2014).

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The Army and the Air Force Do Not Know Whether Training Meets Commanders' Needs

The Army and the Air Force conduct surveys and reviews of individual courses, but do not know whether the current timing, amount, and mix of legal training that is provided to their commanders is meeting their needs. Specifically, while conducting end-of-course surveys may provide feedback on individual courses, these surveys may not provide insight into the efficacy of the continuum of legal training that a more comprehensive assessment would provide. For example, while individual Army providers of the Company Commander/First Sergeant Pre-Command course conduct surveys of their own courses, these surveys would not identify that there is a discrepancy in the amount of training provided among the various installations, as we found.

Additionally, the Army is in the process of providing additional legal training for O-5 commanders as part of a revision to its pre-command course, which will provide a consistent 10-hour block of legal training to all O-5 commanders. However, these changes will address only one piece of the legal training received by commanders throughout their careers and individual surveys of the specific course may not indicate if it is addressing deficiencies in legal training provided to commanders elsewhere. For example, despite the inconsistencies in the legal training provided to Army company commanders, no changes have been considered for that program, according to Army officials.

Similarly, seven out of eight Air Force providers of MAJCOM squadron commander training conduct surveys for their individual courses.<sup>70</sup> But these surveys would not identify that there is a discrepancy in the amount of legal training provided among the various MAJCOMs, as we found. Additionally, surveys of the Air Force dedicated legal training may not fully capture potential deficiencies elsewhere, as only certain O-6 commanders take the course, providing only limited insight into whether there could be training deficiencies among commanders who have not taken the course.

*According to A Guide for Assessing Strategic Training and Development Efforts in the Federal Government, an agency should view its training and*

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<sup>70</sup>An Air Force official stated that Air Force Special Operations Command does not have an evaluation for its Squadron Leadership Course.

development efforts not as a static, after-the-fact requirement but as a continual, ongoing effort.<sup>71</sup> The *Guide* also provides that a leading practice for designing training is using an appropriate mix of centralized and decentralized approaches for training. As part of this practice, agencies should ensure delivery of an integrated message when appropriate. Further, *Standards for Internal Control in the Federal Government* provide that management should demonstrate a commitment to recruit, develop, and retain competent individuals to achieve the entity's objectives.<sup>72</sup> Training enables individuals to develop competencies appropriate for key roles, reinforce standards of conduct, and tailor training based on the needs of the role. The standards also provide that management should evaluate issues identified through monitoring activities and determine appropriate corrective actions.

Without a comprehensive assessment of the continuum of legal training provided to commanders throughout their careers, the Army and Air Force cannot be sure that commanders, regardless of where they are trained, receive consistent access to and amounts of legal training. Further, by comprehensively assessing the continuum of legal training provided to commanders, the Army and the Air Force may be able to identify and address deficiencies in legal training to ensure that commanders receive the right amount and mix of legal training at the point in their career where it will be most effective in helping them to carry out their legal responsibilities.

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## Commanders Have Access to Legal Personnel and Reference Materials, but Views Vary on the Sufficiency of These Resources

In addition to the training that they receive, commanders have access to various types of legal personnel and reference materials that can assist them in carrying out their legal responsibilities. Specifically, each military service has personnel in its Judge Advocate General's (JAG) Corps and Office of General Counsel (OGC) who are generally available to advise commanders on legal issues.<sup>73</sup> However, commander participants in our

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<sup>71</sup>[GAO-04-546G](#).

<sup>72</sup>[GAO-14-704G](#).

<sup>73</sup>The Marine Corps does not have a JAG Corps like the other military services. However, for purposes of this report we will use the term "JAG Corps" for all of the services.

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discussion groups and interviews had mixed views about the support they receive from legal personnel—some commented on the high quality of judge advocates, while others expressed concern about their legal support. The services also provide commanders with legal reference materials, such as handbooks and other service-specific tools. Commanders and legal support staff had differing views about the sufficiency of these legal resources, with the majority indicating that they thought that commanders had sufficient resources. However, we also heard that additional JAG resources would be helpful, particularly for mid-level commanders.

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### All Military Services Have Legal Personnel That Assist Commanders in Carrying Out Their Legal Responsibilities, but Commanders Had Mixed Views about the Legal Support They Receive

Each military service has a JAG Corps and an OGC that may provide legal support to assist commanders in carrying out their legal responsibilities.<sup>74</sup> These entities share responsibilities for providing support in some legal subject areas and may be the sole entity responsible for advising in other areas, as shown in figure 18 below.

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<sup>74</sup>Within the Department of the Navy, the Secretary of the Navy provides oversight and department-wide policy of the legal mission through the General Counsel of the Navy and the Judge Advocate General (JAG). The Office of Counsel for the Commandant of the Marine Corps is a subordinate office of the Navy General Counsel.

**Figure 18: Legal Responsibilities of Military Service Judge Advocates General Corps and Offices of General Counsel**

|                        | Army |     | Navy and Marine Corps |     | Air Force |     |
|------------------------|------|-----|-----------------------|-----|-----------|-----|
|                        | JAG  | OGC | JAG/JA                | OGC | JAG       | OGC |
| Civilian personnel law | ●    | ●   |                       | ●   | ●         | ●   |
| Constitutional law     | ●    |     | ●                     | ●   | ●         | ●   |
| Contract law           | ●    | ●   |                       | ●   | ●         | ●   |
| Cyber law              | ●    | ●   | ●                     | ●   | ●         | ●   |
| Environmental law      | ●    | ●   | ●                     | ●   | ●         | ●   |
| Ethics                 | ●    | ●   | ●                     | ●   | ●         | ●   |
| Fiscal law             | ●    | ●   |                       | ●   | ●         | ●   |
| Intellectual property  | ●    | ●   |                       | ●   | ●         | ●   |
| International law      | ●    |     | ●                     | ●   | ●         | ●   |
| Military justice       | ●    |     | ●                     |     | ●         |     |
| Military personnel law | ●    | ●   | ●                     |     | ●         | ●   |
| Operational law        | ●    |     | ●                     |     | ●         |     |

JA Judge Advocate  
 JAG Judge Advocate General  
 OGC Office of the General Counsel

Source: GAO analysis of service guidance and documents. | GAO-21-338

Note: The environmental law function is supported by the Navy JAG Corps but not the Marine Corps. This figure provides a high-level overview of practice area responsibilities. A more detailed description of the respective responsibilities can be found in the military services' guidance. See, e.g., Army Field Manual 1-04, Legal Support to Operations (June 2020); Army General Order 2020-01, Assignment of Functions and Responsibilities Within Headquarters, Department of the Army (Mar. 6, 2020); Secretary of the Navy Instruction (SECNAVINST) 5430.27E, Responsibility of the Judge Advocate General and the Staff Judge Advocate to the Commandant of the Marine Corps for Supervision and Provision of Certain Legal Services (May 13, 2019); SECNAVINST 5430.25F, The General Counsel of the Navy Assignment of Responsibilities (Mar. 26, 2019); Headquarters Air Force Mission Directive 1-14, General Counsel and The Judge Advocate General (Dec. 29, 2016).

The services' JAG corps and Offices of General Counsel both support commanders in carrying out their legal responsibilities; however, the manner in which these offices deliver that support can differ. For example, each military service's JAG corps is made up of military attorneys (called judge advocates), civilian attorneys, paralegals, and other professionals who provide legal support directly or indirectly to commanders.<sup>75</sup> Legal support is provided directly to commanders primarily through interactions with their staff judge advocates, with the support of other judge advocates, paralegals, and civilian attorneys. According to military service officials, judge advocates advise

<sup>75</sup>By statute, no officer or employee of the Department of Defense may interfere with the ability of judge advocates assigned or attached to, or performing duty with, military units to give independent legal advice to commanders. 10 U.S.C. §§ 7037(e), 8046(d), 8088(e), and 9037(f).

commanders on various legal issues, such as by explaining what is and what is not allowed under the law, advising on the appropriate legal process to follow, or providing possible courses of action that could be taken in a situation.

Each service also has an Office of General Counsel, with staff such as civilian attorneys, judge advocates, paralegals, and other personnel.<sup>76</sup> However, only the Navy's Office of General Counsel provides direct support to commanders. Specifically, Navy OGC officials said that its attorneys are often collocated with commanders, and provide legal advice and training directly to Navy and Marine Corps commanders. Conversely, OGC officials from the Army and Air Force told us that their offices are focused primarily on advising headquarters-level officials. The officials explained that if input is needed from OGC on a legal issue, it would be worked through the JAG chain of command, who would reach out to their counterparts in OGC for any needed support.

Additionally, although the JAG corps is the primary provider of legal support to commanders, the types and quantity of personnel available to individual commanders can differ within and across the services. For example, Army officials told us that JAG personnel are centrally allocated according to multiple factors, such as unit size, unit mission, deployment environment, and unit needs.<sup>77</sup> These officials explained that while some legal services are provided at the installation level, support to commanders is decentralized down to the battalion and brigade commander level. For example, the officials stated that at the general court-martial convening authority level (usually an O-8 commander), the commander will have a dedicated SJA who will oversee the services provided by subordinate judge advocates, civilian attorneys, and paralegal support personnel. At the special court-martial convening

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<sup>76</sup>The Office of Counsel for the Commandant of the Marine Corps is a subordinate office of the Navy General Counsel.

<sup>77</sup>The Army allocates legal support resources using tables of organization and equipment, which establish requirements for JAG personnel such as judge advocates, trial counsel, paralegals, legal administrators, and other personnel. These resources are standardized for Army elements such as a corps, division, sustainment command, and different types of functional support brigades (such as a regional support group, engineer brigade, medical brigade, military police brigade, and others). These tables are validated and approved by the Assistant Secretary of the Army for Manpower and Reserve Affairs, and then the actual staffing is provided through The Judge Advocate General's Office of Personnel, Plans, and Training. Army Regulation 71-32, *Force Development and Documentation Consolidated Policies* (Mar. 20, 2019).

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authority level (generally an O-6 commander), the officials stated that the commander will have a dedicated brigade judge advocate and at least two brigade trial counsel along with paralegal support. These legal personnel support the brigade commander as well as the subordinate battalion and company commanders.<sup>78</sup>

Within the Navy, the process of assigning lawyers to commanders is more decentralized. Specifically, a Navy official told us that each unit's military chain of command is responsible for determining the number of JAG personnel that they need. If a commander needs legal advice and has not been specifically assigned a judge advocate, the commander will be supported by counsel from one of the Region Legal Service Offices.<sup>79</sup>

Marine Corps officials told us that judge advocates are assigned by the Marine Corps headquarters officer assignments office after receiving the recommendation of the Staff Judge Advocate to the Commandant of the Marine Corps for all positions. Marine Corps officials stated that not all levels of command have an assigned SJA, but that there is an SJA resident in the chain of command for all commanders. For example, the officials told us that an O-5 commanded battalion will not have a resident SJA, and an O-6 commanded regiment will not have a resident SJA unless deployed or required by other operational reasons. If in garrison or deployed, both units would have access to the division level SJA office or the local Legal Services Support Section or Team for support.

Within the Air Force, a standard organizational structure—which includes judge advocates that advise commanders—in the various Air Force

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<sup>78</sup>Army officials also stated that a battalion may have dedicated legal support at the summary court-martial convening level, depending on the mission of the unit, such as for some special forces battalions. According to Army officials, legal support is available for traditional units—brigades, divisions, corps—and nontraditional units. The officials explained that legal support is provided to non-traditional units with commanders—such as multi-domain task forces, all levels at Army Futures Command, and any other emerging force structure—with the legal personnel assigned to ensure mission accomplishment.

<sup>79</sup>The Naval Legal Service Command provides legal services that include nine Region Legal Service Office commands that operate with offices in 55 locations both inside and outside the continental United States. These commands provide prosecution, command advice, and legal assistance services to the fleet and shore establishment. Departments within these offices provide legal advice to commanders that do not have a dedicated judge advocate.

components is prescribed by Air Force guidance.<sup>80</sup> Air Force JAG officials said that the SJA office at each base reviews the operational tempo and needs to determine if a greater number of positions may be necessary to support commanders. Air Force officials stated that civilian attorneys in legal offices—who handle legal areas such as contract, fiscal, labor, or environmental law—do not interact much with commanding officers.

In our discussion groups and interviews with commanders, participants expressed mixed views about the support they receive from legal personnel, with positive views expressed in almost all of the commander discussion groups and interviews while negative views were expressed in some groups and interviews. For example, participants in 15 of our 16 commander discussion groups and all 16 of our 16 interviews with general and flag officer commanders expressed positive views about the legal support from and access to their staff judge advocates and other military and civilian attorneys. Praise from commanders included the following:

- **Army.** I've had outstanding JAG support; I've been spoiled, I've had phenomenal JAGs; the lawyers I've worked with have been exceptional.
- **Navy.** We are well-informed by JAGs; SJAs are always able to provide me with a ready response; whenever I'm going to make a decision, I always call a JAG.
- **Marine Corps.** The SJAs are phenomenal; SJAs are great; Marine lawyers are great; very forthcoming and receptive.
- **Air Force.** The quality of the legal staff is fantastic; they have been very helpful and responsive; they are very professional, they come informed.

However, we also heard negative views about the legal support and access that commanders received from their staff judge advocates and other military and civilian attorneys. Specifically, participants in 10 of our 16 commander discussion groups and five of our 16 interviews with

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<sup>80</sup>Air Force guidance prescribes standard organizational structures, functions, and responsibilities for its components, such as numbered air forces, wings, groups, and squadrons, and workforce planning for the legal offices within those structures, which include legal staff such as judge advocates, civilian attorneys, and paralegals. Air Force Instruction 38-101, *Manpower and Organization* (Aug. 29, 2019); Air Force Instruction 51-101, *The Air Force Judge Advocate General's Corps (AFJAGC) Operations, Accessions, and Professional Development* (Nov. 29, 2018).

general and flag officer commanders, expressed negative views. Criticism included the following:

- **Army.** I feel like I have to beg, borrow or steal to get assistance.
- **Navy.** They are available and marginally effective, they can be a little too risk averse; we don't have legal teams, instead we reach out to overworked and overwhelmed JAGs on all types of cases.
- **Marine Corps.** More junior SJAs can be less helpful, they need background and experience to provide guidance.
- **Air Force.** While the centralized JAG support model could work for some commanders, I wanted to work with the same person, not whoever happened to be available when I called for assistance. I needed legal support from someone who understood my mission and I did not have time to keep bringing someone up to speed about my organization and its mission.

For additional information on the views about legal support provided to commanders from our discussion groups and semi-structured interviews, see appendix VII. Further details and quantifications of the discussion group and semi-structured interview content can be found in appendices III-VI.

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## Commanders Are Supported by Legal Reference Resources

Commanders also have access to legal reference resources, such as handbooks and computer applications that provide them with background information and, in some cases, guidance on how to address certain legal issues. For example, each service has developed a legal reference handbook for their commanders to use.<sup>81</sup> These handbooks vary in length as well as in the subjects covered. Specifically, subjects covered in all of the handbooks include military justice, administrative and civil law, personnel and labor law, ethics, and international and operational law. However, other subjects, such as contract and fiscal law, are discussed

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<sup>81</sup>U.S. Army Misc. Pub. 27-8, The Judge Advocate General's Legal Center and School, *Commander's Legal Handbook 2019* (June 2019); Naval Justice School, *USN/USMC Commander's Quick Reference Legal Handbook (QUICKMAN)* (March 2021); U.S. Air Force The Judge Advocate General's School, *The Military Commander and the Law* (2020 Electronic Update).

only in the Army and Air Force handbooks, while environmental law and cyber law are discussed only in the Air Force handbook.

Commanders we spoke with had mixed views about the handbooks, with commanders generally having positive views about the handbooks, but there were also negative views expressed in some commander discussion groups and interviews. Specifically, commanders in 12 of 16 discussion groups with commanders in all military services and seven of our 16 interviews with general and flag officer commanders in the Army, the Navy, and the Air Force indicated that they found the handbooks to be a helpful resource. For example, a commander in an Army O-5 discussion group said the handbook was the first place to look when something comes up and solves 90 percent of legal issues, while the remaining 10 percent are covered by lawyers.

We also spoke with a commander in a Navy O-5 discussion group who said that the handbook was used on a monthly basis; other Navy O-5 participants similarly told us that the handbook was helpful. A commander in a Marine Corps O-6 discussion group told us that the handbook was helpful in learning the issues, and is also a valuable resource for senior enlisted personnel and legal officers. One Air Force general officer we spoke with said that the handbook was helpful to inform about what questions to ask and what other people to call, but there was no danger of using the handbook instead of calling the SJA.

Although many participants viewed the handbook as a helpful resource, others did not. Specifically, commanders in two of our 16 discussion groups and six of our 16 interviews indicated that the handbook was not a helpful resource or was not used. In particular, five of the 16 general and flag officers we spoke with did not use the handbook because they stated that they relied on their judge advocates.

In addition to the handbooks, commanders we spoke with also mentioned other resources that were available to commanders to help them perform their legal responsibilities. For example, participants in our discussion groups and interviews in all four military services mentioned the following helpful resources:

- Human resources personnel or civilian personnel offices, who can help establish the scope of issues when engaging with legal;

- Unit specific publications, web sites, or email newsletters used to disseminate key information, such as information about changes in law or policy, or tips on different legal issues;
- Military criminal investigative organizations, who can answer questions about an investigation;
- Other commanders, peers, or senior mentors, whose perspectives are helpful especially when they have dealt with similar legal issues;
- Senior enlisted personnel, who may serve as liaisons with the JAG office; and
- Online references to look up legal definitions, obtain copies of legal guidance or issuances, or other information.

Some services also have computer applications to provide commanders with easily accessible information that could potentially help with legal matters. For example:

- A Navy flag officer described a Navy ethics application, which was helpful to quickly deal with issues such as gift acceptance, official travel, funding, and official representation. Navy judge advocates also praised this ethics application, but noted that it was not available for ship-based commanders, only shore-based commanders.
- Air Force senior enlisted participants identified some base level applications that had directories for things like the suicide hotline, events, the medical group, and emergency contacts; but noted that they thought a service-wide app would be less useful.

There was no mention of any computer applications used by Army or Marine Corps commanders.

The Navy has also developed some new legal resources for commanders. The Navy's December 2019 report on its legal communities contained recommendations related to legal reference resources for Navy and Marine Corps commanders.<sup>82</sup> Specifically, the report recommended that the Navy develop standardized decision aids for legal matters that provide commanders flow charts of their basic legal options and decision points in areas such as personnel accountability, disciplinary actions, and investigative procedures. These decision aids are to include administrative options, and potential impacts to follow-on administrative or military justice proceedings. In response to this recommendation, the

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<sup>82</sup>Department of the Navy, *Comprehensive Review of The Department of the Navy's Uniformed Legal Communities* (Dec. 9, 2019).

Navy issued nine decision aids in January 2021 for use by commanders, judge advocates, legal officers, and others. The decision aids are organized into five categories to correspond with the general progression of a case through the military justice process, and cover topics such as military protective orders, administrative reassignment of alleged victims and accused, command influence, search and seizure, and nonjudicial punishments.

Further details and quantifications of the discussion group and semi-structured interview content can be found in appendices III-VI.

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### Commanders and Legal Support Staff Had Differing Views about the Sufficiency of Legal Resources Available to Commanders

Commanders and legal support staff had differing views about the sufficiency of legal resources available to commanders, with the majority indicating that they thought that commanders had sufficient resources to carry out their legal responsibilities. However, we also heard from some that additional JAG resources would be helpful, particularly for mid-level commanders, and that there was a need for more paralegals.

Participants in 22 of our 40 discussion groups and 22 of our 34 interviews expressed views that they thought that commanders had sufficient resources to carry out their legal responsibilities. This was particularly true for the most senior commanders, where 12 of the 16 general and flag officers we spoke with said that that they did not need any additional resources. Positive views about resource sufficiency included the following:

- **Army.** I can't think of any other resource needs, we are well staffed in our JAG office; no changes to legal resources are necessary; we have everything we need.
- **Navy.** I don't feel like I've been without resources; I don't need additional resources; there are plenty of resources to help with any situation that might arise.
- **Marine Corps.** No additional resources are needed; I feel great about the resources; we have what we need.
- **Air Force.** I can't think of any other resources that are needed; having these resources available gives me peace of mind; the available resources were adequate.

However, we also heard from commanders and legal support personnel in 17 of our 40 discussion groups and eight of our 34 interviews that they would like additional JAG resources available to commanders. This view was expressed by commanders and judge advocates in all four of the military services and the desire for additional legal resources was strongest for mid-level commanders. For example:

- In an Army O-5 commander discussion group, one participant stated that they had 1,800 soldiers in their battalion, and the legal support was one captain and one major who together supported two battalions. This commander said that this level of legal support was not conducive to the amount of things they saw and needed support for, and things could pile up due to the sheer volume. Three other commanders in that discussion group agreed with this view, describing similar levels of JAG support that they thought were not sufficient. One of our Army O-6 commander discussion groups also included three commanders who expressed a desire for additional JAG support.
- In one of our Navy O-5 commander discussion groups, one participant stated that it has been hard to find appropriate resources, and the process is complex to navigate. “It is not the operational part of my job that will give me nightmares, but rather the legal side of things.” A participant in one of our Navy O-6 discussion groups said that it can be tough for O-5s and O-6s, because they have bigger responsibilities than lower-level commanders but fewer resources than higher-level commanders to do their jobs.
- A Navy SJA we spoke with described one judge advocate and two paralegals who supported two squadrons. The SJA described the number of legal issues in these squadrons as breathtaking, with issues such as sexual assault, investigations, as well as ordinary discipline, and said that there is not adequate staffing for legal support for junior commanders. The SJA expressed the need for better JAG interaction at the squadron level, but said they do not have the staffing to do this.
- Another Navy SJA explained that there is a vulnerability for commanders without SJAs. They have to rely on their training, or the training of their advisors, to identify issues, and they may not be able to issue spot everything. The SJA does not know what issues a commander is facing unless the commander proactively reaches out.
- Five Marine Corps SJAs we spoke with said that more judge advocates were needed, with some noting that this was a staffing problem. One SJA explained that commanders do not complain about

the lack of resources to provide them with information, but instead commanders complain about how long it takes to accomplish steps in the legal process. The SJA said that the wait times are usually a capacity or throughput issue, because there are a lot of questions to answer but only two attorneys. Another SJA said that the Marine Corps cannot expect to get more JAG staff because of budget concerns.

An Air Force general officer acknowledged this difference in the level of support provided to commanders of lower versus higher ranks, stating that he wished he had his current level of legal support when he was a group commander. In contrast, a Navy flag officer told us that there is not an issue with mid-level commanders not having a dedicated JAG. According to this commander, “it can be a little inconvenient sometimes, but an O-5 or O-6 commander does not need legal counsel all the time because there is a limited number of cases you are presented with at that level. The O-6 commanders working for me now do not have their own JAG, they use the JAGs on my staff.”

Although we did not ask specifically about consequences of insufficient legal support, some servicemembers raised concerns on their own initiative, including the following:

- A Navy O-5 commander said that there are steep long-term implications of bad legal decisions. Anything that can get you quicker access or readily available legal support for those without an SJA on staff would be helpful.
- Participants in our Marine Corps legal officer discussion group said that the legal support services personnel are overwhelmed, and it can take several months to get things done, such as preferral of charges.<sup>83</sup> As a result, commanders will take an administrative action to get a Marine out of the service rather than spending the time to go through the legal process to secure a more appropriate discharge.

Further details and quantifications of the discussion group and semi-structured interview content can be found in appendices III-VI. Although the views on the sufficiency of legal resources provided to commanders varied, the majority perceived these resources to be sufficient. Similarly, as discussed above, positive views about the support commanders receive from legal personnel were more prevalent than negative views. All of these legal resources combine with the legal training provided to

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<sup>83</sup>Preferral of charges occurs when an accused servicemember is first charged with a violation of the Uniform Code of Military Justice.

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commanders and enable commanders to carry out their legal responsibilities.

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## Conclusions

Given the wide range of unique legal responsibilities entrusted to commanders, having sufficient legal training to prepare commanders is imperative to enable them to perform their legal responsibilities effectively. Each of the military services maintains databases to track officer training; however, these databases do not comprehensively and accurately record commanders' completion of all legal training courses. Without comprehensive data on training completion, the services may not know whether commanders have completed required legal training. Tracking all training completion in systems of record, or determining the reasons that the training completion data documented in the systems of record differs from the records maintained by the course providers, could help the military services ensure that commanders complete required training and identify any inconsistencies in the training provided to them.

The military services also are not well positioned to determine whether the legal training that they provide meets commanders' needs and prepares them to carry out their legal responsibilities. Army, Navy, and Air Force course managers have started to collect feedback from course participants after a period of time has elapsed after commanders complete their respective dedicated legal training courses. However, none of the services have published guidelines for implementing and continuing these Level 3 follow-up surveys. Establishing policies and guidelines for implementing and continuing Level 3 surveys could help ensure that these efforts to assess and improve the relevancy of dedicated legal training continues over time. Furthermore, while the military services solicit feedback on training with blocks of legal content at the time the training is completed, this is too soon to determine the applicability of the course content to the commander's roles and responsibilities. Until the services examine the feasibility and benefits of conducting Level 3 surveys to solicit feedback some period of time after course attendees have assumed command, or other higher-level techniques that would better enable commanders to assess the utility of the training, the services will be unable to determine whether the legal training they provide meets commanders' needs.

The issues surrounding the timing, amount, and mix of legal training represent a continuum of challenges that the military services face in

helping to ensure that commanders are sufficiently prepared to carry out their legal responsibilities. Officers may hold command positions at several points throughout their careers, so legal responsibilities are not isolated to any one point in time. Although commanders generally felt prepared to carry out their legal responsibilities, in all of the military services we found that there were views among commanders or legal support staff that commanders at certain levels could benefit from additional legal training.

The Navy assessed the legal training provided commanders and is taking steps to develop and implement a legal course for all junior officers and an intermediate legal course for O-4 and senior O-3 grade officers, but this additional training is in the planning stages and has not yet been implemented into Navy policies and procedures. By formalizing procedures to implement this planned training, the Navy could better sustain implementation and ensure that all Navy communities provide such training to their commanders to prepare them for command positions. The Marine Corps also assessed legal training provided to commanders, but the efforts to address findings in the review may not fully address commanders' needs. For example, while the review found that Marine Corps commanders may benefit from additional training and that they may not fully understand the role of their SJAs, the Marine Corps is not planning to require any dedicated legal training or additional training with blocks of legal content for Marine Corps commanders. As a result, commanders of similar grades and responsibilities are receiving inconsistent levels of legal training depending on whether they are able to take the Navy's dedicated legal course. Without requiring a comprehensive mix of legal training for commanders throughout their careers, Marine Corps commanders may not be consistently prepared for the legal aspects of their roles.

The Army and the Air Force have not assessed the continuum of legal training provided to their commanders to determine if commanders are receiving consistent access to and amounts of legal training, regardless of where commanders are trained. While conducting end-of-course surveys may provide feedback on individual courses, these surveys may not provide insight into the efficacy of the continuum of legal training that a more comprehensive assessment would provide. For example, the end-of-course surveys would not identify discrepancies in the amount of training provided among the various installations and commands, as we found. Until the Army and the Air Force conduct a comprehensive review of the legal training provided to commanders, they may not be able to identify and correct any deficiencies in the timing, mix, and amount of

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training commanders receive or determine whether commanders are receiving training that meets their needs at the points in their careers where such training would be most effective.

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## Recommendations for Executive Action

We are making a total of 15 recommendations to the Department of Defense, including four to the Secretary of the Army (recommendations 1, 5, 8, and 14), seven to the Secretary of the Navy (recommendations 2, 3, 6, 9, 10, 12, and 13), and four to the Secretary of the Air Force (recommendations 4, 7, 11, and 15).

The Secretary of the Army should determine the reasons that the training completion data for ASEP-B in the system of record differs from the records maintained by the course providers; assess the underlying data issues that prevent an accurate assessment of SOLO completion rates using only data from the system of record; and take steps to address those issues to ensure that training completion data are comprehensively and accurately collected and documented in the designated system of record. (Recommendation 1)

The Secretary of the Navy should direct training providers to use a system of record to track legal training courses such as New Flag and Senior Executive Training Symposium and the Command Leadership Seminar to ensure that training completion data are comprehensively and accurately collected and documented. (Recommendation 2)

The Secretary of the Navy should determine the reasons that the training completion data for the Marine Corps Brigadier General Select Orientation Course in the data warehouse differs from the records maintained by the course provider, and take steps to address those issues to ensure that training completion data are comprehensively and accurately collected and documented in the designated system of record. (Recommendation 3)

The Secretary of the Air Force should determine the reasons that the training completion data for SOLO and the Senior Leader Orientation Course in the system of record differs from the records maintained by the course providers and take steps to address those issues to ensure that training completion data are comprehensively and accurately collected and documented in the designated system of record. (Recommendation 4)

The Secretary of the Army should ensure The Judge Advocate General's Legal Center and School establishes and implements guidance for conducting Level 3 surveys of dedicated legal training on a continual basis. (Recommendation 5)

The Secretary of the Navy should ensure the Naval Justice School establishes and implements guidance for conducting Level 3 surveys of dedicated legal training on a continual basis. (Recommendation 6)

The Secretary of the Air Force should ensure The Air Force Judge Advocate General's School establishes and implements guidance for conducting Level 3 surveys of dedicated legal training on a continual basis. (Recommendation 7)

The Secretary of the Army should examine the need and feasibility of conducting Level 3 surveys or other higher-level techniques for assessing training for training with blocks of legal content that would allow for commanders to provide feedback about the course some period of time after assuming command. (Recommendation 8)

The Secretary of the Navy should examine the need and feasibility of conducting Level 3 surveys or other higher-level techniques for assessing Navy training for training with blocks of legal content that would allow for commanders to provide feedback about the course some period of time after assuming command. (Recommendation 9)

The Secretary of the Navy should examine the need and feasibility of conducting Level 3 surveys or other higher-level techniques for assessing training for Marine Corps training with blocks of legal content that would allow for commanders to provide feedback about the course some period of time after assuming command. (Recommendation 10)

The Secretary of the Air Force should examine the need and feasibility of conducting Level 3 surveys or other higher-level techniques for assessing training for training with blocks of legal content that would allow for commanders to provide feedback about the course some period of time after assuming command. (Recommendation 11)

The Secretary of the Navy should develop policies and procedures that formalize the Navy's implementation of the legal course for junior officers and the intermediate legal course for O-4 and senior O-3 grade officers and ensure the courses are provided to all officers. (Recommendation 12)

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The Secretary of the Navy should require a comprehensive mix of legal training to be provided to all Marine Corps commanders throughout their careers. (Recommendation 13)

The Secretary of the Army should comprehensively assess the entire continuum of legal training provided to commanders throughout their careers to help ensure that they are receiving legal training at the time, in the amount, and on the mix of topics needed to prepare them for the legal responsibilities of their positions. (Recommendation 14)

The Secretary of the Air Force should comprehensively assess the entire continuum of legal training provided to commanders throughout their careers to help ensure that they are receiving legal training at the time, in the amount, and on the mix of topics needed to prepare them for the legal responsibilities of their positions. (Recommendation 15)

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## Agency Comments and Our Evaluation

We provided a draft of this report to DOD for review and comment. In its written comments, reproduced in their entirety in appendix VIII, DOD concurred with 14 recommendations and partially concurred with one recommendation. In many instances, DOD described planned actions or completed actions to address our recommendations, as discussed below.

In its cover letter, DOD suggested that the recommendations concerning the Marine Corps be addressed to the Secretary of the Navy rather than the Commandant of the Marine Corps, as the Marine Corps falls under the purview of the Secretary of the Navy. We agreed with DOD's suggestion, and we have modified recommendations 3, 10, and 13, which in our draft report were addressed to the Marine Corps. They are now directed to the Secretary of the Navy.

In concurring with recommendation 3, that the Marine Corps should determine the reason that the training completion data for the Brigadier General Select Orientation Course in the data warehouse differs from the records maintained by the course provider, and take steps to address those issues, DOD said that beginning in May 2021, Education Command's Lejeune Leadership Institute received responsibility for overseeing the execution of the Brigadier General Select Orientation Course. DOD said that Education Command routinely coordinates with Marine Corps Manpower and Reserve Affairs to track and maintain senior leader training completion data and that this will resolve the course

tracking issue. This action may address our recommendation as long as Education Command addresses and corrects the underlying issues that affected tracking of course completion data. We will review the sufficiency of this change in oversight as part of our standard recommendation follow-up process.

In concurring with recommendation 8, that the Secretary of the Army should examine the need and feasibility of conducting level 3 surveys or other higher-level techniques for assessing training for training with blocks of legal content that would allow for commanders to provide feedback about the course some period of time after assuming command, DOD said The Judge Advocate General's Legal Center and School has already implemented this recommendation, incorporating level 3 surveys into its assessment policy. While this step would address training provided by The Judge Advocate General's Legal Center and School, multiple entities provide training with blocks of legal content to commanders, as described in the report. As a result, we continue to believe that the Army should examine the need for such assessment techniques for training with legal blocks offered by all training providers.

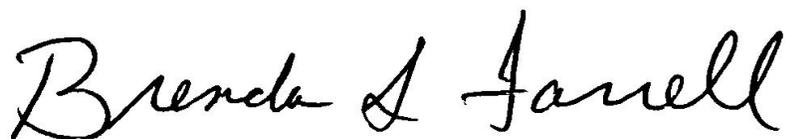
In concurring with recommendation 9, that the Secretary of the Navy should examine the need and feasibility of conducting level 3 surveys or other higher-level techniques for assessing training for training with blocks of legal content that would allow for commanders to provide feedback about the course some period of time after assuming command, DOD said that the Naval Justice School conducts level 3 surveys for graduates of the Senior Leader Legal Course six months to one year after completing a course. While this step would address training provided by the Naval Justice School, multiple entities provide training with blocks of legal content to commanders, as described in the report. As a result, we continue to believe that the Navy should examine the need for such assessment techniques for training with legal blocks offered by all training providers.

In partially concurring with recommendation 14, that the Secretary of the Army should comprehensively assess the entire continuum of legal training provided to commanders throughout their careers, DOD stated that while the Army needs to better document the review process for legal training, the facts in the report support a finding that the content provided to commanders at the field grade and higher level is the proper content. However, DOD concurred that a comprehensive evaluation of commander legal education across an officer's career will be beneficial and said it will conduct such an assessment. DOD said that the specific

area for improvement that such a study would address is at the company grade level of command with the goal of systematizing the creation and execution of company grade commander education to ensure more uniformity in scope, focus, execution, and documentation of completion. We disagree with DOD's characterization that our report supports a finding that the content provided to commanders at the field grade and higher level is the proper content. Instead, our report identified concerns raised about the timing, mix, and amount of training provided to Army commanders, including mid-level commanders (which would be considered field grade commanders). While our report described changes that the Army is making to the training provided to commanders at this level, we cannot determine whether those changes to the training will result in providing proper training content to commanders, as those changes have not yet been implemented. However, we believe that the planned action of a comprehensive evaluation as described by DOD will address the intent of the recommendation, and we will review the sufficiency of any actions taken as part of our standard recommendation follow-up process.

We are sending copies of this report to the appropriate congressional committees, the Secretary of Defense, and the Secretaries of the military departments. In addition, this report will also be available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions regarding this report, please contact me at (202) 512-3604 or [farrellb@gao.gov](mailto:farrellb@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made significant contributions to this report are listed in appendix IX.



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## Appendix I: Objectives, Scope and Methodology

The objectives of this report were to examine the extent to which the military services: (1) provide legal training to commanders throughout their careers and are able to account for the training received; (2) assess legal training provided to commanders to determine whether it meets commanders' needs; and (3) make resources, beyond training, available to commanders to assist them in carrying out their legal responsibilities.

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### Scope

The scope of our review focused on legal training that is targeted toward or specifically taken by military commanders. However, we did include training on legal subjects provided to general and flag officers, regardless of whether the training is directed solely toward commanders or toward all officers, because we determined that general and flag officers will have generally successfully completed at least one command rotation, so training at that level is targeted toward those who have already commanded and who may command again in the future. In contrast, legal training that is taken by all officers or military personnel was excluded from the scope of our review. Specifically, we excluded training such as accessions training for civilians entering the military and training to become an officer; professional military education required of all officers; job specific training taken by both commanders and officers in those positions; and annual trainings required of all servicemembers in areas such as sexual assault and suicide prevention. Although these types of training taken by all servicemembers can provide a foundation to facilitate commanders' understanding of legal subjects, we excluded them from the scope of our review because they are intended for a broader population.

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### Methods Used to Assess Legal Training Provided to Commanders

To evaluate the extent to which commanders receive training on legal subjects throughout their careers and account for the training received,

we identified legal training that each service<sup>1</sup> provided to different grades of active-duty commanders.<sup>2</sup> We identified training that was either solely dedicated to legal subjects and material, or where, as part of a longer training program, a portion of the training included legal subjects and material—which we refer to throughout this report as a “block” of legal material. We also determined whether courses were required or optional. We obtained and analyzed statutes<sup>3</sup> and military service guidance,<sup>4</sup> and interviewed providers of legal training, training command staff, and other officials from each service.

Specifically, in the Army, we spoke with officials from the Judge Advocate General’s Legal Center and School, the School for Command Preparation, U.S. Army Training and Doctrine Command, and the Army War College. In the Navy, we spoke to officials from the Naval Justice School, Naval Leadership and Ethics Center, Naval Education and Training Command, Center for SEAL (Sea, Air, and Land) and SWCC (Special Warfare Combatant-craft Crewman), Submarine Learning Center, Surface Warfare Schools Command, Naval Aviation Schools Command, and Navy Installations Command. In the Marine Corps, we spoke to officials from the Training and Education Command, Marine Corps University, and Lejeune Leadership Institute. In the Air Force, we spoke to officials from the Air Force Judge Advocate General’s School,

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<sup>1</sup>On December 20, 2019, the National Defense Authorization Act for Fiscal Year 2020, Pub. L. No. 116-92, established the United States Space Force as an armed force within the Department of the Air Force. We did not gather data from the Space Force given its status as a new organization. Throughout this report we refer to only four military services within DOD: the Army, the Navy, the Marine Corps, and the Air Force.

<sup>2</sup>The term “grade” means a step or degree, in a graduated scale of office or military rank that is established as a grade by law or regulation. 10 U.S.C. §101. Officer grades range from O-1 to O-10, with O-1 being the lowest ranking grade and O-10 being the highest ranking grade.

<sup>3</sup>10 U.S.C. §937.

<sup>4</sup>Army Regulation 350-1, *Army Training and Leader Development* (Dec. 10, 2017); Navy Personnel Command, MILPERSMAN 1301-907, *Naval Senior Leader Legal Training* (June 22, 2020); Chief of Naval Personnel, Memorandum for the Record, *Training for Sexual Assault Initial Disposition Authority* (Sept. 4, 2012); Commander, Naval Surface Forces, COMNAVSURFORINST 1211.3, *Billet Specialty Training for Officers En Route to Surface Force Ships* (May 15, 2019); Commander, Naval Special Warfare Command, COMNAVSPECWARCOMINST 1412.2C, *SEAL Officer (113x) Command Qualification Program* (May 15, 2015); Marine Corps Training and Education Command, MARADMIN 471/19, *Fiscal Year 2020 Cornerstone: The Commandants Combined Commandership Course* (Aug. 29, 2019); Marine Corps Order 1553.4B, *Professional Military Education (PME)* (Jan. 25, 2008); Secretary of the Air Force and Chief of Staff, United States Air Force Memorandum, *Pre-Command/Spouse Training Courses* (Jan. 3, 2019).

Air Education and Training Command, LeMay Center for Doctrine Development and Education, Eaker Center for Professional Development, the Air Force Institute of Technology, and the Air Force Legal Operations Agency. Through these discussions we identified legal training that each service provided to different grades of active-duty commanders that was either solely dedicated to legal subjects, or that included a smaller block of legal material in part of a longer training program, and whether courses were required or optional.

We used information from these discussions and service documents to identify 75 training courses that were relevant to our review. We examined materials for 25 iterations of the Army's Company Commander/First Sergeant Pre-Command Course; 18 iterations of pre-command courses for battalion and brigade commanders; and reviewed course materials for two courses that focus solely on legal training, the Senior Officer Legal Orientation and the General Officer Legal Orientation. We examined documents and attended in-person a session of the Army Strategic Education Program – Basic.

In the Navy, we identified one course that focused solely on legal training, the Senior Leader Legal Course. We also examined 21 Navy commands for potentially relevant training courses and conducted follow-up with five commands that we determined had legal training that we deemed most relevant. In addition, we identified the New Flag and Senior Executive Training Symposium as a course containing blocks of legal content for senior leaders. In the Marine Corps, we identified two courses that included smaller blocks of legal content: Cornerstone and the Brigadier General Select Orientation Course.

In the Air Force, we identified one course that focused solely on legal training, the Senior Officer Legal Orientation. At the Eaker Center and LeMay Center we identified four total courses that contained relevant legal content. The Civil Engineer Commander/Deputy Course also contained relevant training. The Air Force Senior Leader Orientation Course also contained legal blocks. We also submitted a request for information to all of the Air Force major commands, and based on the responses provided we identified relevant training in the following eight of these major commands: Air Combat Command, Air Education and Training Command, Air Force Global Strike Command, Air Force Materiel Command, Air Force Special Operations Command, Air Mobility Command, Pacific Air Forces, and U.S. Air Forces in Europe and Air Forces Africa.

For each of these training courses, we analyzed course materials and schedules and spoke with training providers and other service officials to determine the duration of time spent covering legal content, and the legal subjects covered in the training. We also analyzed military service training guidance to identify the military services' legal training requirements and content.<sup>5</sup> We determined that the information and communication component of internal control was significant to this objective, along with the underlying principle that management should use quality information to achieve its objectives.<sup>6</sup> We assessed the effectiveness of the services' systems of record for tracking training completion in order to determine whether they were capable of achieving the services' objectives.

To determine if the services could account for the training that commanders received, we analyzed the extent to which commanders had completed the identified training courses in each of the services. We first determined which servicemembers served in a position of command in fiscal year 2019, the most recent year for which complete data was available at the time our review began. To identify servicemembers who served as commanders in the Air Force, we requested and received

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<sup>5</sup>Army Regulation 350-1, *Army Training and Leader Development* (Dec. 10, 2017); Navy Personnel Command, MILPERSMAN 1301-907, *Naval Senior Leader Legal Training* (June 22, 2020); Chief of Naval Personnel, Memorandum for the Record, *Training for Sexual Assault Initial Disposition Authority* (Sept. 4, 2012); Commander, Naval Surface Forces, COMNAVSURFORINST 1211.3, *Billet Specialty Training for Officers En Route to Surface Force Ships* (May 15, 2019); Commander, Naval Special Warfare Command, COMNAVSPECWARCOMINST 1412.2C, *SEAL Officer (113x) Command Qualification Program* (May 15, 2015); Marine Corps Training and Education Command, MARADMIN 471/19, *Fiscal Year 2020 Cornerstone: The Commandants Combined Commandership Course* (Aug. 29, 2019); Marine Corps Order 1553.4B, *Professional Military Education (PME)* (Jan. 25, 2008); Secretary of the Air Force and Chief of Staff, United States Air Force Memorandum, *Pre-Command/Spouse Training Courses* (Jan. 3, 2019).

<sup>6</sup>[GAO-14-704G](#).

record-level data for all active-duty commanders in fiscal year 2019.<sup>7</sup> To identify servicemembers who served as commanders in the Army, the Navy, and the Marine Corps, we requested record-level data—including grade, current and prior position titles, and position start and end dates—for all active-duty officers in these military services in fiscal year 2019, excluding warrant officers, from each service’s personnel database.<sup>8</sup> If an officer changed positions during the fiscal year, we requested data for all positions held in fiscal year 2019 so that we could include in our analysis any officers who served in a position of command for any length of time during the fiscal year.

We identified officers who served as commanders by analyzing position titles, grade, and other information unique to each service.<sup>9</sup> Specifically, we generated and reviewed a list of all officer position titles found in the fiscal year 2019 officer data provided to us for each service to identify text strings that could potentially denote a commander, such as CG, CMDR, CDR, and Commander. We generated unique lists of text strings to search for in each service, based on the specific terminology used for that service’s positions. We then did an automated text search of the position title fields for these text strings to identify potential commanders from the list of officers.

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<sup>7</sup>Although we requested similar data about commanders from the Army, the Navy, and the Marine Corps, we determined that the data provided using those services’ respective command designations did not provide us with a reliable list of commanders for fiscal year 2019. For example, according to Army officials, the command flag in the Army’s database was generally not used for commanders at grade O-5 and below. Since some of the training courses within the scope of our review were offered to commanders in those grades, we determined that we needed a more comprehensive list of Army commanders. In the Navy, the codes used to designate commanders could be assigned to sailors in non-command positions, such as chiefs of staff or executive officers, if they performed some command responsibilities. Those individuals were not required to take some of the training courses in the scope of our review, so we determined that we needed a more focused list of Navy commanders. In the Marine Corps, their command designation was an optional field, and we found that it omitted many Marine Corps commanders, including several that we interviewed during our review, so we determined that we needed a broader list of commanders for the Marine Corps.

<sup>8</sup>We received officer data from them following four service personnel databases: the Total Army Personnel Database, Active Officers, Navy Officer Personnel Information System, Marine Corps Total Force System, and the Air Force Military Personnel Data System.

<sup>9</sup>For example, in the Navy we looked at Navy Officer Billet Classification codes in addition to position titles. In the Marine Corps, we also looked at their command flag field.

Two analysts then independently reviewed all of the full position titles for the officers in these lists of potential commanders and determined whether these titles indicated a position as a commander. Differences between the two analysts were reconciled to produce a final list of commanders for each military service. If there was a doubt, we determined that it was better to exclude a servicemember from the list, so that our list would be less likely to include individuals who were not commanders and thus would not be expected to take the training courses offered to commanders. This methodology likely enabled us to identify most officers who served as commanders in fiscal year 2019, but we may not have identified all commanders in each service. For the Air Force, we requested and received record-level data for all active-duty commanders in fiscal year 2019.

From each service, we requested complete training records for all of the fiscal 2019 commanders that were identified from the service's personnel database.<sup>10</sup> For each commander, we requested, if available, courses taken, course description, course identification numbers/codes, dates of start and completion, location of training, and grade during time of course. We then analyzed record-level data for relevant training courses taken by those commanders in our final lists from each of the services. We used individual identifiers, such as social security number or employee identification number, to match commanders with training records to determine which legal training courses, if any, each commander took. We then generated counts and percentages of how many fiscal year 2019 commanders had taken each of the training courses we had identified. Commanders may have taken some courses more than once; if that occurred, we only included one count of a course completion per commander regardless of the total number of times they may have taken a course.

We conducted data reliability assessments on the datasets we received from the databases in our review. We examined the documentation that officials provided to us on each database and conducted electronic tests on the data we received to check for completeness and accuracy. We also checked to see that values for variables were internally consistent

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<sup>10</sup>We received training data from the following four service databases: Army Training Requirements and Resources System, Navy Officer Personnel Information System, Marine Corps Total Force System, and the Air Force Military Personnel Data System. Although we requested complete training records for all services, the Army was only able to provide us with training data for fiscal years 2015-2019 due to limitations in the ability to access older training records.

and that results were not affected unduly by outlier values that might suggest miscoded values. We also sent data reliability questionnaires to database managers about how the data are collected and their appropriate uses. In addition, we had discussions with database managers about the reliability of the data in their databases.

During the course of our review, when analyzing the extent to which commanders had completed the training courses within the scope of our review, we identified issues for certain training courses in each service regarding the accuracy of the training completion data in each services' systems of record. Specifically, after we determined completion rates for the courses in our scope, we determined that some of the completion rates seemed low for courses that were required to be taken by all commanders of a particular grade.<sup>11</sup> We then contacted the service providers for these courses to share our completion rate data.

To corroborate our analysis of completion rates, and depending on the extent and nature of the discrepancy identified and our discussions with service officials, for some courses we provided them with our lists of relevant fiscal year 2019 commanders, so that the course providers could check their systems to determine which fiscal year 2019 commanders had completed the training according to their records. For other courses, the course providers provided us with course rosters or course completion data maintained in their systems, and we compared this course completion data against the data we had obtained from the service systems of record to identify discrepancies in the course completion data.

We determined that the data in the service systems of record were not complete, and our report discusses these issues. Specifically, we determined that training completion data in the service databases differed from the training completion records maintained by training providers for some courses, and for other courses we were unable to analyze training completion rates because individual course managers did not use the system of record to track course completion. We did not report completion rates for those courses where we determined the data in the service databases were not sufficiently reliable, unless we used the data maintained by the training course providers to determine the completion

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<sup>11</sup>For courses that were required for all commanders of a certain grade, we expected to see very high completion rates by commanders in that grade, such as 90 percent or higher.

rates.<sup>12</sup> We found the data in the service systems of record were sufficiently reliable to report on the extent that the identified fiscal year 2019 commanders had completed some of the legal training courses we had determined to be within the scope of our review.

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## Methods Used to Assess Training Evaluation

To evaluate the extent to which the military services assess legal training provided to commanders to determine if it meets commanders' needs, we obtained and analyzed military service guidance and training evaluation materials and interviewed providers of legal training. For dedicated legal training courses, we determined the evaluation processes for each of the military services' dedicated legal training courses.<sup>13</sup> Specifically, we determined the type of course surveys conducted for each course, when course surveys were performed, and what inputs were considered in the curriculum review process. For training courses that included blocks of legal content in each military service, we determined which courses included course surveys, and whether those course surveys included any questions about the legal blocks in the course. We compared the processes for obtaining feedback on both the dedicated legal training courses and the training with legal blocks to relevant best practices for assessing strategic training and internal controls to determine if the service training evaluation processes were consistent with these best practices and whether the services could determine if the amount, timing, and mix of training met commanders needs.<sup>14</sup> We also compared the military services' legal training requirements and content to military

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<sup>12</sup>Figures and tables with completion data in this report include a table note that describes the source(s) we used to determine the completion rates.

<sup>13</sup>TRADOC Regulation 350-70, *Army Learning Policy and Systems* (July 10, 2017); Air Force Instruction 36-2670, *Total Force Development* (June 25, 2020) (incorporating Air Force Guidance Memorandum 2020-03, Dec. 7, 2020).

<sup>14</sup>GAO, *Human Capital: A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, [GAO-04-546G](#) (Washington, D.C.: March 2004); GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 2014).

service training guidance<sup>15</sup> and relevant best practices for assessing strategic training to determine if training offered is consistent with the guidance and these best practices.<sup>16</sup>

We determined that the control environment component of internal control was significant to this objective, along with the underlying principle that management should demonstrate a commitment to recruit, develop, and retain competent individuals.<sup>17</sup> For the Navy and the Marine Corps, we assessed whether those services had fully implemented recommendations specific to legal training for commanders included in the Navy's *Comprehensive Review of The Department of the Navy's Uniformed Legal Communities* to determine if those services are providing legal training that meets commanders' needs.<sup>18</sup> For the Army and the Air Force, we assessed whether the design of their system of feedback provided a comprehensive view of the legal training provided to commanders that would allow those services to determine if the legal training provided meets commanders' needs.

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## Methods Used to Assess Resources Available to Commanders

To evaluate the extent to which the military services make resources, beyond training, available to commanders to assist them in carrying out their legal responsibilities, we reviewed statutes<sup>19</sup> and the military

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<sup>15</sup>Army Regulation 350-1, *Army Training and Leader Development* (Dec. 10, 2017); Navy Personnel Command, MILPERSMAN 1301-907, *Naval Senior Leader Legal Training* (June 22, 2020); Chief of Naval Personnel, Memorandum for the Record, *Training for Sexual Assault Initial Disposition Authority* (Sept. 4, 2012); Commander, Naval Surface Forces, COMNAVSURFORINST 1211.3, *Billet Specialty Training for Officers En Route to Surface Force Ships* (May 15, 2019); Commander, Naval Special Warfare Command, COMNAVSPECWARCOMINST 1412.2C, *SEAL Officer (113x) Command Qualification Program* (May 15, 2015); Marine Corps Training and Education Command, MARADMIN 471/19, *Fiscal Year 2020 Cornerstone: The Commandants Combined Commandership Course* (Aug. 29, 2019); Marine Corps Order 1553.4B, *Professional Military Education (PME)* (Jan. 25, 2008); Secretary of the Air Force and Chief of Staff, United States Air Force Memorandum, *Pre-Command/Spouse Training Courses* (Jan. 3, 2019).

<sup>16</sup>GAO-04-546G and GAO-14-704G.

<sup>17</sup>GAO-14-704G

<sup>18</sup>Department of the Navy, *Comprehensive Review of The Department of the Navy's Uniformed Legal Communities* (Dec. 9, 2019).

<sup>19</sup>10 U.S.C. §§ 7037(e), 8046(d)(2), 8088(e), and 9037(f).

services' policies and guidance.<sup>20</sup> Specifically, we analyzed service guidance and other documents to determine which entities within each service had responsibilities for providing legal support in specific areas of law.<sup>21</sup> We also obtained data about the number and composition of legal support personnel and offices in each military service's Judge Advocate General's (JAG) Corps and each military department's Office of General Counsel.<sup>22</sup> In addition, we reviewed handbooks that each military service provides as a legal reference resource for commanders, to identify similarities and differences in the subjects covered in each handbook.<sup>23</sup> We also interviewed JAG Corps staff and other officials from each service and Office of General Counsel staff and other officials from each department to determine how each provides legal support and resources to commanders to assist them in carrying out their legal responsibilities.

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## Methods Used to Address All Objectives

To inform all objectives, we conducted facilitated group discussions and semi-structured interviews at four installations—one installation for each military service. We conducted 16 group discussions with nonprobability samples of 104 mid-level commanders (two group discussions with O-5 commanders and two group discussions with O-6 commanders in each service), and we interviewed 16 senior commanders (general and flag

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<sup>20</sup>Army Regulation 71-32, *Force Development and Documentation Consolidated Policies* (Mar. 20, 2019); Air Force Instruction 38-101, *Manpower and Organization* (Aug. 29, 2019); Air Force Instruction 51-101, *The Air Force Judge Advocate General's Corps (AFJAGC) Operations, Accessions, and Professional Development* (Nov. 28, 2018).

<sup>21</sup>Army Field Manual 1-04, *Legal Support to Operations* (June 2020); Army General Order 2020-01, *Assignment of Functions and Responsibilities Within Headquarters, Department of the Army* (Mar. 6, 2020); SECNAVINST 5430.27E, *Responsibility of the Judge Advocate General and the Staff Judge Advocate to the Commandant of the Marine Corps for Supervision and Provision of Certain Legal Services* (May 13, 2019); SECNAVINST 5430.25F, *The General Counsel of the Navy Assignment of Responsibilities* (Mar. 26, 2019); Headquarters Air Force Mission Directive 1-14, *General Counsel and The Judge Advocate General* (Dec. 29, 2016).

<sup>22</sup>While the Marine Corps does not have a JAG Corps like the other military services, instead having a Judge Advocate Division, for purposes of this report we will refer to the JAG Corps in all of the services.

<sup>23</sup>U.S. Army Misc. Pub 27-8, *The Judge Advocate General's Legal Center and School, Commander's Legal Handbook 2019* (June 2019); Naval Justice School, *USN/USMC Commander's Quick Reference Legal Handbook (QUICKMAN)* (March 2021); U.S. Air Force The Judge Advocate General's School, *The Military Commander and the Law* (2020 Electronic Update).

officers) to obtain their perspectives on the legal training they have received and the legal resources provided to them.<sup>24</sup> We also conducted 18 semi-structured interviews with staff judge advocates and 24 group discussions with nonprobability samples of 201 other military attorneys, civilian attorneys, legal officers, and senior enlisted advisers to get their perspectives on the legal training that is provided to commanders and the legal support they provide to commanders.

We elected to use interviews and discussion groups for different populations to account for the differences in population size and the logistical ease of organizing discussion groups of sufficient size, as well as level of authority. Specifically, we opted to hold interviews with general and flag officers and staff judge advocates because personnel in these roles have a distinctly high level of authority on their bases and within their legal offices. In addition, because relatively few personnel in these positions were likely to be on any single military base, we would not have been able to conduct discussion groups with these populations in all of the locations selected. Other populations, such as mid-level commanders (i.e., grades O-5 and O-6) and various roles within JAG offices (as fully described in the following section), have larger populations that we found would be more amenable to discussion groups.

With the advice of service officials, we chose to conduct our site visits at major installations in each service that were likely to contain large populations of both commanders and legal staff. We used quantity of commanders and legal staff, specifically staff judge advocates, and proximity to other potential bases of interest as site selection criteria, and further narrowed potential site visit locations with additional input from service officials.<sup>25</sup>

For our site visits, we developed a list of interview and discussion group questions for commanders and the legal staff that interact with commanders. We generally asked the questions of people in the same sub-populations or levels in each military service. We also included

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<sup>24</sup>In the Army, the Air Force, and the Marine Corps, O-5s are known as “lieutenant colonels”; in the Navy, they are known as “commanders.” In the Army, the Air Force, and the Marine Corps, O-6s are known as “colonels”; in the Navy, they are known as “captains.” For purposes of this report, we refer to commanders at grades O-3 and O-4 as junior commanders; grades O-5 and O-6 as mid-level commanders; and O-7 and higher as senior commanders or general and flag officers.

<sup>25</sup>To protect the confidentiality of the servicemembers we spoke to during our site visits, we are not identifying the names of the installations where we conducted our site visits.

probing questions throughout the discussion guides to clarify the meaning of statements made or obtain illustrative examples as we deemed necessary. With modifications as appropriate for each interview population, the questions were designed to address the: 1) nature of legal training received by commanders, 2) extent that legal training received by commanders prepared them and met commanders' needs, and 3) resources available to commanders in carrying out legal responsibilities. Prior to each site visit, we sought to collect additional feedback on interview discussion topics from military legal training staff via interviews to refine the question list.

We ultimately conducted 34 interviews in total, with a breakdown of 16 with General or Flag Officers, and 18 with Staff Judge Advocates. Due to a scheduling issue, a group of six SJAs for the Marine Corps were interviewed together in a discussion group format as opposed to the one-on-one interview format conducted for other SJAs. In addition, we conducted 40 discussion groups with 305 servicemembers in total, with a breakdown of eight discussion groups with 67 O-5 commanders, eight discussion groups with 37 O-6 commanders, nine discussion groups with 66 military attorneys, six discussion groups with 26 civilian attorneys, six discussion groups with 77 senior enlisted personnel, two discussion groups with 26 legal officers, and one discussion group with six staff judge advocates. A breakdown of the number of discussion groups and interviews we held with each group in each service is shown in table 4 below. Our discussion groups ranged in size from two to 19 participants. We conducted all one-on-one semi-structured interviews and discussion groups in person via four site visits.

**Table 4: Total Discussion Groups and Interviews Conducted During GAO Site Visits**

|                                   | Army | Navy | Marine Corps | Air Force | Total |
|-----------------------------------|------|------|--------------|-----------|-------|
| <b>Discussion groups</b>          |      |      |              |           |       |
| O-5 Commanders                    | 2    | 2    | 2            | 2         | 8     |
| O-6 Commanders                    | 2    | 2    | 2            | 2         | 8     |
| Military Attorneys                | 3    | 2    | 1            | 3         | 9     |
| Civilian Attorneys                | 1    | 1    | 1            | 3         | 6     |
| Legal Officers                    | n/a  | 1    | 1            | n/a       | 2     |
| Senior Enlisted Personnel         | 2    | 1    | 1            | 2         | 6     |
| Staff Judge Advocates             | n/a  | n/a  | 1            | n/a       | 1     |
| <b>Semi-structured interviews</b> |      |      |              |           |       |
| General and Flag Officers         | 7    | 4    | 2            | 3         | 16    |
| Staff Judge Advocates             | 5    | 5    | 1            | 7         | 18    |

We determined that input from commanders at three grades would be most relevant to our research objectives: grade O-5 commanders, grade O-6 commanders, and general or flag officers (grade O-7 and above). Commanders at these levels have varied levels of legal responsibilities, and may attend different required or optional legal training. We deemed it methodologically useful to separate O-5 and O-6 commander discussion group populations because of differences in court-martial convening authority, experience, and training received at each grade. In addition, we chose to separate the commander discussion group population by functional role: installation versus operational. This separation was made to reflect the different training topics that might be relevant to or received by each commander category.

We also spoke with selected military and civilian attorneys and other legal support personnel to complement perspectives received from commanders. This enabled us to obtain a more holistic picture of the various legal resources, to include training and personnel that may be available to commanders. We included legal officers (applicable only to the Navy and the Marine Corps) and senior enlisted advisers as additional discussion participants.

To aggregate and analyze the results of the discussion groups and semi-structured interviews, we conducted a content analysis of the interview summaries from our interviews and small group discussions. We determined the extent of any common themes from commanders' perceptions about their legal training and whether the legal training provided meets their needs, and the legal support and resources provided to them, as well as perspectives from other personnel about the legal support and resources provided to commanders. The content analysis involved both inductive and deductive steps. Further, because content analysis relies on the judgment of coders to determine whether qualitative data reflects particular categories, we took several steps to ensure that this judgment remained reasonably objective, accurate, and consistent.

Prior to beginning the content analysis, we conducted a preliminary review of our interview and discussion group summaries to identify common themes or "codes" across the interviews and discussion groups. We developed a codebook and definitions for perspectives on legal training courses taken by commanders and their legal training overall, the legal support received by or provided to commanders, and potential challenges and changes to legal training or legal support that were raised by the servicemembers we spoke with. We used NVivo, a qualitative

analysis software program, to apply codes to the interview summaries. In order to test the validity and reliability of these codes, we had two independent analysts apply them to three interview summaries, and found high levels of intercoder reliability. Specifically, each of the categories had at least 95 percent agreement between coders. As a result of this pretest, some changes were made to the category definitions and some new categories were added to the codebook.

After this preliminary test of the codes, two independent coders read and coded the full set of interview summaries. Each of the interview summaries was coded by two independent analysts, applying multiple codes to each of the summaries as the interviews and discussion groups covered a range of issues. This process allowed us to determine the number of interview summaries that contained any statements about each of the specific trends, practices, and experiences we identified and helped assure consistent judgement of categories. The two analysts independently identified text related to each of the categories in our codebook, and completed an initial round of coding all of the interview summaries. Results showed that the two analysts agreed at or above 90 percent in their initial judgments for all categories. The two analysts then reviewed and reconciled differences in their coding of those categories with a lower rate of agreement.

All adjustments made by the two analysts during this coding validation process were approved by a third analyst. Agreement among the coders was then at or above 91 percent for all categories. On the basis of this high level of agreement between coders, we are confident that our content analysis represents an objective, accurate, and consistent assignment of these coding categories. Nevertheless, we decided to resolve any remaining intercoder disagreements by keeping all coded material for that review. A research methodologist reviewed documentation of the coding categories and further reviewed our determinations about the resolution of intercoder disagreements.

Because servicemembers did not speak on every topic, and participants in our discussion groups in particular did not have the same level of participation on every topic, we do not specify the number of individuals who expressed various statements. Instead we specify the number of interviews and discussion groups in which a category was coded. The information and perspectives of the servicemembers we spoke to cannot be generalized to other commanders and legal support personnel in their respective services that we did not interview; they represented only the views and experiences of the individuals with whom we spoke during our

site visits. Nevertheless, the discussion groups and interviews provide illustrative examples of commanders' experiences with and views of the legal training they receive, as well as insights into the extent commanders receive training on legal subjects throughout their careers. They also provide insights into the extent the legal training provided to commanders meets commanders' needs, and the resources beyond the training that the military services make available to commanders to assist them in carrying out their legal responsibilities.

We conducted this performance audit from June 2019 to July 2021 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Appendix II: Military Services Training with Blocks of Legal Content

The Army, the Navy, the Marine Corps, and the Air Force provide junior and mid-level commanders and senior officers with training throughout their careers that, while not solely focused on legal topics, may include blocks of legal content.

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### Army Training with Blocks of Legal Content

The Army provides training with blocks of legal content to junior and mid-level commanders at several points in their careers, as well as to general officers promoted to the O-7 grade.

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#### Army Training with Blocks of Legal Content for Junior Commanders

Company commanders (O-3) are required to take the Company Commander/First Sergeant Pre-Command Course, which contains some legal blocks.<sup>1</sup> The course content varies by installation and may contain both in-person and distance learning components. All 25 iterations of the course that we reviewed across a number of installations contained legal blocks. Depending on the installation, the time spent on legal training ranged from 1.25 hours to 9 hours and included topics such as military justice, ethics, and enlisted separations. Senior mission commanders have extensive latitude to tailor their training to include specific items of interest as well as how it is administered.

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<sup>1</sup>Army Regulation 350-1, *Army Training and Leader Development*, para 3-41a (Dec. 10, 2017).

## Army Training with Blocks of Legal Content for Mid-Level Commanders

The Army requires pre-command training for all battalion (O-5) and brigade (O-6) commanders, which is currently conducted in three phases.<sup>2</sup> All O-5 commanders take Phase I of the course with their respective cohorts at Fort Leavenworth. This phase contains 5.5 hours focused on legal topics, such as military justice and ethics. Commanders then attend Phase II, which is provided at different venues depending on the type of unit the officer will command. In Phase II, the Garrison, Recruiting, Acquisition, Initial Military Training, Sustainment, and U.S. Army Corps of Engineers pre-command courses contain some blocks of legal content. The amount of legal training ranges from a half hour in the U.S. Army Corps of Engineers course to more than 5 hours in the Garrison course, which covers civilian personnel law and ethics. The brigade and battalion Phase II tactical pre-command courses do not include any additional legal training, according to an Army official.

Commanders then attend Phase III of the pre-command training based on their respective branch schools. Starting in fiscal year 2015, the Phase III courses were directed to include a 4-hour block of legal instruction covering military justice, unlawful command influence, proper handling of sexual assault cases, ethics, domestic operations, fiscal law, and administrative investigations. Of the 11 Phase III courses, six provided at least the full 4-hour block of legal training and five provided legal blocks ranging from 1 hour to 3 hours. An official with the School for Command Preparation, which oversees Army pre-command training, said that while the courses should not shorten the directed legal training, some may do so if the course managers thought they could still achieve their learning outcomes. See figure 5 above for the legal subjects covered and training durations of the pre-command courses for O-5 and O-6 commanders.

Army officials said that they are revising pre-command training for battalion (O-5) and brigade (O-6) commanders, with plans to include more legal training for battalion commanders starting in fiscal year 2022. The pre-command training revision is the result of a review that found the branch schools were not equipped to fully train future commanders, according to a School for Command Preparation official. In response, the

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<sup>2</sup>Army Regulation 350-1, *Army Training and Leader Development*, para 3-41b (Dec. 10, 2017).

commander of U.S. Army Training and Doctrine Command ordered the development of a program that consolidates as many pre-command training functions as possible into a regular time window that maximizes efficiencies and provides reflection time for students.<sup>3</sup> The School for Command Preparation official said that this led to the addition of legal blocks to the course and that as of December 2020, they were in the final stages of getting the revisions approved. An Army official said that this expanded program will begin in fiscal year 2022.

As part of the revision, commanders will first attend courses at their respective branch schools, which was previously Phase III. They will then all attend courses at Fort Leavenworth in an expanded version of the previous Phase I course. During the courses at Fort Leavenworth, commanders who are not attending the Army’s SOLO course will take a day-long legal orientation course. This will be followed by 2 additional hours of legal training tailored to whether the commander is in an operational or installation position. The Army’s JAG School is developing the legal blocks of the course. See table 5 below for the proposed legal subjects in this legal orientation course.

**Table 5: Proposed Legal Topics and Time for Army O-5 Commanders Not Taking the Senior Officer Legal Orientation Course**

All Commanders

| Legal topic  | Time in hours |
|--|---------------|
| Adverse Administrative Actions                       | 0.5           |
| Command Authority                                    | 1             |
| Command Influence                                    | 0.5           |
| Commander’s Role in Uniform Code of Military Justice | 1             |
| Contract and Fiscal Principles for Commanders        | 1             |
| Discipline in the Civil Service System               | 0.5           |
| Government Ethics                                    | 1             |
| Investigations                                       | 1             |
| Non-Judicial Punishment and Summary Courts-Martial   | 0.5           |
| Sexual Assault Prevention and response               | 1             |

<sup>3</sup>U.S. Army Training and Doctrine Command, OPORD 20-021, *TRADOC Campaign Plan 2.0 (2020-2028)* (Aug. 26, 2020).

**Appendix II: Military Services Training with Blocks of Legal Content**

| Legal topic   | Legal topic (continued)  | Time in hours |
|---|--|---------------|
| <b>Operational Track Commanders</b>   | <b>Garrison Track Commanders</b>   | <b>2</b>      |
| <ul style="list-style-type: none"> <li>Laws of Armed Conflict Fundamentals</li> <li>Rules of Engagement/Rules for Use of Force/Targeting</li> <li>Operational Fiscal Law</li> </ul> | <ul style="list-style-type: none"> <li>Labor Management Relations</li> <li>Installation Contracting and Fiscal Issues</li> </ul> |               |
| <b>Total</b>  |  | <b>10</b>     |

Source: GAO analysis of Army documents. | GAO-21-338

### Army Training with Blocks of Legal Content for General Officers

Army officers selected for promotion to the grade of O-7 are required to attend the Army Strategic Education Program – Basic.<sup>4</sup> This 10-day course includes a full day of instruction on legal issues, and includes a presentation by The Judge Advocate General of the Army. Officers from The Judge Advocate General’s Legal Center and School then present on a variety of legal topics, as shown in figure 4 above. The course ends with a panel discussion featuring three senior Army judge advocates. For O-7 officers who were in positions of command during fiscal year 2019, we found that 84 percent had completed the Army Strategic Education Program—Basic course.<sup>5</sup>

### Navy Training with Blocks of Legal Content

The Navy provides training with blocks of legal content to junior and mid-level commanders depending on the specific community, as well as to flag officers when promoted to the O-7 grade.

<sup>4</sup>Army Regulation 350-1, *Army Training and Leader Development* (Dec. 10, 2017). The Army Strategic Education Program – Basic is for all officers. It is included in this review as officer promoted to the grade of O-7 will likely have had a successful command in their career prior to this role and may need to exercise general court-martial convening authority as a general officer.

<sup>5</sup>Completion rates were determined by analysis of data in the Army Training Requirements and Resources System, supplemented by course roster information provided by an Army official. Fiscal year 2019 commanders refers to Army officers who we identified as holding a position of command at some time during fiscal year 2019.

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## Navy Training with Blocks of Legal Content for Junior and Mid-Level Commanders

Training for junior and mid-level Navy commanders is dependent on the specific Navy community.<sup>6</sup> At least 21 different commands provide training to Navy officers. For example, surface warfare commanders receive training through the Surface Warfare Schools Command and Navy aviation commanders receive training through the Naval Aviation Schools Command. The Surface Warfare Schools Command offers three courses for commanders, depending on the specific command position, each of which contain legal blocks.

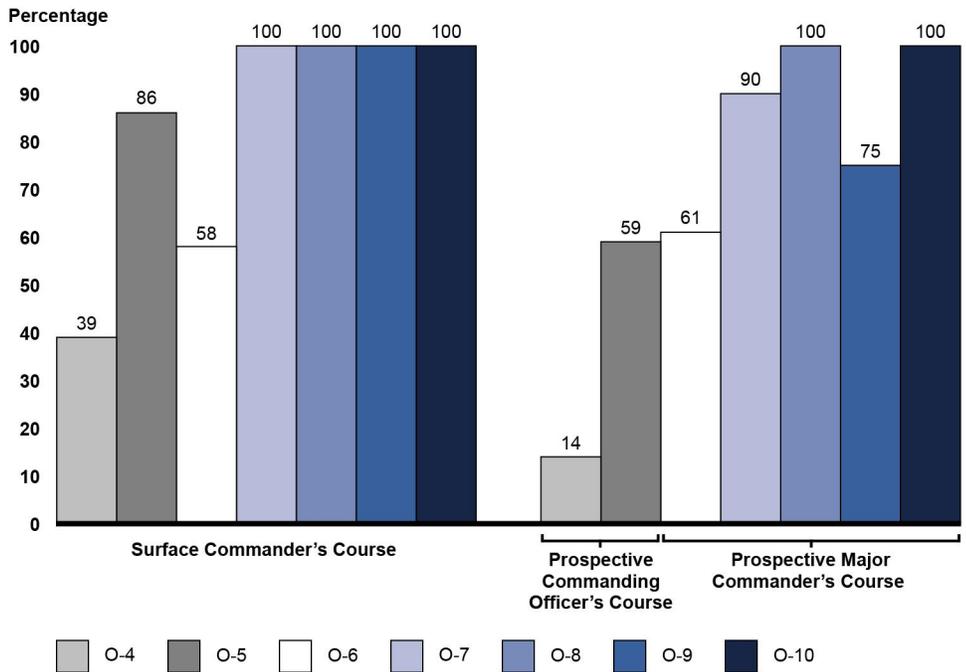
- **Surface Commander's Course**, which is required for all commanders regardless of rank, provides 7 hours of legal instruction over the 55-day course covering ethics, contract law, and environmental law.
- **Prospective Commanding Officer's Course**, which is required for certain O-4 and O-5 commander positions, contains about 4 hours of legal training over the 15-day course covering military justice, military personnel law, and operational law.
- **Major Commander's Course**, which is required for certain O-6 commander positions, contains 2 hours of legal content covering ethics and contract law.

See figure 19 for completion of surface warfare commander courses by surface warfare officers in command positions during fiscal year 2019.

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<sup>6</sup>We examined 21 Navy commands for potentially relevant training courses and conducted follow-up with six deemed most relevant. See Appendix I for additional details.

**Figure 19: Completion of Surface Commander Training Courses by Fiscal Year 2019 Surface Warfare Commanders**



Source: GAO analysis of Navy data and documents. | GAO-21-338

| Percentage                              | O-4 | O-5 | O-6 | O-7 | O-8 | O-9 | O-10 |
|---|-----|-----|-----|-----|-----|-----|------|
| Surface Commander's Course              | 39  | 86  | 58  | 100 | 100 | 100 | 100  |
| Prospective Commanding Officer's Course | 14  | 59  |     |     |     |     |      |
| Prospective Major Commander's Course    |     |     | 61  | 90  | 100 | 75  | 100  |

The Center for SEAL (Sea, Air, and Land) and SWCC (Special Warfare Combatant-craft Crewman) conducts the Command Leadership Seminar, which is required for SEAL officers selected for O-5-level command.<sup>7</sup> The legal portion covers ethics and lasts from 1 to 3 hours, according to officials.<sup>8</sup> The Navy's Installations Command conducts the Senior Shore

<sup>7</sup>Naval Special Warfare Command, COMNAVSPECWARCOM Instruction 1412.2C, *SEAL Officer (113x) Command Qualification Program* (May 15, 2015).

<sup>8</sup>According to Navy officials, the Command Leadership Seminar was not tracked in the Navy's system of record, but they expect to begin tracking in that system by the end of May 2021.

Leadership Course for O-5 and O-6 installation commanders. This course covers military justice, civilian personnel law, environmental law, and ethics in about 2 hours of legal training. For officers who were in command during fiscal year 2019, 15 O-5, 91 O-6, and 2 O-7 commanders had completed the Senior Shore Leadership Course.

Commander-specific courses at the Naval Aviation Schools Command and Submarine Learning Center do not contain legal blocks, according to officials at both commands. Officials with both centers said that commanders received training elsewhere that covers legal subjects. Officials with the Submarine Learning Center said that they have not identified the need for additional legal training.

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### Navy Training with Blocks of Legal Content for Flag Officers

Navy officers selected for promotion to the grade of O-7 attend the New Flag and Senior Executive Training Symposium, which is a mandatory 1-week in-residence course at The Bolger Center in Potomac, Maryland.<sup>9</sup> For the iteration of the course that we reviewed, the course contained a 1-hour legal block covering ethics.<sup>10</sup> Course officials said that the Navy was considering adding an additional block of military law training, to include military justice and aspects of administrative and personnel law. In June 2020, the Navy directed the Office of Chief of Naval Operations Flag Officer Management and Distribution to partner with the Office of the Judge Advocate General to review and deliver legal training requirements for new flag officers and to review the New Flag and Senior Executive Training Symposium legal training curriculum at least annually.<sup>11</sup> See figure 20 for fiscal year 2019 commander completion rates for the New Flag and Senior Executive Training Symposium program.

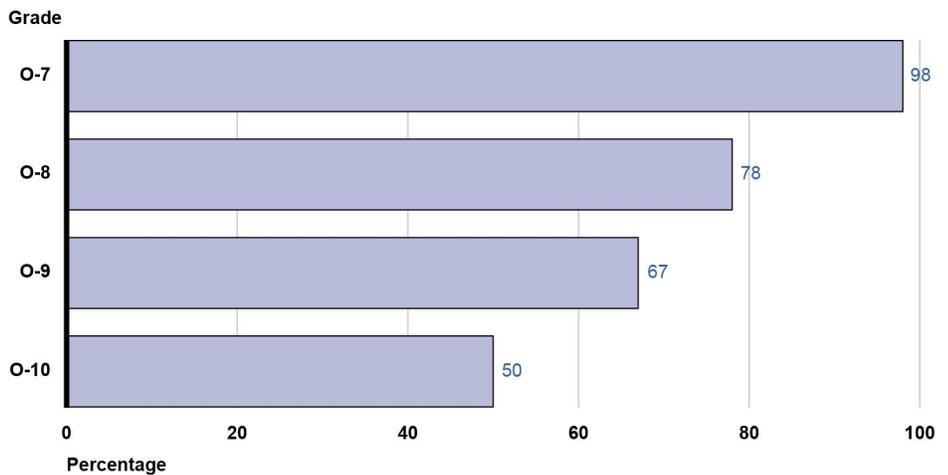
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<sup>9</sup>While Navy officials stated that the New Flag and Senior Executive Training Symposium is a requirement, officials did not identify any written policy requiring the course.

<sup>10</sup>According to Navy officials, the New Flag and Senior Executive Training Symposium course is tracked locally but not in the Navy's service-level database.

<sup>11</sup>MILPERSMAN 1301-907, *Navy Senior Leader Legal Training* (June 22, 2020).

**Figure 20: Completion Rates for Navy New Flag and Senior Executive Training Symposium by Fiscal Year 2019 Commanders**



Source: GAO analysis of Navy data and documentation. | GAO-21-338

Note: Training completion rates were determined from reviews of course rosters provided by Navy officials. Fiscal year 2019 commanders refers to Navy officers who we identified as holding a position of command at some time during fiscal year 2019.

| Grade | Percentage |
|-------|------------|
| O-7   | 98         |
| O-8   | 78         |
| O-9   | 67         |
| O-10  | 50         |

## Marine Corps Training with Blocks of Legal Content

The Marine Corps provides training with blocks of legal content to mid-level commanders based on grade, as well as to general officers promoted to the O-7 grade.

### Marine Corps Training with Blocks of Legal Content for Mid-Level Commanders

The Commandants Combined Commandership Course (Cornerstone) is a mandatory 2-week course for officers selected to command at the O-5

and O-6 levels.<sup>12</sup> The course includes about 8.5 hours of legal training, which includes discussion sessions based on the rank of the commander. The training contains legal blocks on military justice, contracts and fiscal law, military personnel law, and ethics. The Staff Judge Advocate to the Commandant of the Marine Corps also provides a legal briefing.

Almost all Marine Corps officers O-5 and above who were commanders in fiscal year 2019 completed the Cornerstone course, as shown in table 6.<sup>13</sup>

**Table 6: Completion Rates for Marine Corps Commandants Combined Commandership Course (Cornerstone) for Fiscal Year 2019 Commanders**

| Grade       | Number of commanders per grade in fiscal year 2019 | Number of fiscal year 2019 commanders completing attending Cornerstone | Percentage of commanders completing attending course |
|-------------|--|--|--|
| O-5         | 378  | 359  | 95   |
| O-6         | 214  | 212  | 99   |
| O-7 to O-10 | 48   | 43   | 90   |

Source: GAO analysis of Marine Corps data and documents. | GAO-21-338

Note: Fiscal year 2019 commanders refers to Marine Corps officers who we identified as holding a position of command at some time during fiscal year 2019.

## Marine Corps Training with Blocks of Legal Content for General Officers

Marine Corps officers selected for promotion to the grade of O-7 are required to attend the Brigadier General Select Orientation Course, a 1-week course run by the Special Projects Directorate office of the Director, Marine Corps Staff office in the National Capital Region. The course includes a 1-hour block of legal training on ethics.<sup>14</sup> This training fulfills the annual ethics training requirement for general officers, according to

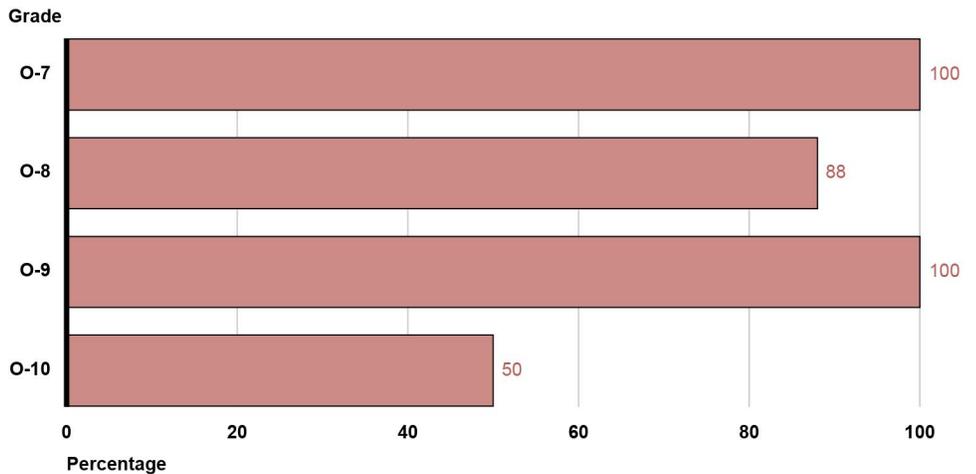
<sup>12</sup>Marine Corps Training and Education Command, MARADMIN 471/19, *Fiscal Year 2020 Cornerstone: The Commandants Combined Commandership Course* (Aug. 29, 2019).

<sup>13</sup>Due to our commander identification and training record methodology, commander completion rates may not be 100 percent. Additionally, a Marine Corps official said that in some cases a commander may not take *Cornerstone* if operational requirements prevent attendance.

<sup>14</sup>Marine Corps Order 1553.4B, *Professional Military Education (PME)* (Jan. 25, 2008).

Marine Corps officials.<sup>15</sup> See figure 21 below for completion rates for Marine Corps general officers in command during in fiscal year 2019.

**Figure 21: Completion Rates for Marine Corps Brigadier General Select Officer Course for Fiscal Year 2019 Commanders**



Source: GAO analysis of Marine Corps data and documentation. | GAO-21-338

Note: Completion rates were determined by analysis of data in the Marine Corps Total Force System data warehouse, supplemented by reviews of course rosters provided by Marine Corps officials. Fiscal year 2019 commanders refers to Marine Corps officers who we identified as holding a position of command at some time during fiscal year 2019

| Grade | Percentage |
|-------|------------|
| O-7   | 100        |
| O-8   | 88         |
| O-9   | 100        |
| O-10  | 50         |

## Air Force Training with Blocks of Legal Content

The Air Force provides training with blocks of legal content to junior and mid-level commanders, as well as to general officers promoted to the O-7 grade.

<sup>15</sup> 5 C.F.R. §2638.308.

## Air Force Training with Blocks of Legal Content for Junior and Mid-Level Commanders

Air Force training with blocks of legal content for junior and mid-grade commanders is provided through the individual major commands (MAJCOMS), with additional training provided at central locations depending on the commander's rank and specialty.<sup>16</sup> In all eight MAJCOMs, squadron commanders (generally O-4 and O-5) attend a squadron commander's course that contain some blocks of legal content. The amount of legal training time for each course ranges from about an hour up to 4 hours, covering topics such as military justice and ethics. The length and content of each course are summarized above in figure 9. Additionally, Air Mobility Command and U.S. Air Forces in Europe and Air Forces Africa each hold a conference for wing commanders that contain about an hour of legal training. Air Mobility Command covers ethics, while U.S. Air Forces in Europe and Air Forces Africa covers military justice issues. Air Education and Training Command and Pacific Air Forces provide legal training during conferences generally intended for commanders at grade O-6 and above. Each provide about an hour of legal training on ethics and military justice. In addition to the MAJCOM-level training, subordinate commands may also provide additional legal training to commanders.

For all wing and group commanders (generally O-6), the Air Force requires pre-command training at the Commanders' Professional Development School, which provides training based on the officer's specialty.<sup>17</sup> Two of the seven courses provided there contain legal blocks. The Mission Support Group Commanders' Course provides an hour on magistrate duties, such as jurisdiction and search and seizure issues, according to the course director. The Emergency Operations Center Director Course provides an hour on legal issues specific to emergency operations centers, including items such domestic use of the military, according to the course director.

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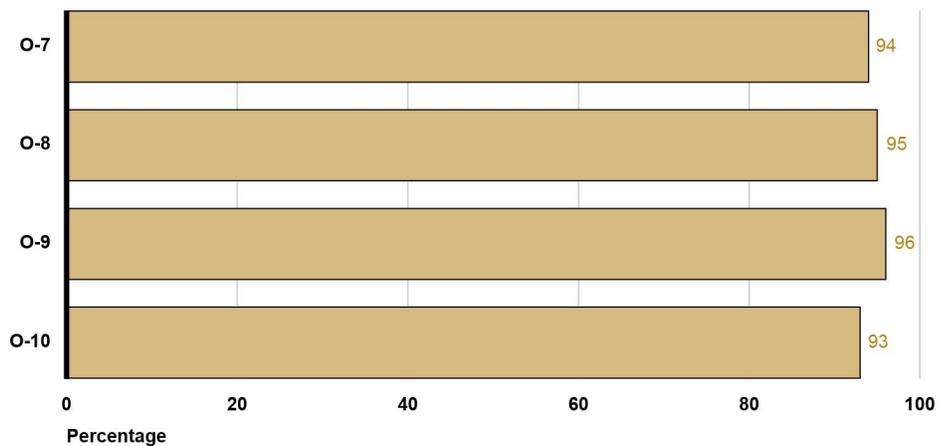
<sup>16</sup>The eight MAJCOMs included in this review are: Air Combat Command, Air Education and Training Command, Air Force Global Strike Command, Air Force Materiel Command, Air Force Special Operations Command, Air Mobility Command, Pacific Air Forces, and U.S. Air Forces in Europe and Air Forces Africa.

<sup>17</sup>Secretary of the Air Force and Chief of Staff, United States Air Force Memorandum, *Pre-Command/Spouse Training Courses* (Jan. 3, 2019).

## Air Force Training with Blocks of Legal Content for General Officers

Air Force officers selected for promotion to the grade of O-7 attend the Senior Leader Orientation Course, which is a mandatory 2-week course.<sup>18</sup> The course includes 30-minute blocks on ethics and space law, as well as an hour-long block on cyber law. See figure 22 for completion rates for the Air Force Senior Leader Orientation Course. The Air Force also runs the Joint Flag Officer Warfighting Course and the Combined Force Air Component Commander Course for general and flag officers of all services who are selected for certain joint command positions. Both of these courses provide 1 hour of training in operational law.

**Figure 22: Completion Rates for Air Force Senior Leader Orientation Course by Fiscal Year 2019 Commanders**  
Grade



Source: GAO analysis of Air Force data and documents. | GAO-21-338

Note: Completion rates were determined by analysis of data in the Air Force Military Personnel Data System, supplemented by reviews of course rosters provided by Air Force officials

<sup>18</sup>Air Force officials said that the Senior Leader Orientation Course was first made a requirement by the Chief of Staff of the Air Force in 1962 and has been continued since. However, officials did not identify any written documentation for this requirement. In 2020, the Air Force had postponed the Senior Leader Orientation Course indefinitely due to COVID-19 concerns, however, officials said that three courses will be held in 2021 to address the postponement.

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| <b>Grade</b> | <b>Percentage</b> |
|--------------|-------------------|
| O-7          | 94                |
| O-8          | 95                |
| O-9          | 96                |
| O-10         | 93                |

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## Appendix III: Key Results from Army Discussion Groups and Semi-Structured Interviews

This appendix contains several tables that show the results of our content analysis from our site visit to one Army installation. During our site visit, we conducted facilitated group discussions and semi-structured interviews. Specifically, we held semi-structured interviews with general officers and staff judge advocates, and we held facilitated group discussions with Army commanders and legal support personnel. For Army commanders, we conducted seven interviews with general officers, two discussion groups with O-5 commanders, and two discussion groups with O-6 commanders. For Army legal support personnel, we conducted five interviews with Army staff judge advocates, three discussion groups with military attorneys, one discussion group with civilian attorneys, and two discussion groups with senior enlisted personnel.

To aggregate and analyze the results of the discussion groups and semi-structured interviews, we conducted a content analysis of the interview summaries to determine the extent of any common themes. Each of the interview summaries was coded by two independent analysts, to determine the number of interview summaries that contained any statements about each of the specific trends, practices, and experiences we identified.<sup>19</sup> The information and perspectives of the servicemembers we spoke to cannot be generalized to other commanders and legal

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<sup>19</sup>Because servicemembers did not speak on every topic, and participants in our discussion groups in particular did not have the same level of participation on every topic, we do not specify the number of individuals who expressed various statements. Instead we specify the number of interviews and discussion groups in which a category was coded. For additional details about our methodology for coding the interview summaries, please see appendix I.

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support personnel in their respective services that we did not interview; they represented only the views and experiences of the individuals with whom we spoke during our site visit. Nevertheless, the discussion groups and interviews provide illustrative examples of commanders' experiences with and views of the legal training they receive, as well as insights into the extent commanders receive training on legal subjects throughout their careers.<sup>20</sup> They also provide insights into the extent the legal training provided to commanders meets commanders' needs, and the resources beyond the training that the military services make available to commanders to assist them in carrying out their legal responsibilities. The tables below include illustrative example responses representative of the statements that were coded under the identified trends, practices, or experiences.

The following tables and information are included in this appendix:

- Table 7: Content Analysis Summary of Army Responses Regarding Dedicated Legal Training
- Table 8: Content Analysis Summary of Army Responses Regarding Utility of Additional Legal Training
- Table 9: Content Analysis Summary of Army Responses Regarding Informal Legal Training
- Table 10: Content Analysis Summary of Army Responses Regarding Commander Preparation to Handle Legal Issues
- Table 11: Content Analysis Summary of Army Responses Regarding Resource Sufficiency
- Table 12: Content Analysis Summary of Army Responses Regarding Handbooks and Other Available Resources
- Table 13: Content Analysis Summary of Army Responses Regarding Legal Support

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<sup>20</sup>Some illustrative examples included in the tables were altered to improve clarity or remove identifying information.

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**Table 7: Content Analysis Summary of Army Responses Regarding Dedicated Legal Training**

| Views about dedicated legal training | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|--------------------------------------|---|--|--|-----------------------------------|----------------------------|
|                                      |   | Out of four commander discussion groups                          | Out of six legal support discussion groups | Out of seven commander interviews | Out of five SJA interviews |
| Took training                        | I took SOLO as a brigade commander<br>I took SOLO as a lieutenant colonel/battalion commander   | 4  | n/a  | 6                                 | n/a                        |
| Did not take                         | I did not attend SOLO   | 2  | n/a  | 3                                 | n/a                        |
| Attendance: required                 | For O-6 command, SOLO was part of the pre-command course requirements<br>I was required to take SOLO again before my second O-6 command.  | 2  | n/a  | 3                                 | n/a                        |
| Attendance: not required             | It was optional for us because we don't have court-marital convening authority.<br>I was not required to take SOLO for my first O-6 command because I had just taken it before my battalion command.  | 4  | n/a  | 0                                 | n/a                        |
| Attendance: other comments           | Asked to take SOLO and the request was denied.<br>There are so many precommand requirements, it can be hard to get time to go to SOLO. I did not go back to SOLO before my brigade command, I was abroad at the time.   | 3  | 0  | 2                                 | 0                          |
| Positive review                      | SOLO was a spectacular course. You don't know what you don't know, SOLO expands your knowledge of what is out there, it exposes you to a lot.<br>The week covers a lot. They did a phenomenal job presenting information. There were areas of electives and the standard program.<br><i>At field grade: there is a big difference between those who took SOLO and those that didn't. I've had commanders that have gone. They know their parameters; the left/right boundaries of their authority.</i><br><i>I've never heard anything but glowing praise for SOLO.</i> | 4  | 2  | 6                                 | 2                          |

**Appendix III: Key Results from Army Discussion Groups and Semi-Structured Interviews**

| Views about dedicated legal training | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|--------------------------------------|---|--|--|-----------------------------------|----------------------------|
|                                      |   | Out of four commander discussion groups                          | Out of six legal support discussion groups | Out of seven commander interviews | Out of five SJA interviews |
| Negative review                      | The electives were not helpful for me. There was a lot of information in a short amount of time; information overload.<br>There was not a lot focused on battalion or brigade commanders in combat arms.<br><i>There's lots of powerpoint at SOLO—on the job training is better.</i>                          | 3  | 1  | 2                                 | 0                          |
| Neutral review                       | More useful as a battalion commander. The course wasn't as useful the second time around due to redundancy. Nothing changed.<br>It used to be two weeks, now it is five days.   | 4  | 4  | 3                                 | 0                          |
| Timing: should take earlier          | Some battalion commanders do not get to go to SOLO but commanders should attend before battalion command.<br>I wish SOLO were available to more junior officers, including captains.<br>SOLO would have been helpful earlier. By the time I took it I had already had a case in almost every area it covered. | 4  | 4  | 5                                 | 1                          |
| Timing: not needed earlier           | The SOLO course would be overkill for company commanders, a lot of what is covered...is not appropriate for them.<br>For company commanders, some topics in the SOLO course would be helpful, some would not.   | 2  | 0  | 0                                 | 0                          |
| Timing: other comments               | You need some level of experience when you get training or you cannot fully understand how the training material applies to you.<br>SOLO gives a broader spectrum of details that is not needed in some areas as a battalion commander, but battalion commanders also do not have their own SJA.              | 2  | 1  | 4                                 | 0                          |

Legend: JAG=Judge Advocate General; n/a= not applicable; SJA=Staff Judge Advocate; SOLO=Senior Officer Legal Orientation; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Army site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix III: Key Results from Army  
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**Table 8: Content Analysis Summary of Army Responses Regarding Utility of Additional Legal Training**

| Views about utility of additional legal training            | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---|---|--|--|-----------------------------------|----------------------------|
|   |   | Out of four commander discussion groups                          | Out of six legal support discussion groups | Out of seven commander interviews | Out of five SJA interviews |
| Commander wants additional training                         | See text in following nodes   | —  | —  | —                                 | —                          |
| Commander wants additional training generally               | Company commanders would benefit from additional legal training.  | 2  | n/a  | 0                                 | n/a                        |
| Commander wants additional training on specific subject     | Most of us haven't been in command for a while, so refresher training is helpful. For example, would be good to have a start-to-finish, how-to, 1-day training on how to do a field grade punishment.<br><br>Earlier instruction on contracting instruction would be helpful. I didn't get it until I was a lieutenant colonel.<br><br>The impact of social media is an area where there is a gap in the legal training | 1  | n/a  | 2                                 | n/a                        |
| Commander wants less training                               |   | 0  | n/a  | 0                                 | n/a                        |
| Current amount of training was sufficient                   | See text in following nodes   | —  | —  | —                                 | —                          |
| Current amount was sufficient                               | <i>They do not need more training, they just need to be able to issue spot and call their JAG</i><br><i>I'd be hesitant to add more mandatory training</i><br><i>I think the basic legal framework training provided to commanders is sufficient</i>  | 1  | 5  | 1                                 | 4                          |
| There are risks to overtraining                             | <i>I'm not opposed to more training but I'm also not trying to make them experts</i><br><i>Reaching a point of diminishing returns; can't train them to be lawyers</i><br><i>More training isn't needed. There's a problem with 'knowing enough to be dangerous.' Commanders think they know what to do and don't call JAGs but make a mistake</i>  | 1  | 3  | 2                                 | 1                          |
| Non-commanders suggested additional training for commanders | See text in following nodes   | —  | —  | —                                 | —                          |

**Appendix III: Key Results from Army Discussion Groups and Semi-Structured Interviews**

|  |  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|--|--|--|--|-----------------------------------|----------------------------|
| Views about utility of additional legal training     | Illustrative example responses   | Out of four commander discussion groups                          | Out of six legal support discussion groups | Out of seven commander interviews | Out of five SJA interviews |
| Additional training generally                        | <i>Yes, additional training would be helpful. Company commanders are first response, so it may help to provide training to them. There could be more company commander training, but also leadership and development programs. The Army should start early for training.</i> | n/a  | 3  | n/a                               | 2                          |
| Additional training on specific subjects             | <i>Could use training on interaction with non-governmental entities. More training could be in ethics and contract/fiscal law. Additional training would also be helpful in contracting.</i>   | n/a  | 2  | n/a                               | 2                          |
| Non-commander suggested less training for commanders |  | n/a  | 0  | n/a                               | 0                          |

Legend: JAG=Judge Advocate General; n/a= not applicable; SJA=Staff Judge Advocate; SOLO=Senior Officer Legal Orientation; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Army site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix III: Key Results from Army  
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**Table 9: Content Analysis Summary of Army Responses Regarding Informal Legal Training**

| Views about informal legal training                           | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---|---|--|--|-----------------------------------|----------------------------|
|   |   | Out of four commander discussion groups                          | Out of six legal support discussion groups | Out of seven commander interviews | Out of five SJA interviews |
| Commander received informal training                          | See text in following nodes   | —  | —  | —                                 | —                          |
| Received frequently or routinely                              | Informal training occurs on a regular basis<br>There is a lot of informal training/<br>Every time I talk to the lawyers or the inspector general I am getting informal training.  | 4  | n/a  | 7                                 | n/a                        |
| Received infrequently   | —   | 0  | n/a  | 0                                 | n/a                        |
| Received at other frequency                                   | I received one [an informal training session] on special courts-martial.<br>I received a 1-hour session where the SJA came to my office<br>The [command] lawyer and paralegal talk to all new team members. They give a 101 onboarding course, [course name], so I took that.   | 4  | n/a  | 1                                 | n/a                        |
| Commander did not receive informal training                   | —   | 0  | n/a  | 0                                 | n/a                        |
| Commander reported positive experience with informal training | See text in following nodes   | —  | —  | —                                 | —                          |
| Positive: discussions with attorneys                          | For informal training, the lawyers make sure that non-lawyers understand the requirements and nuances to what they are doing, they have detailed engagement with commanders.<br>The SJA chain is vibrant, the lawyer shares a lot when you talk to him. You can learn from others mistakes, learn what not to do.<br>We talk about what we can and can't do. It varies week to week in topics. We cover all pending actions and changes week to week. The spectrum of JAG advice is huge. | 4  | n/a  | 5                                 | n/a                        |

**Appendix III: Key Results from Army  
Discussion Groups and Semi-Structured  
Interviews**

|   |   | Total discussion groups or interviews where<br>theme was identified |  |   |                                  |
|---|---|---|--|---|----------------------------------|
| Views about informal<br>legal training                              | Illustrative example responses  | Out of four<br>commander<br>discussion<br>groups                    | Out of<br>six legal<br>support<br>discussion<br>groups | Out of seven<br>commander<br>interviews | Out of five<br>SJA<br>interviews |
| Positive:<br>initial/required<br>briefing                           | The annual training has more of a compliance<br>flavor. It is a good reminder.<br><br>It offers general awareness and education<br><br>A JAG giving me notice of what will happen,<br>giving me awareness of issues. Training was<br>informal but structured.   | 2   | n/a  | 0                                       | n/a                              |
| Positive: other or<br>general informal<br>training                  | These briefings covered sexual harassment<br>and assault, the installation perspective,<br>administrative areas, 15-6 investigations<br>versus other types of investigations, how<br>investigations are conducted, understanding<br>the UCMJ and FLIPLs. Without that type of<br>training, one finds oneself struggling.<br><br>A 2-hour officer professional development<br>training on investigations (proximate cause for<br>investigating officers). The training included<br>vignettes, examples. Offered by a judge<br>advocate captain and it was mandatory. I<br>called for it because I had been struggling with<br>their reports. Since the training, the<br>investigations have gone better. | 3   | n/a  | 2                                       | n/a                              |
| Commander reported<br>negative experience<br>with informal training | See text in following nodes   | —   | —  | —                                       | —                                |
| Negative:<br>discussions with<br>attorneys                          | —   | 0   | n/a  | 0                                       | n/a                              |
| Negative:<br>initial/required<br>briefing                           | —   | 0   | n/a  | 0                                       | n/a                              |
| Negative: other or<br>general informal<br>training                  | The 2-hour blocks are not helpful.  | 1   | n/a  | 0                                       | n/a                              |
| Commander reported<br>neutral experience<br>with informal training  | See text in following nodes   | —   | —  | —                                       | —                                |
| Neutral:<br>discussions with<br>attorneys                           | I received a 1-hour session where the SJA<br>came to the office.<br><br>I get informal training from the JAG, with their<br>highlights and notes about a case. I may ask<br>why they wrote something in a particular way,<br>or want to change legalese.  | 2   | n/a  | 2                                       | n/a                              |

**Appendix III: Key Results from Army Discussion Groups and Semi-Structured Interviews**

| Views about informal legal training                     | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---|---|--|--|-----------------------------------|----------------------------|
|   |   | Out of four commander discussion groups                          | Out of six legal support discussion groups | Out of seven commander interviews | Out of five SJA interviews |
| Neutral: initial/required briefing                      | Annual training isn't ineffective, but online is more difficult.  | 2  | n/a  | 1                                 | n/a                        |
| Neutral: other or general informal training             | We talk to each other, peers use it as officer professional development.<br>Some posts officer different training. Commanders receive training on Army Regulation 350-1 requirements, sexual harassment response and prevention, and rules of engagement; all in additional to pre-deployment training.<br>The UCMJ is straightforward because it is a big checklist...The training sessions are a review of these checklists.  | 4  | n/a  | 2                                 | n/a                        |
| Attorney provides training frequently or routinely      | Does the same type of periodic training in military justice for commands two times per year.<br>We provide information training daily. When staff calls about an issue, we use it as an opportunity to discuss the issue and help an individual understand legal issues. Information training is the most prevalent kind of training.<br>We provide the annual ethics training deskside with senior leaders.  | n/a  | 2  | n/a                               | 4                          |
| Attorney provides training infrequently                 | —   | n/a  | 0  | n/a                               | 0                          |
| Attorney does not provide training                      | —   | n/a  | 0  | n/a                               | 0                          |
| Attorney other comments regarding provision of training | Field grade commanders also get some type of brief, specifically on ethics, though not necessary with an attorney. The BJA, deputy BJA, and paralegals will also brief commanders on ongoing matters, including fiscal issues if needed.<br>Yes. We look for targets of opportunity. For example, we may go into the commander's conference for an hour to brief. The main point is to let them know we are there, we want to help them get to 'yes' if it is possible to do so lawfully. | n/a  | 3  | n/a                               | 4                          |

Legend: JAG=Judge Advocate General; n/a= not applicable; SJA=Staff Judge Advocate; UCMJ = Uniform Code of Military Justice; --- = No response for node. Text in italics is from legal support personnel or SJAs.

**Appendix III: Key Results from Army Discussion Groups and Semi-Structured Interviews**

Source: GAO content analysis of Army site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Table 10: Content Analysis Summary of Army Responses Regarding Commander Preparation to Handle Legal Issues**

| Views about commander preparation to handle legal issues                 | Illustrative example responses   | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|--|--|--|--|-----------------------------------|----------------------------|
|  |  | Out of four commander discussion groups                          | Out of six legal support discussion groups | Out of seven commander interviews | Out of five SJA interviews |
| Commanders felt prepared   | See text in following nodes  | —  | —  | —                                 | —                          |
| Felt prepared generally  | <p>We are extremely well prepared. From O-3 to O-6, I knew what to do and who to go to at every step of the way.</p> <p>We all feel prepared even without SOLO, in part due to experience but also because we have ready access to the SJA.</p> <p>You can administer NJP authority as a captain, and a lieutenant colonel can wield authority. Pre command training prepares you to wield this authority.</p> | 4  | n/a  | 2                                 | n/a                        |
| Felt prepared due to availability of JAG                                 | <p>You can't remember everything. So if there is a question that may involve legal, you go to the JAG.</p> <p>I don't want to be a legal expert, I want to call the lawyer for that. My job is not to know the legal ins and outs.</p> <p>Legal is part of most if not all decisions. There are subject matter experts for a reason, the commander is not supposed to know all of it.</p>                      | 3  | n/a  | 3                                 | n/a                        |
| Commanders expressed neutral or general sentiments regarding preparation | <p>Experience has been the best teacher for me. The other 50% is about understanding your culture.</p> <p>Handling the issues is the hardest part. The training made me more aware of what to say and not.</p> <p>About half of [training] prepared me to recognize and handle legal issues. The rest of it came through on-the-job training.</p>  | 2  | n/a  | 0                                 | n/a                        |
| Commanders did not feel prepared   | Growing up in the Army, you don't see the UCMJ until you are a captain. I wasn't prepared to do a 15-6 investigation because I had never seen it before or been exposed to it through training.  | 1  | n/a  | 0                                 | n/a                        |
| Non-Commanders felt commanders were prepared                             | See text in following nodes  | —  | —  | —                                 | —                          |

**Appendix III: Key Results from Army  
Discussion Groups and Semi-Structured  
Interviews**

| <b>Views about commander preparation to handle legal issues</b>                        | <b>Illustrative example responses</b>   | <b>Total discussion groups or interviews where theme was identified</b> |   |  |                                   |
|--|---|---|---|--|-----------------------------------|
|  |   | <b>Out of four commander discussion groups</b>                          | <b>Out of six legal support discussion groups</b> | <b>Out of seven commander interviews</b> | <b>Out of five SJA interviews</b> |
| Commanders generally prepared  | <p><i>O-5/O-6s are very well prepared. Commanders are absolutely prepared to handle legal issues</i></p> <p><i>They are smart people in command, especially as you get higher in the ranks. General [redacted] is very legal savvy, he understands legal concepts in depth. They have years of experience, they pick up, retain, and get updates. They get it, they are very legal savvy.</i></p>   | n/a   | 5   | n/a                                      | 3                                 |
| Commanders prepared due to availability of JAG   | <p><i>Commanders at the O-5/O-6/General Officer level don't have time to look up answers. They need to and do call an attorney.</i></p> <p><i>Commanders will seem to have a basic understanding of the issues. Leadership influences how commanders approach JAG. Subordinates know how to approach legal based on what their leadership does.</i></p> <p><i>Commanders are smart but lawyers are there because commanders have many things to do, so nuance slips through the cracks.</i></p> | n/a   | 5   | n/a                                      | 1                                 |
| Non-Commanders expressed neutral or general sentiments regarding commander preparation | <p><i>The more senior they are the more ready they are to handle the issue. It's a function of experience.</i></p> <p><i>I think training provides commanders with a framework in which to operate. I can't make a commander a legal expert but I can give them a framework.</i></p> <p><i>Not all company commanders are created equal. They have different strengths. You need to reach out to some company commanders more than others.</i></p>  | n/a   | 6   | n/a                                      | 1                                 |

**Appendix III: Key Results from Army Discussion Groups and Semi-Structured Interviews**

| <b>Views about commander preparation to handle legal issues</b> | <b>Illustrative example responses</b>   | <b>Total discussion groups or interviews where theme was identified</b> |   |  |                                   |
|---|---|---|---|--|-----------------------------------|
|   |   | <b>Out of four commander discussion groups</b>                          | <b>Out of six legal support discussion groups</b> | <b>Out of seven commander interviews</b> | <b>Out of five SJA interviews</b> |
| Non-commanders felt commanders were not generally prepared      | <p>Company commanders are not as well prepared. Some even lose their job and a lieutenant takes over who knows even less.</p> <p>At the company and battery level, there are some deficiencies due to a lack of experience.</p> <p>It's a double-edged sword. Some commanders don't understand the authority they have.</p> | n/a   | 3   | n/a                                      | 0                                 |

Legend: JAG=Judge Advocate General; n/a= not applicable; NJP= non-judicial punishment; SJA=Staff Judge Advocate; UCMJ=Uniform Code of Military Justice; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Army site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix III: Key Results from Army Discussion Groups and Semi-Structured Interviews**

**Table 11: Content Analysis Summary of Army Responses Regarding Resource Sufficiency**

| Views about sufficiency of legal resources | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|--|---|--|--|-----------------------------------|----------------------------|
|  |   | Out of four commander discussion groups                          | Out of six legal support personnel discussion groups | Out of seven commander interviews | Out of five SJA interviews |
| Have sufficient resources                  | It's not problematic. I've never felt like I am out of resources. My advice has always matched my authority.<br>Resources completely help us carry out legal responsibilities<br>I've never wanted for legal support or legal access as a commander. There is good customer service.  | 3  | 2  | 4                                 | 3                          |
| Neutral resource sufficiency               | It is more difficult if you lack an embedded JAG. It can hinder a relationship, but this is hard to quantify.   | 3  | 4  | 2                                 | 2                          |
| Need more resources                        | See text in following nodes   | 2  | 4  | 5                                 | 3                          |
| Need dedicated SJA                         | Not having a dedicated JAG. I don't have an SJA, I work with the corps lawyer, who supports tons of units. I feel like I have to beg, borrow, or steal to get assistance. The [name] has lawyers, but those are for [other] issues.   | 1  | n/a  | 2                                 | n/a                        |
| Need more JAGs                             | Some psychological operations units, an O-6 like brigade, could use a JAG. We had to bring one in on ADOS orders because of some issues that needed to be worked.<br>The sheer volume. I have 1,800 assigned to my battalion, for all of this, I have a brand-new legal clerk, a private first class with no experience or authority at all, and 1 captain assigned for 2 battalions, and 1 major. This level of support is not conducive to the ratio of things I see and need support for. Things can pile up due to the sheer volume.<br>There are not enough lawyers. I wish we had more of them. | 2  | 2  | 1                                 | 3                          |
| Need other legal staff                     | <i>More civilian attorneys because military attorneys move too often to preserve continuity and subject matter expertise is not deep.</i>   | 0  | 1  | 1                                 | 1                          |
| Need specialized expertise                 | I have 600 civilians – I'd like a lawyer to help with labor and contract law, and would prefer that it be a civilian lawyer for continuity.   | 0  | 0  | 1                                 | 2                          |

**Appendix III: Key Results from Army Discussion Groups and Semi-Structured Interviews**

|  |  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|--|--|--|--|-----------------------------------|----------------------------|
| Views about sufficiency of legal resources | Illustrative example responses   | Out of four commander discussion groups                          | Out of six legal support personnel discussion groups | Out of seven commander interviews | Out of five SJA interviews |
| Other insufficient resources               | For some issues there are military police and CID. That adds time and consumes capacity, because there are not enough of them.<br><i>JAG School puts out deskbooks, some are good, some bad. They need to be more practical. More resources such as practical guidebooks needed, not necessarily training.</i> | 1  | 4  | 2                                 | 0                          |
| Resource tradeoffs                         | If I was to add one person to my battalion, would it be a JAG? No. I have always been able to call a JAG.<br><br>I always want more people, but not at the expense of something else.  | 0  | 0  | 1                                 | 0                          |
| JAG supports 1 commander                   | I only work for one commander (a 4 star)   | n/a  | 0  | n/a                               | 2                          |
| JAG supports multiple commanders           | I am the senior legal advisor to the Division commander, Chief of Staff, and Division staff.   | n/a  | 0  | n/a                               | 1                          |

Legend: CID=Criminal Investigation Command; JAG=Judge Advocate General; n/a= not applicable; SJA=Staff judge advocate. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Army site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix III: Key Results from Army  
Discussion Groups and Semi-Structured  
Interviews**

**Table 12: Content Analysis Summary of Army Responses Regarding Handbooks and Other Available Resources**

| Views about available legal resources | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---------------------------------------|---|--|--|-----------------------------------|----------------------------|
|                                       |   | Out of four commander discussion groups                          | Out of six legal support discussion groups | Out of seven commander interviews | Out of five SJA interviews |
| Handbook Helpful                      | See text in following nodes   | 2  | 3  | 2                                 | 4                          |
| Generally helpful                     | The Handbook is awesome.<br>The Commanders Legal Handbook is very helpful. It is the first place to look when something comes up. Solves 90% of legal issues. Remaining 10% is covered by lawyers.<br>As a battalion commander, I used the book once a day. It's a hard copy and it's great.  | 2  | 3  | 2                                 | 3                          |
| Early in career                       | <i>It is a great resource at the company and battalion levels. At that user level, it is a daily tool. At higher levels, it loses its effectiveness.</i>  | 0  | 0  | 0                                 | 2                          |
| When JAG unavailable                  | <i>The handbook enables commanders to issue spot and then approach JAG. The handbook provides preliminary information to identify issues.</i>   | 0  | 1  | 0                                 | 0                          |
| Handbook not helpful                  | I rarely use it because I have a JAG.<br>I've never opened it. The SJA is right down the hall, or just a phone call away. The SJA is my handbook.   | 1  | 2  | 2                                 | 0                          |
| Handbook neutral or other views       | The Commanders Legal Handbook is ok, but it doesn't have the same impact as dialogue.<br><i>I've not heard concerns about commanders relying on the book and not calling the JAG, I hope that commanders don't do that.</i><br><i>Regarding the Commander's Legal Handbook, it is a resource, they know about it. However, we remind them to come to us first. If we aren't the right office to provide them what they need, we will get them to the right place.</i> | 0  | 3  | 3                                 | 4                          |
| Computer applications available       | —   | 0  | 0  | 0                                 | 0                          |

**Appendix III: Key Results from Army Discussion Groups and Semi-Structured Interviews**

|   |   | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---|---|--|--|-----------------------------------|----------------------------|
| Views about available legal resources   | Illustrative example responses  | Out of four commander discussion groups                          | Out of six legal support discussion groups | Out of seven commander interviews | Out of five SJA interviews |
| Other available resources               | <p>A huge resource is the staff at the Army JAG School in Charlottesville. I have them in my rolodex, they are very thoughtful and can cover everything you need to know.</p> <p>Trial Defense is a resource, and so are civilian attorneys.</p> <p>Checklists are helpful when they are cut and dry. Civilian attorneys if needed.</p>   | 3  | 4  | 5                                 | 2                          |
| Resources that would be helpful to have | <p>Dashboard, where you can click on a button and get an answer. A quick legal advisor, chat now, would be great. Some quick videos, where you can watch a tutorial by an SJA in uniform to provide an answer or information about something, and tell you where to go for more information. Hyper-enable the operator. An app would be great, whatever makes it quick, so you can search and type in what you need.</p> <p><i>Something like a pocket version of the commander's handbook, even an app may work.</i></p> <p><i>More resources such as practical guidebooks needed, not necessarily training.</i></p>             | 0  | 3  | 1                                 | 0                          |
| Resources available to non-commanders   | <p><i>JAG Corps Directory is a publication from the JAG school that includes subject matter experts and contact information. I reached out to them when planning a warfighter exercise, which I hadn't done before.</i></p> <p><i>For specialized legal advice, I usually go to the [Department of the Army] level legal office. The types of things that I typically reach out on pertain to environmental and labor issues.</i></p> <p>If deployed, I may be talking with people all the way up at the Pentagon. At lot of questions can touch on legal issues and policy, which may require higher ups to review/consider.</p> | 0  | 4  | 1                                 | 4                          |
| No other resources identified           | Can't think of any other resources.   | 0  | n/a  | 4                                 | n/a                        |

Legend: JAG=Judge Advocate General; n/a= not applicable; SJA=Staff Judge Advocate. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Army site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix III: Key Results from Army Discussion Groups and Semi-Structured Interviews**

**Table 13: Content Analysis Summary of Army Responses Regarding Legal Support**

| Views about legal support                | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |   |  |
|--|---|--|--|---|--|
|  |   | Out of four commander discussion groups                          | Out of six legal support personnel discussion groups | Out of seven commander semi-structured interviews | Out of five SJA semi-structured interviews |
| Positive views about JAG support         | See text in following node  | 4  | 6  | 7   | 5  |
| Generally                                | <p>The JAG Corps does a good job preparing the lawyers so that they can help those who don't do that for a living. I've never seen a sub-standard lawyer.</p> <p>My SJA is astute and generally gives very good advice. I have had good experiences with JAGs.</p> <p>Good legal advice shows me how to get to what I need to do through lawful, correct channels.</p>  | 4  | 4  | 6   | 1  |
| Commander's access to legal support      | <p>I talk to my lawyer all the time.</p> <p>All commanders see their lawyer daily, and no other staff member is on my calendar as much as the lawyer.</p> <p>I have weekly meetings with my paralegal and SJA.</p>  | 4  | n/a  | 6   | n/a  |
| JAG access to commander                  | <p><i>Every time something arises. Often daily. I often go to battle rhythm events monthly. They help with situational awareness and help inform me on how to advise..</i></p> <p><i>Interaction is all day, every day. There's a weekly brigade briefing. Paralegals go to battalions weekly. Emails. Lots of calls. Goes to command staff meetings in order to catch legal issues in other areas such as ethics, contract, operational.</i></p> <p><i>Daily interaction and face-to-face on fact-specific issues. Will talk on the phone only if commander is away.</i></p> | n/a  | 6  | n/a   | 5  |
| Neutral or other views about JAG support | See text in following nodes   | 3  | 5  | 2   | 4  |

**Appendix III: Key Results from Army Discussion Groups and Semi-Structured Interviews**

| Views about legal support                  | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |   |  |
|--|---|--|--|---|--|
|  |   | Out of four commander discussion groups                          | Out of six legal support personnel discussion groups | Out of seven commander semi-structured interviews | Out of five SJA semi-structured interviews |
| Generally                                  | <p>I work with the SJA in many big categories/capacities. For legal opinions, as an ethical advisor, help with reporting requirements, speaking at something. We work on some very high profile things.</p> <p>The commander has staff, you use the staff you have. Legal is part of most if not all decisions. There are subject matter experts for a reason, the commander is not supposed to know all of it.</p> <p>Case by case basis; ongoing communication with lawyers.</p>      | 2  | 2  | 2   | 4  |
| Commander's access to JAG                  | <p>A brigade commander was the first time I had an SJA assigned to me, I didn't have a dedicated SJA as a company or battalion commander.</p> <p>My company commanders do the face-to-face. If I see an issue, I ask the company commanders whether they have talked to JAG... We make sure they are using the full extent of their authority before they come to us.</p> <p>I am off-post, and my installation does not have a lawyer there, which can be awkward for many people.</p> | 2  | n/a  | 1   | n/a  |
| JAG access to commander                    | <p>In person may be required for some cases. It also depends on rank, O-6s mostly in person, same with O-5s. For company commanders it depends on the issue. Flag level is always in person.</p> <p>Says he's fairly new. Will send emails but often have to wait for a response.</p> <p>I am not involved with commanders at the battalion level and down.</p>   | n/a  | 4  | n/a   | 2  |
| Negative views about JAG support           | See text in following nodes   | 2  | 2  | 2   | 1  |
| Commander's access to JAG<br>Slow Response | I try to call, sometimes no answer, out of office,  | 1  | n/a  | 0   | n/a  |

**Appendix III: Key Results from Army Discussion Groups and Semi-Structured Interviews**

| Views about legal support          | Illustrative example responses   | Total discussion groups or interviews where theme was identified |  |   |  |
|------------------------------------|--|--|--|---|--|
|                                    |  | Out of four commander discussion groups                          | Out of six legal support personnel discussion groups | Out of seven commander semi-structured interviews | Out of five SJA semi-structured interviews |
| Commander's access to JAG<br>Other | I feel like I have to beg, borrow, or steal to get assistance. The hospital has lawyers, but those are for medical issues.<br><br>I am in a small organization, and depend on attorneys in another organization. It is tough, we usually meet once a month by phone. We will call and email in between then if anything comes up.  | 2  | n/a  | 0   | n/a  |
| JAG access to commander            | <i>Would like to advise all commanders but can't. If he can't see a commander in person, he tries the phone. Emails may not get read.</i><br><br><i>The [operational tempo] is so fast paced, it becomes a challenge to get access to the commander. His schedule is jammed when he is here, so it can be challenging to get time with him. Need to be diligent and work with his aide.</i>  | n/a  | 1  | n/a   | 1  |
| JAGs support too many commanders   | I work with the corps lawyer, who supports tons of units.<br><br><i>Legal is supporting a large number of battalions beneath them.</i>   | 1  | 1  | 0   | 0  |
| JAGs overworked                    | <i>Our lawyers are overworked and it is hard to find time to meet with them.</i><br><br>Additionally, defense counsel are overtaxed, leading to delays there also.   | 0  | 1  | 1   | 0  |
| Other negative views               | But there have been occasions, I had a JAG who was very risk averse, afraid of his own shadow. So he gave poor advice. I just worked around him and went to higher level JAGs. That was the only poor one.<br><br>I have never received an update on the new UCMJ changes.<br><br><i>In my last job as an SJA, I had a commander call and say that the trial counsel was not responsive in a timely manner. That is a cardinal sin, I called and fixed that.</i> | 1  | 0  | 1   | 0  |

**Appendix III: Key Results from Army  
Discussion Groups and Semi-Structured  
Interviews**

| Views about legal support                          | Illustrative example responses   | Total discussion groups or interviews where theme was identified |  |   |  |
|--|--|--|--|---|--|
|  |  | Out of four commander discussion groups                          | Out of six legal support personnel discussion groups | Out of seven commander semi-structured interviews | Out of five SJA semi-structured interviews |
| Positive views about non-JAG legal support         | <p>Having the paralegal is nice, it means the JAG is not doing paralegal work.</p> <p><i>With brigade commanders, the senior [non-commissioned officer] is there when talking about soldiers. The sergeant major will identify impacts to the soldier that the legal issue will have.</i></p> <p><i>Commanders value and seek input from senior enlisted personnel.</i></p> <p><i>We don't just fix problems, we shape the culture. We interpret the boss and grasp the needs to limit conflict.</i></p> | 2  | 4  | 3   | 2  |
| Neutral or other views about non-JAG legal support | <p>We have paralegals here, but I do not work directly with them.</p> <p><i>If talking to a commander about a court martial, commanders will want 1st sergeant/sergeant major there. Lawyer will let commander know they can/should have senior enlisted advisor there.</i></p> <p><i>Commanders also consult with their peers and senior enlisted personnel as resources.</i></p>   | 0  | 6  | 3   | 4  |
| Negative CO views about non-JAG legal support      | <p>Nothing can be adjudicated until CID closes the investigation. CID is overwhelmed, so the accused is retained even though they should be out. Meanwhile, the accused gets in more trouble while he's waiting around.</p>  | 1  | n/a  | 0   | n/a  |
| Negative non-CO views about non-JAG legal support  | <p><i>All contract/fiscal advisors have been worthless.</i></p> <p><i>We can get overwhelmed by legal issues.</i></p> <p><i>Senior enlisted do not go to SOLO, so we aren't trained the same as our commander.</i></p>   | n/a  | 4  | n/a   | 2  |
| Disagreements between commanders and attorneys     | See text in following nodes  | —  | —  | —   | —  |

**Appendix III: Key Results from Army Discussion Groups and Semi-Structured Interviews**

| Views about legal support | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |   |  |
|---------------------------|---|--|--|---|--|
|                           |   | Out of four commander discussion groups                          | Out of six legal support personnel discussion groups | Out of seven commander semi-structured interviews | Out of five SJA semi-structured interviews |
| Handled well generally    | <p>If I disagree, I go to the higher SJA. So at the battalion level, I would call up to the group SJA and ask for help. They'd get back to me quickly, face to face, and pull in their SJA and make sure there was no misinterpretation of the legal advice. Disagreements do not affect the long term relationship.</p> <p>I rarely disagree with the lawyers, usually there is not much disagreement. I do not think I went against the SJA's advice but 4-5 times, mostly because of differences between good order and discipline and justice. I do not want to hang on to a soldier for 6 months, when I may not have all of the evidence and I might lose the case. If the evidence is 50/50 for a court martial but is enough to kick the offending soldier out of the Army, then I will kick them out in those situations. Disagreements with the JAG do not affect the personal relationship. Lawyers are good at discerning and arguing.</p> <p>I try to understand the JAG's position, asking why the advice is what it is.</p> <p><i>When providing advice, I will explain the law, apply the law to the facts, and explain the risks. The commander decides what risks he or she wants to assume. It is my job to explain the risk of doing something different, but the commander decides. If my advice is not followed, it would not impact our working relationship going forward. The SJA is not the commander. That can be a personality thing, but there can be other factors the commander considers in not following my advice. It's never been a concern.</i></p> | 4  | 4  | 6   | 5  |

**Appendix III: Key Results from Army Discussion Groups and Semi-Structured Interviews**

| Views about legal support             | Illustrative example responses   | Total discussion groups or interviews where theme was identified |  |   |  |
|---------------------------------------|--|--|--|---|--|
|                                       |  | Out of four commander discussion groups                          | Out of six legal support personnel discussion groups | Out of seven commander semi-structured interviews | Out of five SJA semi-structured interviews |
| Handled well commanders actions legal | <p><i>It depends on the issue. I may give advice that they disagree with. If so, they can go with their judgment. Only if they were about to violate the law would I report it. That would be very unusual, commanders don't do that. There is rarely ever a need to go up the chain of command.</i></p> <p><i>There is a spectrum: discretionary to unlawful. Must identify where on the spectrum the proposed action would fall. If it is unlawful, we must prevent it. If it is discretionary, then it is up to the commander: JAGs advise the commander about the risk/potential risk to enable them to make an informed decision.</i></p> <p>The lawyer sets forth the possible courses of action, and makes a recommendation. If I don't concur with the lawyer's recommendation, either way I need to dispose of the matter. I do not have to follow the lawyer's recommendation.</p> | 4  | 3  | 5   | 5  |
| Other or neutral views                | <p><i>On an operational level, I will counsel a commander saying, 'what would this look like on CNN.'</i></p> <p>I don't question fundraising or regulatory advice.</p> <p>There are situations where lawyers and intelligence officers come down on other sides, and commanders must choose a course of action.</p>   | 3  | 4  | 2   | 0  |
| Handled poorly                        | <p><i>When deployed doing contract work, I advised a commander not to buy something but they did anyways. It wasn't legal and ended up with a GOMOR [General Officer Memorandum of Reprimand].</i></p>   | 0  | 1  | 0   | 0  |

Legend: CID=Army Criminal Investigation Command; JAG=Judge Advocate General; n/a= not applicable; SJA=Staff Judge Advocate; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO: content analysis of Army site visit discussion groups and semi-structured interviews. | GAO-21-338.

## Appendix IV: Key Results from Navy Discussion Groups and Semi-Structured Interviews

This appendix contains several tables that show the results of our content analysis from our site visit to a Navy installation. During our site visit, we conducted facilitated group discussions and semi-structured interviews at one Navy installation. Specifically, we held semi-structured interviews with flag officers and staff judge advocates, and we held facilitated group discussions with Navy commanders and legal support personnel. For Navy commanders, we conducted four interviews with flag officers, two discussion groups with O-5 commanders, and two discussion groups with O-6 commanders. For Navy legal support personnel, we conducted five interviews with Navy staff judge advocates, two discussion groups with military attorneys, one discussion group with civilian attorneys, one discussion group with legal officers, and one discussion group with senior enlisted personnel.

To aggregate and analyze the results of the discussion groups and semi-structured interviews, we conducted a content analysis of the interview summaries to determine the extent of any common themes. Each of the interview summaries was coded by two independent analysts, to determine the number of interview summaries that contained any statements about each of the specific trends, practices, and experiences we identified.<sup>1</sup>

The information and perspectives of the servicemembers we spoke to cannot be generalized to other commanders and legal support personnel in their respective services that we did not interview; they represented only the views and experiences of the individuals with whom we spoke with during our site visit. Nevertheless, the discussion groups and interviews provide illustrative examples of commanders' experiences with

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<sup>1</sup>Because servicemembers did not speak on every topic, and participants in our discussion groups in particular did not have the same level of participation on every topic, we do not specify the number of individuals who expressed various statements. Instead we specify the number of interviews and discussion groups in which a category was coded. For additional details about our methodology for coding the interview summaries, please see appendix I.

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**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

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and views of the legal training they receive, as well as insights into the extent commanders receive training on legal subjects throughout their careers.<sup>2</sup> They also provide insights into the extent the legal training provided to commanders meets commanders' needs, and the resources beyond the training that the military services make available to commanders to assist them in carrying out their legal responsibilities. The tables below include illustrative example responses representative of the statements that were coded under the identified trends, practices, or experiences.

The following tables and information are included in this appendix:

- Table 14: Content Analysis Summary of Navy Responses Regarding Dedicated Legal Training
- Table 15: Content Analysis Summary of Navy Responses Regarding Utility of Additional Legal Training
- Table 16: Content Analysis Summary of Navy Responses Regarding Informal Legal Training
- Table 17: Content Analysis Summary of Navy Responses Regarding Commander Preparation to Handle Legal Issues
- Table 18: Content Analysis Summary of Navy Responses Regarding Resource Sufficiency
- Table 19: Content Analysis Summary of Navy Responses Regarding Handbooks and Other Available Resources
- Table 20: Content Analysis Summary of Navy Responses Regarding Legal Support

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<sup>2</sup>Some illustrative examples included in the tables were altered to improve clarity or remove identifying information.

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

**Table 14: Content Analysis Summary of Navy Responses Regarding Dedicated Legal Training**

| Views about dedicated legal training | Illustrative example responses  | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|--------------------------------------|---|--|---|----------------------------------|----------------------------|
|                                      |   | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Took training                        | I had the prior course, called the Senior Officer's Course.<br>I took it right before assuming command<br>I took it twice   | 4  | n/a   | 1                                | n/a                        |
| Did not take                         | I never took SLLC<br>I never took SLLC or SOC   | 0  | n/a   | 3                                | n/a                        |
| Attendance: required                 | It was a hard requirement in 2006<br>It was required, it was part of my pipeline training   | 3  | n/a   | 0                                | n/a                        |
| Attendance: not required             | It wasn't a hard requirement for an O-5 when I took it.   | 1  | n/a   | 0                                | n/a                        |
| Attendance: other comments           | Two participants both stated they would like to take the more current SLLC class.   | 1  | 0   | 0                                | 0                          |
| Positive review                      | The course format was largely centered on case studies and discussions. The more senior commanders generated good discussions.<br><br>My instructor was a commander. Their experience as a strike group SJA was invaluable.<br><br>In general, none of us have real legal training, with many nuances, so the training helps us know what to ask and when to phone a friend.  | 4  | 0   | 0                                | 0                          |
| Negative review                      | Large classes. We were in an auditorium with over 100 people and stadium seating. The large class size made it so we didn't cover all perspectives. The JAGs were very busy too. 2.5 days and large classes was not enough.<br><br>It just scratches the surface of what a commander needs to know. You call your JAG because training alone won't keep you out of trouble. The training covers the most common 80% of the issues but it is the 20% that can get you in trouble that isn't covered. I'm not sure of the benefit to lengthen it though since it is a complex question/situation. | 4  | 0   | 0                                | 0                          |

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

| Views about dedicated legal training | Illustrative example responses  | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|--------------------------------------|---|--|---|----------------------------------|----------------------------|
|                                      |   | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Neutral review                       | <p>I walked away knowing that I need to talk to JAG.</p> <p>I took it so long ago, I don't remember the details. It covered NJP and helped me understand who I could call and the rules of evidence.</p> <p>The current iteration of SLLC is more scenario based, however, there is difficulty in covering all topics without getting into theater specific issues.</p> | 4  | 1   | 1                                | 0                          |
| Timing: should take earlier          | <p>As an O-5, I wish I had SLLC. I didn't know better then.</p> <p><i>Yes, it would have helped to take it earlier.</i></p> <p><i>SLLC training should be mandatory before a CO assumes a post.</i></p>   | 1  | 2   | 1                                | 0                          |
| Timing: not needed earlier           | —   | 0  | 0   | 0                                | 0                          |
| Timing: other comments               | <p>The gap between training and command made things difficult. The Navy should tie in training to commands within 6 months prior to command.</p> <p>At the same time, not everyone can have the opportunity to attend, so it cannot be a requirement. Also, not all JGs (LT junior grade [i.e., O-2s]) become commanders who would need the training.</p>               | 3  | 0   | 2                                | 0                          |

Legend: JAG=Judge Advocate General; n/a= not applicable; NJP=nonjudicial punishment SJA=Staff judge advocate; SLLC=Senior Leader Legal Course; SOC=Senior Officer's Course (previous version of SLLC) ; --- = No response for node. Text in italics is from legal support personnel or SJAs.  
 Source: GAO content analysis of Navy site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

**Table 15: Content Analysis Summary of Navy Responses Regarding Utility of Additional Legal Training**

| Views about utility of additional legal training            | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|---|--|--|---|----------------------------------|----------------------------|
|   |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Commander wants additional training                         | See text in following nodes  | —  | —   | —                                | —                          |
| Commander wants additional training generally               | I'd like a refresher with no limits on who can or should take it.  | 1  | n/a   | 0                                | n/a                        |
| Commander wants additional training on specific subject     | There should be a specific course for navigating the legal process. I am relying on an undertrained legal officer.<br><br>[Everyone in the group agreed that they would like to be able to view a video of the process for procedures like NJPs, courts-martial, administrative separations, etc., so that they would know how it works before they have to do it.]  | 2  | n/a   | 2                                | n/a                        |
| Commander wants less training                               | —  | 0  | n/a   | 0                                | n/a                        |
| Current amount of training was sufficient                   | See text in following nodes  | —  | —   | —                                | —                          |
| Current amount was sufficient                               | I don't think having some sort of annual refresher legal training is necessary, because you can ask the SJA to be educated or re-educated on a subject if you need it to be prepared to handle a matter. I don't know the things you'd need to have in this sort of annual training.<br><br>At one time, I felt like I would have liked the ethics training more often, but now it is an annual training, which helps.<br><i>There isn't the time or money. However, there shouldn't be less training.</i> | 1  | 3   | 3                                | 4                          |
| There are risks to overtraining                             | <i>They are not meant to be subject matter experts.</i><br><br>A class might help but it will not prepare me to do my job better than relying on...a JAG's legal advice would.   | 1  | 1   | 2                                | 0                          |
| Non-commanders suggested additional training for commanders | See text in following nodes  | —  | —   | —                                | —                          |

**Appendix IV: Key Results from Navy  
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| Views about utility of additional legal training     | Illustrative example responses  | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|--|---|--|---|----------------------------------|----------------------------|
|  |   | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Additional training generally                        | <p><i>A three day course is not enough. It is a good touch point though.</i></p> <p><i>Extend it longer [training] so that it can cover more information, and make an annual refresher mandatory.</i></p> <p><i>The vulnerability involves more junior commanders with no assigned SJA who may have limited reachback legal support. Can't identify any specific additional training that is needed for commanders but commanders without a dedicated SJA could benefit from additional training.</i></p> | n/a  | 2   | n/a                              | 3                          |
| Additional training on specific subjects             | <p><i>From an ethical side, there should be more detailed information provided on NJPs, especially for O-5s who are faced with a number of legal issues for the first time.</i></p> <p><i>See a lot of issues at O-5 and O-6 level with ethics because they don't know the rules and don't know what to look for so they try to provide training in this area more often.</i></p> <p><i>I think more training on unlawful command influence could be helpful because of the changes in this area.</i></p> | n/a  | 1   | n/a                              | 3                          |
| Non-commander suggested less training for commanders | ---   | n/a  | 0   | n/a                              | 0                          |

Legend: JAG=Judge Advocate General; n/a= not applicable; NJP=Nonjudicial punishment SJA=Staff Judge Advocate; SLLC=Senior Leader Legal Course; SOC=Senior Officer's Course (previous version of SLLC) ; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Navy site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

**Table 16: Content Analysis Summary of Navy Responses Regarding Informal Legal Training**

| Views about informal legal training                           | Illustrative example responses  | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|---|---|--|---|----------------------------------|----------------------------|
|   |   | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Commander received informal training                          | See text in following nodes   | —  | —   | —                                | —                          |
| Received frequently or routinely                              | <p>We have legal briefs and professional development opportunities once a month that involve civilian and military personnel.</p> <p>I had monthly career counselor training and maybe quarterly JAG training for commanding officers and legal officers.</p> <p>I have very frequent, daily training at 8:30AM with the JAG for legal advice. Commanders make decisions so I always call in our legal team as a training exercise as well.</p> | 3  | n/a   | 3                                | n/a                        |
| Received infrequently   | —   | 0  | n/a   | 0                                | n/a                        |
| Received at other frequency                                   | <p>I talk to peers, the Chief of Staff, and my boss.</p> <p>Most commanders get operational law updates.</p> <p>I also have received episodic training when there are changes to the Manual for Courts-Martial, or more recently, as a result of the 2016 Military Justice Act. This was also an informal, Navy-directed briefing, fed to commanders through the SJA</p>  | 4  | n/a   | 1                                | n/a                        |
| Commander did not receive informal training                   | —   | 0  | n/a   | 0                                | n/a                        |
| Commander reported positive experience with informal training | See text in following nodes   | —  | —   | —                                | —                          |

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

|   |  | Total discussion groups or interviews where<br>theme was identified |   |  |                                  |
|---|--|---|---|--|----------------------------------|
| Views about informal<br>legal training                        | Illustrative example<br>responses  | Out of four<br>commander<br>discussion<br>groups                    | Out of five<br>legal<br>support<br>discussion<br>groups | Out of four<br>commander<br>interviews | Out of five<br>SJA<br>interviews |
| Positive: discussions with attorneys                          | <p>During the pipeline training, I had some downtime and spent a few days connecting with my judge advocate. It takes time to process information, and informal talks help us see the changes.</p> <p>I have always gotten informal training through the legal counsel on staff. All discussions with the JAG are learning opportunities.</p> <p>I have a JAG resident, so we have frequent discussions about gifts like the bookends the mayor wanted to give. My JAG explained that they have a fair market value of \$25, so we can't accept as individuals but we can accept for the command as a whole (service versus individual).</p> | 2   | n/a   | 1                                      | n/a                              |
| Positive: initial/required briefing                           | <p>The annual ethics brief is useful, it gives facts and fires discussion with examples of ethical failures that are relevant to me, tailored to the situations they face in their positions.</p> <p>Sitting down with the judge advocate one on one was good.</p> <p>It helps us know things like we should buy our own \$3 coins. I don't want to be fired for something like that.</p>  | 2   | n/a   | 2                                      | n/a                              |
| Positive: other or general informal training                  | <p>As an O-6 commander, learning about the Don't Ask, Don't Tell repeal was helpful, along with administrative boards and separations.</p> <p>Sexual Assault trainings, which are at the first flag officer level and includes commanders and JAGs.</p>  | 1   | n/a   | 4                                      | n/a                              |
| Commander reported negative experience with informal training | See text in following nodes  | 0   | n/a   | 0                                      | n/a                              |
| Negative: discussions with attorneys                          | —  | 0   | n/a   | 0                                      | n/a                              |
| Negative: initial/required briefing                           | —  | 0   | n/a   | 0                                      | n/a                              |

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

|  |  | Total discussion groups or interviews where<br>theme was identified |   |  |                                  |
|--|--|---|---|--|----------------------------------|
| Views about informal<br>legal training                       | Illustrative example<br>responses  | Out of four<br>commander<br>discussion<br>groups                    | Out of five<br>legal<br>support<br>discussion<br>groups | Out of four<br>commander<br>interviews | Out of five<br>SJA<br>interviews |
| Negative: other or general informal training                 | It would be nice if the ethics training was tailored to our arrival at a new post. For example, some commanders would need to know when it is ok to engage another ship while others may not.<br><br>It would be nice to know why we are filling out forms sometimes.  | 2   | n/a   | 0                                      | n/a                              |
| Commander reported neutral experience with informal training | See text in following nodes  | —   | —   | —                                      | —                                |
| Neutral: discussions with attorneys                          | I learned that the SJA is the conduit, explained the authorities under the Status of Forces Agreements, about general courts-martial.<br><br>It isn't necessarily training, but we have regular interaction with JAGs for legal advice.  | 1   | n/a   | 2                                      | n/a                              |
| Neutral: initial/required briefing                           | This training [the ethics update] was required and formalized training. As far as I know it was required across the board, but it was easier on board because we have judge advocates.<br><br>This training is standardized throughout the Navy, pushed out by the Office of the Judge Advocated General in DC. This is provided informally, deskside, is a PowerPoint brief. It is a minimum of 1 hour long, but it can go longer if there is discussion. | 2   | n/a   | 1                                      | n/a                              |
| Neutral: other or general informal training                  | The strengths and weakness were the same for this.<br><br>It is not standardized. It occurs through VTC or in person training by an operational JAG.   | 3   | n/a   | 2                                      | n/a                              |

**Appendix IV: Key Results from Navy Discussion Groups and Semi-Structured Interviews**

| Views about informal legal training                     | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|---|--|--|---|----------------------------------|----------------------------|
|   |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Attorney provides training frequently or routinely      | <i>Even more ad-hoc are the various 'targets of opportunity' that they capitalize on to advise their commander on legal issues. For example, if there was a change to a law, they may advise the commander that day or in a staff meeting.</i><br><br><i>There is a lot of informal training, such as explaining how the process works or the next steps for things like boards of inquiry and IG.</i> | n/a  | 0   | n/a                              | 5                          |
| Attorney provides training infrequently                 | —  | n/a  | 0   | n/a                              | 0                          |
| Attorney does not provide training                      | —  | n/a  | 0   | n/a                              | 0                          |
| Attorney other comments regarding provision of training | <i>We train commanders on hot button issues. We put on lunch and learns.</i><br><br><i>In addition, the Military Justice Act of 2016 required that all commanders receive training on the new changes to the UCMJ. I have provided this training in person to the commanders.</i>  | n/a  | 1   | n/a                              | 4                          |

Legend: JAG=Judge Advocate General; n/a= not applicable; NJP=Nonjudicial punishment SJA=Staff Judge Advocate; SLLC=Senior Leader Legal Course; UCMJ=Uniformed Code of Military Justice; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Navy site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

**Table 17: Content Analysis Summary of Navy Responses Regarding Commander Preparation to Handle Legal Issues**

| Views about commander preparation to handle legal issues                 | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|--|--|--|---|----------------------------------|----------------------------|
|  |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Commanders felt prepared   | See text in following nodes  | —  | —   | —                                | —                          |
| Felt prepared generally  | <p>I thought I had good preparation, felt good about the completeness of the training I received, thought it helped me with some tough cases. But you talk to the JAG, all the layers of input help. They allow you to step back, not be emotional, not make the incident personal.</p> <p>The training provides a good base line. I have found things from training that were applicable.</p> <p>I feel fine about it. From NJP to command, I felt good. I am always willing to talk with a judge advocate.</p> | 3  | n/a   | 4                                | n/a                        |
| Felt prepared due to availability of JAG                                 | <p>A commander, regardless of what level, always has access to SJAs and legal counsel. I am not sure if school would have helped.</p> <p>You call your JAG because training alone won't keep you out of trouble.</p>   | 1  | n/a   | 3                                | n/a                        |
| Commanders expressed neutral or general sentiments regarding preparation | <p>Experience has been the most helpful.</p> <p>The training made more comfortable and more nervous. It brought to light that this is a large responsibility that I took very seriously... You need to fully understand the process and the impact of the decisions you make.</p>  | 1  | n/a   | 1                                | n/a                        |
| Commanders did not feel prepared   | <p>I had to watch a YouTube video of an NJP to understand the process because I was not trained on this. It was helpful, but does not prepare you for the hard details. Timelines are important and opaque and we are not well trained on them.</p> <p>The captain's mast [nonjudicial punishment] has been negative, given my feedback. I was not trained for that process. Because of the gap between when I took SLLC and when I became a commander, it has led to frustration.</p>                           | 2  | n/a   | 0                                | n/a                        |

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

|  |   | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|--|---|--|---|----------------------------------|----------------------------|
| Views about commander preparation to handle legal issues                               | Illustrative example responses  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Non-Commanders felt commanders were prepared   | See text in following nodes   | n/a  | 3   | n/a                              | 5                          |
| Commanders generally prepared  | <p><i>Commanders generally know when to key in legal personnel and are able to issue spot.</i></p> <p><i>They have good education and don't make mistakes.</i></p> <p><i>By the time they get to the flag officer level, they can recognize legal issues well, they have enough mileage to recognize things. They've been exposed, and they know enough to say they need to talk to JAG.</i></p>  | n/a  | 3   | n/a                              | 5                          |
| Commanders prepared due to availability of JAG   | <p><i>They have to check procedure regularly. I get a lot of calls, four or five a day, asking who to call and what to do. They know to call a lawyer though, and there are no major missteps.</i></p> <p><i>The finite legal details might be missed, but that is my job. Legal training prepares commanders for the basics regarding legal standards (knowing who to go to or who to call). I am doing my job well when my boss calls and asks me questions or requests names of who he can call.</i></p> <p><i>Junior commanders are less likely to know when to work with their legal support staff; however, most commanders know when to work with JAG.</i></p> | n/a  | 4   | n/a                              | 2                          |
| Non-Commanders expressed neutral or general sentiments regarding commander preparation | <p><i>A commanding officer's personality influences whether or not he/she will read into the law and ask if they have the right handle on a particular issue.</i></p> <p><i>Commanders are trained to recognize legal issues well, and handle them less well. Experience is key, and their ability is better with a good relationship with their legal staff. Training without context only does so much. Admirals are very confident, more junior officers less so.</i></p> <p><i>It depends on the community before, the executive officer, and the commander's training.</i></p>   | n/a  | 5   | n/a                              | 2                          |

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

| Views about commander preparation to handle legal issues   | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|--|--|--|---|----------------------------------|----------------------------|
|  |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Non-commanders felt commanders were not generally prepared | <p><i>I have 2 commanding officers and they either don't understand the process or don't want to understand the process.</i></p> <p><i>I had to reintroduce issues to my commander that commanders should probably know. It can be different for junior leaders. By design more junior JAGs support junior officers. An O-5 commander on a ship thinks they know everything but doesn't have much experience. A junior JAG won't have a lot of confidence yet. Junior commanders have the least experience and the least legal training and resources. Junior leaders have counterbalancing demands in what is good for the crew and what is or is not permissible, and may do something that is not permissible. When you are more senior, you won't do this, you know you won't get promoted if you take a wrong action. .</i></p> | n/a  | 4   | n/a                              | 1                          |

Legend: JAG=Judge Advocate General; n/a= not applicable; NJP=Nonjudicial punishment SJA=Staff Judge Advocate; SLLC=Senior Leader Legal Course; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Navy site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

**Table 18: Content Analysis Summary of Navy Responses Regarding Resource Sufficiency**

| Views about sufficiency of legal resources | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|--|--|--|---|----------------------------------|----------------------------|
|  |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Have sufficient resources                  | <p>I never have a shortage of resources. There is always someone who knows what I need to know or who knows someone who does.</p> <p>I don't feel like I've been without resources.</p> <p>The strike group has adequate resources. At the base less, on deployment, more. It is never really a problem</p>  | 2  | 2   | 4                                | 3                          |
| Neutral resource sufficiency               | <p>Even if there is not a JAG on your staff, you can use the JAG in your superior's staff. For example, when I was an O-6 commander on a carrier wing, I did not have my own JAG, just a legal officer. So for cases, I would use my boss's JAG for legal counsel.</p> <p><i>The nature of the unit influences the resources available to it. If afloat, a commander may have to handle legal issues themself when there is no SJA available. Therefore, commanders often address simple issues on their own. More serious legal issues would not be dealt with internally, and commanders would reach out to other resources when possible.</i></p> | 1  | 3   | 3                                | 4                          |
| Need more resources                        | See text in following nodes  | 4  | 4   | 2                                | 4                          |
| Need dedicated SJA                         | —  | 0  | n/a   | 0                                | n/a                        |
| Need more JAGs                             | <p>More JAGs</p> <p>Going off ship to [Regional Legal Service Office], staffing can make stuff slow when you are waiting for status updates and process reviews. No fault of theirs, they have a high case load that bogs them down. Also staffing is an issue, they need time and people.</p> <p><i>Every commander needs a JAG or Legalman. Legal officers are not enough. A law school trained JAG cannot be substituted by a collateral duty officer. Many organizations are not staffed with legal personnel.</i></p>   | 3  | 4   | 0                                | 2                          |

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

| Views about<br>sufficiency of<br>legal resources | Illustrative example<br>responses  | Total discussion groups or interviews where<br>theme was identified |  |  |                                  |
|--|--|---|--|--|----------------------------------|
|  |  | Out of four<br>commander<br>discussion<br>groups                    | Out of five<br>legal support<br>discussion<br>groups | Out of four<br>commander<br>interviews | Out of five<br>SJA<br>interviews |
| Need other<br>legal staff                        | <p>For those on a ship, would want a dedicated legalman. Currently there is a yeoman, and if they are slow in preparing the paperwork and charge sheets, it can add additional stress and time in the system. They take a junior officer and send them to legal officer school. You try to send a smarter junior officer, and it can work. But if it is not a good team it can slow things down.</p> <p>More legalmen, which is an enlisted career on ships, would be invaluable, to have someone with a legal career and not just a collateral duty.</p> <p>A legalman would go a long way for me. If I had an LN, I might not need a JAG.</p>  | 1   | 0  | 1                                      | 1                                |
| Need<br>specialized<br>expertise                 | <p>The government needs skilled contract writers, who understand the government's requirements and what the government position should be. In my experience, the private sector firms have very skilled and knowledgeable contract attorneys who know how to get the best deal for the company, and in the end the government loses, because they don't know how to get the best deal.</p>   | 1   | 0  | 1                                      | 0                                |
| Other<br>insufficient<br>resources               | <p>I also don't have resources and am just now learning about legal processes.</p> <p>[O]nce in command, it has been hard to find the appropriate resources, and the process is complex to navigate.</p> <p><i>There is not the manning for legal support for junior commanders. The JAGs do not have deep resources.</i></p> <p><i>There is a vulnerability for commanders without SJAs. They have to reply on their training to identify issues. If they have no track record of working with an SJA, they may not be able to issue spot everything. Those commanders have to proactively reach out to the SJA, the SJA does not know what issues they are facing unless they proactively reach out.</i></p> | 3   | 2  | 0                                      | 3                                |
| Resource tradeoffs                               | —  | 0   | 0  | 0                                      | 0                                |
| JAG supports 1<br>commander                      | —  | n/a   | 0  | n/a                                    | 0                                |

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

| Views about<br>sufficiency of<br>legal resources | Illustrative example<br>responses  | Total discussion groups or interviews where<br>theme was identified |  |  |                                  |
|--|--|---|--|--|----------------------------------|
|  |  | Out of four<br>commander<br>discussion<br>groups                    | Out of five<br>legal support<br>discussion<br>groups | Out of four<br>commander<br>interviews | Out of five<br>SJA<br>interviews |
| JAG supports<br>multiple<br>commanders           | <p><i>I have a unique position in that I support a 4 star commander and several flag officers.</i></p> <p><i>Primarily work for an admiral (a reserve 2-star) but the admiral has 23 ship/shore units under his command and shore unit commanders may also use me as 'counsel' because they don't have a their own JAG.</i></p> <p><i>My office supports a 4-star commander and several flag officers. So I am the primary support for the four-star, my O-5 deputy is the primary JAG who supports the 3-star, the O-5 operations law attorney is the primary support for the 2-star.</i></p> | n/a   | 0  | n/a                                    | 2                                |

Legend: JAG=Judge Advocate General; n/a= not applicable; SJA=Staff Judge Advocate; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Navy site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

**Table 19: Content Analysis Summary of Navy Responses Regarding Handbooks and Other Available Resources**

| Views about available legal resources | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|---------------------------------------|--|--|---|----------------------------------|----------------------------|
|                                       |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Handbook Helpful                      | See text in following nodes  | 3  | 0   | 3                                | 4                          |
| Generally helpful                     | The Commander's Legal Handbook was given to us. It is not dusty, I use it monthly. It is where I go for a quick reference.<br><br>It is a good baseline, I look at it before getting on the phone with legal. It is very helpful.  | 3  | 0   | 0                                | 4                          |
| Early in career                       | It is very useful. It is less useful later because of the resources we have available later on. As an O-5 it was very helpful.<br><br><i>It is primarily used by O-5 and O-6 commanders. They can quickly look up an issue, and know they need to talk to a lawyer.</i>                                    | 1  | 0   | 0                                | 1                          |
| When JAG unavailable                  | I don't go to this much, it is easier to walk over to the SJA's or OGC's office and ask about something. I know that this is there, and is a resource for those without dedicated SJA support.   | 1  | 0   | 3                                | 0                          |
| Handbook not helpful                  | I never heard of it until the GAO questions.<br><br><i>Concerned that a commander's overreliance on the QuickMan will lead commanders to rely on their own knowledge of legal issues to make decisions.</i>  | 0  | 0   | 3                                | 1                          |
| Handbook neutral or other views       | <i>Commanders use the QUICKMAN legal handbook, however, this is not meant to replace JAG advice.<br/><br/>Some officers will cite the QUICKMAN though. Their current boss will cite the QUICKMAN, however, there have been other individuals who have worked with them who have not used the QUICKMAN.</i> | 0  | 3   | 1                                | 0                          |

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

| Views about available legal resources | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|---------------------------------------|--|--|---|----------------------------------|----------------------------|
|                                       |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Computer applications available       | <p>There is an ethics app, which is helpful in dealing with issues like official representation, funding issues, what you can and can't do, what you can and can't ask the enlisted aide to do, gift acceptance, official travel. It is helpful for this. The app came out about 2 years ago, it is a Navy-wide app, and walks you through scenarios, so if you are out on the road can look things up quick. It does not replace the ethics counselor, but it is a good reference guide.</p> <p><i>The air community has a phone application to find regulations and laws.</i></p> <p><i>There is an ethics application that is a great resource. Why there is only an application for ethics is a good question to ask. Shore commanders have access to it, but not ship based commanders.</i></p> | 1  | 2   | 1                                | 0                          |
| Other available resources             | <p><i>The Manual for Courts-Martial and the JAG Manual. The Special Case Counsel is also a resource. There was is a monthly bulletin that JAG put out in an email for informal training. It was sent to legal officers and commanding officers.</i></p> <p>Friends. I send stuff to the prior commanding officer to get his perspective. He is not a JAG, but the thoughts are helpful.</p> <p>If something is complex that is very helpful in understanding the second- and third-order effects. I also have gone to RLSO, which was helpful.</p>   | 3  | 5   | 0                                | 2                          |

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

| Views about available legal resources   | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|---|--|--|---|----------------------------------|----------------------------|
|   |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Resources that would be helpful to have | <p><i>Information sharing. Nobody likes airing dirty laundry, but it could help. I think there is an incentive structure in place that makes commanders less willing or eager to discuss the legal problems they are facing.</i></p> <p>A hot line or chat room for all services that could help with legal stuff when you have no JAG.</p> <p><i>Commanders should be able to download apps to use them offline when deployed.</i></p>  | 2  | 3   | 1                                | 0                          |
| Resources available to non-commanders   | <p><i>We reach out to many others as needed. The Office of General Counsel (OGC) is not in our chain-of-command but we call them, at times, for a sanity check (they handle fiscal and the ethics law).</i></p> <p><i>We can collaborate with [the Department of Justice] regarding legal matters. We also have a lot of depth here at OGC.</i></p> <p><i>For more specialized expertise, for example, on issues related to sexual assault, environmental law, contract law, civilian personnel, or operational law, I would call those with more specialized knowledge such as the lawyers in the OJAG office. If I didn't know who to reach out to on a particular topic, I would call the Fleet Forces head office for direction.</i></p> | 2  | 2   | 0                                | 5                          |
| No other resources identified           | <p>No additional resources for me.</p> <p>I don't know anything else.</p> <p><i>I can't think of any other things.</i></p>   | 2  | 1   | 2                                | 2                          |

Legend: JAG=Judge Advocate General; n/a= not applicable; OGC=Office of General Counsel; RLSO=Regional Legal Service Office; SJA=Staff Judge Advocate; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Navy site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

**Table 20: Content Analysis Summary of Navy Responses Regarding Legal Support**

| Views about legal support        | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|----------------------------------|--|--|---|----------------------------------|----------------------------|
|                                  |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Positive views about JAG support | See text in following nodes  | 3  | 5   | 4                                | 5                          |
| Generally                        | <p>The JAG keeps me abreast of policy changes. He will send me an email if changes are being discussed and/or when changes have occurred.</p> <p>As an O-6, I have my own JAG assigned, so I call them all the time. For example, if I want to conduct a search, then I make sure they advise me because they know the law. We want to make the right decisions. They help keep us in line, especially for prosecutions in court when you have defend your rationale for prosecution.</p> <p>We are well informed by JAGs who give us a heads up or remind us of changes that are in effect.</p> | 1  | 3   | 3                                | 2                          |
| Commander's access to JAG        | <p>I see the SJA every day.</p> <p>I have a legal staff, so I involve my JAG every step of the way. I have weekly meetings with JAG because I have a very different volume of case loads.</p> <p>I have a Monday legal brief, and one on Wednesday to cover case specific issues. In these meetings we go over paperwork that requires the endorsement or review of a judge advocate. I also have ad hoc informal meetings with my legal staff throughout the week.</p>  | 3  | n/a   | 4                                | n/a                        |
| JAG access to commander          | <p><i>I meet with commanders on a regular basis as well as an ad hoc basis.</i></p> <p><i>Interact on a daily basis—sometimes two times per day. Based on my experience, this would probably be considered a lot and that is largely based on the personal preference of the commander you are working for. However, the more frequent interaction 'pays dividends.'</i></p> <p><i>Weekly meeting with commanding officer, however, I can stop by on an ad hoc basis or communicate through phone 24/7.</i></p>  | n/a  | 5   | n/a                              | 5                          |

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

| Views about legal support                | Illustrative example responses  | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|--|---|--|---|----------------------------------|----------------------------|
|  |   | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Neutral or other views about JAG support | See text in following nodes   | 4  | 5   | 3                                | 5                          |
| Generally                                | <p>We discuss policy changes, legal advice on cases or situations, the impacts of decisions being discussed.</p> <p>If staffing from others in the legal office is required on a decision or project, the SJA coordinates that. I do not work directly with them.</p> <p><i>If a command is big enough, it will have a specialized staff member (i.e. an SJA). If the commander is lower ranking, he/she will have to rely more on the RLSO. There is a difference in legal issues that face installation/shore-based commanders and operational/afloat commanders.</i></p>       | 3  | 5   | 3                                | 5                          |
| Commander's access to JAG                | <p>Whenever I'm going to make a decision, I always call a JAG.</p> <p>Sometimes you have a JAG, other times you don't. There is a lot of variance in access.</p> <p>Not having a dedicated SJA is not a large negative. SJAs are always able to provide me with a ready response. If I don't have access to my boss' SJA, I can go to RLSO.</p>   | 3  | n/a   | 0                                | n/a                        |
| JAG access to commander                  | <p><i>Interactions with commanders are personality dependent. A commander can wander into the office and talk [about legal matters]. Some commanders call occasionally, while others call daily.</i></p> <p><i>A JAG must be proactive in establishing a relationship with his/ her commander as well as be responsive. Bad technology can degrade this relationship.</i></p> <p><i>I have less in-person communication with the admiral than in previous positions because of his travel schedule. So there is a lot of email and staff interaction, and some in-person.</i></p> | n/a  | 3   | n/a                              | 3                          |
| Negative views about JAG support         | See text in following nodes   | 3  | 3   | 0                                | 1                          |

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

| Views about legal support                  | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|--|--|--|---|----------------------------------|----------------------------|
|  |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Commander's access to JAG<br>Slow Response | The strike group JAG is great, but they are hard to get ahold of.<br>My JAG is distant, and because I'm not the admiral, my JAG isn't responsive.  | 2  | n/a   | 0                                | n/a                        |
| Commander's access to JAG<br>Other         | We don't have legal teams.<br>Some commands do not have SJA (if deployed). All they have is usually a legal officer who is in a collateral duty as an O-5, so it is not the same thing.<br>For others it is more challenging. They have access issues and their ability to communicate is problematic. For commanders on ships, for example, email and phone access are limited or non-existent. | 3  | n/a   | 0                                | n/a                        |
| JAG access to commander                    | <i>I do not check in with commanders on a daily basis, instead commanders come to me. If particular units don't call in frequently, it can be assumed something is wrong. I interact with commanders on an ad hoc basis relying on phone calls and unplanned meetings.<br/>With increased distance between them, the ability of JAGs to interact with their commander diminishes.</i>            | n/a  | 3   | n/a                              | 0                          |
| JAGs support too many commanders           | <i>Primarily works for an admiral (a reserve 2-star) but the admiral has 23 ship/shore units under his command and shore unit commanders may also use me as 'counsel' because they don't have their own JAG.</i>   | 0  | 0   | 0                                | 1                          |
| JAGs overworked                            | We reach out to overworked and overwhelmed JAGs on all types of cases.   | 1  | 0   | 0                                | 1                          |

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

| Views about legal support                          | Illustrative example responses  | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|--|---|--|---|----------------------------------|----------------------------|
|  |   | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Other negative views                               | <p>RLSO, but that always felt weird. I have only gone once. I don't trust the JAG on staff. The JAG might say, why didn't you come to me sooner? I don't understand what my confidentiality is with the JAG staff at RLSO.</p> <p><i>The RLSO has constant turnover. We try to prepare for every question when a call is required. If some questions go unanswered, it slows the process down.</i></p> <p>They are available and marginally effective. They can be a little too risk averse. I came up with three options, RLSO gave me 11, which was not helpful.</p>  | 2  | 1   | 0                                | 1                          |
| Positive views about non-JAG legal support         | <p>Depending on the case, I will talk to local [sexual assault prevention and response] staff about the policies and such. I will talk to medical personnel, such as on the mental health side, or social workers. It can be sensitive, but these discussions are good investments.</p> <p><i>I may go to a [Command Master Chief] to address a sketchy situation if something is not illegal but not appropriate. They can also be useful to get on your side to advocate for a legal course of action. Legalmen are paralegals that judge advocates can interact with, and by and large have some sort of degree.</i></p> <p>I have NCIS on board, which is uncommon, but handy. They serve as investigators and liaisons to other NCIS officers doing work for you. Networking is important.</p> | 3  | 5   | 2                                | 3                          |
| Neutral or other views about non-JAG legal support | <p><i>We also have a legalman who helps update the legal tracker.</i></p> <p><i>Legalmen are a resource to commanders. Legalmen are essentially enlisted paralegals that serve under commanders. Legal officers, who have received two weeks of training, are another resource available to commanders.</i></p> <p><i>The extent to which senior enlisted personnel assist the legal office depends on who is in command and is personality driven.</i></p>   | 3  | 4   | 3                                | 5                          |

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

| Views about legal support                         | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|---|--|--|---|----------------------------------|----------------------------|
|   |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Negative CO views about non-JAG legal support     | <p>Having legal officers serve as a collateral duty makes things hard.</p> <p>I only have an ensign on board serving as a legal officer that is low ranking, young, and inexperienced. I had to fire one already.</p> <p>In my experience, NCIS took a case and had a huge investigation that took too long.</p>             | 2  | n/a   | 0                                | n/a                        |
| Negative non-CO views about non-JAG legal support | <p><i>NCIS investigations cause the biggest headaches.</i></p> <p><i>Legal officers turn over on a fairly frequent basis and commanders could benefit from more continuity in this position. I feel bad for legal officers because it is hard for them to perform their legal responsibilities as a collateral duty.</i></p> | n/a  | 3   | n/a                              | 2                          |
| Disagreements between commanders and attorneys    | See text in following nodes  | —  | —   | —                                | —                          |

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

| Views about legal support | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|---------------------------|--|--|---|----------------------------------|----------------------------|
|                           |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Handled well generally    | <p>I have disagreed with my SJA, and you simply go through the process. Then you recover and move on. I can go to someone more senior, and get another perspective if I want. Different lawyers can interpret the same law differently. There can be options on a spectrum. If the next attorney up the chain says the same thing that I heard and disagreed with, then I will defer to them. There is a redundancy in the system that facilitates this.</p> <p><i>I have had this happen but it was nothing 'dire.' Sometimes commanders disagree but there's no real risk of something bad happening. If I thought a commander was going to do something illegal, I would let the JAG know and write a memo to document the situation.</i></p> <p>Even if you are averse to lawyers, you ignore them at your peril. I have disagreed with the SJA's advice, it has happened. It was not a big deal, just about the interpretation of a situation where the victim wanted clemency for her father. It was a professional discussion, not a question of legal judgment or fact. SJA was very unemotional and factual. It was a hard thing. I have never had tensions with the SJA. Since I have been CO, the SJAs have all been very good.</p> | 1  | 2   | 4                                | 5                          |

**Appendix IV: Key Results from Navy  
Discussion Groups and Semi-Structured  
Interviews**

| Views about legal support             | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                  |                            |
|---------------------------------------|--|--|---|----------------------------------|----------------------------|
|                                       |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of four commander interviews | Out of five SJA interviews |
| Handled well commanders actions legal | <p>As long as their advice is not that there is a legal requirement to take a certain action, then it is OK not to follow their advice. There can be different interpretations or approaches that are OK under the law.</p> <p><i>It relates to risk. If a commanding officer is willing to take a risk that is within the realm of the law that is their decision. Sometimes outlining the risk in writing will deter a commander. Commanders are not trying to break the law.</i></p> <p><i>I am fine if a commander disagrees with my advice as long as their actions do not contravene law. If it did violate law, I would tell the commander that it is an issue and that I will discuss it with the Fleet SJA.</i></p> <p><i>Commanders can choose options JAGs don't recommend so long as they are ethical and legal.</i></p> | 1  | 2   | 2                                | 5                          |
| Other or neutral views                | <i>We make the decisions and rely on the information our JAGs educate us on.</i>   | 1  | 0   | 0                                | 0                          |
| Handled poorly                        | —  | 0  | 0   | 0                                | 0                          |

Legend: JAG=Judge Advocate General; n/a= not applicable; NCIS=Naval Criminal Investigative Service; RLSO=Regional Legal Service Office; SJA=Staff Judge Advocate; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Navy site visit discussion groups and semi-structured interviews. | GAO-21-338.

## Appendix V: Key Results from Marine Corps Discussion Groups and Semi-Structured Interviews

This appendix contains several tables that show the results of our content analysis from our site visit to a Marine Corps installation. During our site visit, we conducted facilitated group discussions and semi-structured interviews at one Marine Corps installation. Specifically, we held semi-structured interviews with general officers and staff judge advocates, and we held facilitated group discussions with Marine Corps commanders and legal support personnel. For Marine Corps commanders, we conducted two interviews with general officers, two discussion groups with O-5 commanders, and two discussion groups with O-6 commanders. For Marine Corps legal support personnel, we conducted one interview with a Marine Corps staff judge advocate, one discussion group with staff judge advocates, one discussion group with military attorneys, one discussion group with civilian attorneys, one discussion group with legal officers, and one discussion group with senior enlisted personnel.<sup>1</sup>

To aggregate and analyze the results of the discussion groups and semi-structured interviews, we conducted a content analysis of the interview summaries to determine the extent of any common themes. Each of the interview summaries was coded by two independent analysts, to determine the number of interview summaries that contained any statements about each of the specific trends, practices, and experiences we identified.<sup>2</sup> The information and perspectives of the servicemembers we spoke to cannot be generalized to other commanders and legal support personnel in their respective services that we did not interview; they represented only the views and experiences of the individuals with

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<sup>1</sup>Due to a scheduling issue, a group of six SJAs for the Marine Corps were interviewed together in a discussion group format as opposed to the 1-on-1 interview format conducted for other SJAs.

<sup>2</sup>Because servicemembers did not speak on every topic, and participants in our discussion groups in particular did not have the same level of participation on every topic, we do not specify the number of individuals who expressed various statements. Instead we specify the number of interviews and discussion groups in which a category was coded. For additional details about our methodology for coding the interview summaries, please see appendix I.

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**Appendix V: Key Results from Marine Corps  
Discussion Groups and Semi-Structured  
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whom we spoke during our site visit. Nevertheless, the discussion groups and interviews provide illustrative examples of commanders' experiences with and views of the legal training they receive, as well as insights into the extent commanders receive training on legal subjects throughout their careers.<sup>3</sup> They also provide insights into the extent the legal training provided to commanders meets commanders' needs, and the resources beyond the training that the military services make available to commanders to assist them in carrying out their legal responsibilities. The tables below include illustrative example responses representative of the statements that were coded under the identified trends, practices, or experiences.

The following tables and information are included in this appendix:

- Table 21: Content Analysis Summary of Marine Corps Responses Regarding Dedicated Legal Training
- Table 22: Content Analysis Summary of Marine Corps Responses Regarding Utility of Additional Legal Training
- Table 23: Content Analysis Summary of Marine Corps Responses Regarding Informal Legal Training
- Table 24: Content Analysis Summary of Marine Corps Responses Regarding Commander Preparation to Handle Legal Issues
- Table 25: Content Analysis Summary of Marine Corps Responses Regarding Resource Sufficiency
- Table 26: Content Analysis Summary of Marine Corps Responses Regarding Handbooks and Other Available Resources
- Table 27: Content Analysis Summary of Marine Corps Responses Regarding Legal Support

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<sup>3</sup>Some illustrative examples included in the tables were altered to improve clarity or remove identifying information.

**Appendix V: Key Results from Marine Corps  
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**Table 21: Content Analysis Summary of Marine Corps Responses Regarding Dedicated Legal Training**

| Views about dedicated legal training | Illustrative example responses  | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|--------------------------------------|---|--|---|---------------------------------|--------------------------|
|                                      |   | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Took training                        | Went three times<br>I have taken it   | 4  | n/a   | 0                               | n/a                      |
| Did not take                         | I have never been to the Newport course (SLLC)  | 1  | n/a   | 2                               | n/a                      |
| Attendance: required                 | [Two participants were directed/required to take it]<br>[All participants said that they were required to take SLLC]  | 2  | n/a   | 0                               | n/a                      |
| Attendance: not required             | [Most participants said that SLLC was optional]<br>It was 'optional' but it's for senior leaders  | 2  | n/a   | 1                               | n/a                      |
| Attendance: other comments           | Nobody checked to see if I went.<br>I took it a few months before assuming command.   | 4  | n/a   | 1                               | n/a                      |
| Positive review                      | It was good to hear from [other] commanders, we need that refresher.<br>The course was heavy on discussion as opposed to PowerPoint slides. Covered everything from administrative items through courts-martial. Focused on adult learning styles.<br>The SLLC was a good primer and refresher. The ethics piece changes regularly, but it was good to keep up to date. | 4  | 0   | 0                               | 0                        |
| Negative review                      | It was only 3 days; more time may have been good. Some topics were just call your SJA.<br>There's always a need to refine material or tailor material to audience.<br>I went in 2011 and it was not useful because I already had the information.   | 3  | 0   | 0                               | 0                        |
| Neutral review                       | When I went there were only 2 Marines in the course, the rest were Navy.<br>Think it was about the right amount of time<br>It's not bad, it is just rehashed.   | 3  | 1   | 1                               | 1                        |

**Appendix V: Key Results from Marine Corps  
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|                                      |   | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|--------------------------------------|---|--|---|---------------------------------|--------------------------|
| Views about dedicated legal training | Illustrative example responses  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Timing: should take earlier          | <p>Earlier in career may have been better, but there wasn't a chance to go before.</p> <p>It would have been useful earlier, but I didn't have the time to leave and learn.</p> <p><i>Critiques for SLLC was that they wish they had known it as an O-3/O-4. My plan would be to do it at Marine Expeditionary School. There is no legal in that program but there should be.</i></p> | 3  | 2   | 0                               | 0                        |
| Timing: not needed earlier           | <p>I don't think earlier would be better. There is too much going on all of the time. There are always tradeoffs.</p>   | 3  | 0   | 0                               | 0                        |
| Timing: other comments               | <p>I want to take it again, closer to command</p> <p>Hard to judge when is the correct time to go</p> <p>The optimal time to take it is 2-3 months before you assume command. Once you actually step into command, you're immediately facing the issues.</p>  | 4  | 0   | 0                               | 0                        |

Legend: JAG=Judge Advocate General; n/a= not applicable; SJA=Staff Judge Advocate; SLLC=Senior Leader Legal Course; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Marine Corps site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix V: Key Results from Marine Corps  
Discussion Groups and Semi-Structured  
Interviews**

**Table 22: Content Analysis Summary of Marine Corps Responses Regarding Utility of Additional Legal Training**

| Views about utility of additional legal training            | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|---|--|--|---|---------------------------------|--------------------------|
|   |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Commander wants additional training                         | See text in following nodes  | —  | —   | —                               | —                        |
| Commander wants additional training generally               | It wouldn't have hurt to have gone to a legal school.<br>There needs to be an increase in training.<br>Education of resources may be helpful at lower levels.  | 4  | n/a   | 1                               | n/a                      |
| Commander wants additional training on specific subject     | I wish they did more administrative and process stuff in training.<br>We don't get the investigative side as part of our legal education. Having that would be helpful.  | 2  | n/a   | 0                               | n/a                      |
| Commander wants less training                               | —  | 0  | n/a   | 0                               | n/a                      |
| Current amount of training was sufficient                   | See text in following nodes  | —  | —   | —                               | —                        |
| Current amount was sufficient                               | Don't need more training<br>I don't know that training and education could entirely fix the problem of experience. We are conducting a balancing act where we have to have a legal system that maintains order and discipline and justice while trying to achieve our mission<br><i>Commanders have so many other things to do, so more training is not necessary. They have SJAs, they need to use time in other areas.</i><br><i>Many areas of law are moving so quickly that commanders need a lawyer to sift through the changes. I don't know if training would do much to help this. It requires a legal expert to keep track of things.</i> | 2  | 5   | 0                               | 0                        |
| There are risks to overtraining                             | To go further than the wave tops could give a false impression of confidence.<br><i>More training is not necessarily better.</i>   | 1  | 2   | 0                               | 0                        |
| Non-commanders suggested additional training for commanders | See text in following nodes  | —  | —   | —                               | —                        |

**Appendix V: Key Results from Marine Corps  
Discussion Groups and Semi-Structured  
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| Views about utility of additional legal training     | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|--|--|--|---|---------------------------------|--------------------------|
|  |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Additional training generally                        | Lower levels of commanders are not armed with the information that is given to battalion commanders. There is a lot of legal information that company commanders should know but do not know. Like about NJPs, misconduct, and the documentation and counseling that is needed, and the things that are needed for a package on these issues.<br><br>More training is always good, as is on the job training.                            | n/a  | 5   | n/a                             | 0                        |
| Additional training on specific subjects             | I've observed a need for training in issue spotting within the area of civilian personnel law.<br><br>One area of frustration is sexual assault. This is a fluid area, a moving target for several years. There are lots of processes and procedures to adhere to, a lot of time and resources go into this... More training could help commanders understand the process, understand that often success is the process not the outcome. | n/a  | 4   | n/a                             | 1                        |
| Non-commander suggested less training for commanders | ---  | n/a  | 0   | n/a                             | 0                        |

Legend: JAG=Judge Advocate General; n/a= not applicable; NJP=Nonjudicial punishment; SJA=Staff Judge Advocate; SLLC=Senior Leader Legal Course; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Marine Corps site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix V: Key Results from Marine Corps  
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**Table 23: Content Analysis Summary of Marine Corps Responses Regarding Informal Legal Training**

| Views about informal legal training                           | Illustrative example responses  | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|---|---|--|---|---------------------------------|--------------------------|
|   |   | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Commander received informal training                          | See text in following nodes   | —  | —   | —                               | —                        |
| Received frequently or routinely                              | Once per quarter they do training with wing JAG that go over legal trends and what JAGs can do to help.<br>SJA goes to once per month meetings where they can ask questions.<br>We receive informal training daily. We review legal issues, talk with SJAs, as well as subordinate commanders.<br>Whenever money is an issue, I reach out to my lawyer to make sure that I don't miss anything. | 2  | n/a   | 0                               | n/a                      |
| Received infrequently   | —   | 0  | n/a   | 0                               | n/a                      |
| Received at other frequency                                   | As a battalion commander, division SJAs would come up with vignettes.<br>We bring commanders together within the first months of assuming command to receive refresher training by the SJA office. While assigned in Hawaii, I asked the company SJA to provide training.<br>One must take the initiative to get it, build the relationship with legal.   | 4  | n/a   | 1                               | n/a                      |
| Commander did not receive informal training                   | —   | 0  | n/a   | 0                               | n/a                      |
| Commander reported positive experience with informal training | See text in following nodes   | —  | —   | —                               | —                        |

**Appendix V: Key Results from Marine Corps  
Discussion Groups and Semi-Structured  
Interviews**

| Views about informal legal training                           | Illustrative example responses  | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|---|---|--|---|---------------------------------|--------------------------|
|   |   | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Positive: discussions with attorneys                          | <p>Going to see the lawyer was always good training.</p> <p>One issue that was covered was a legal review. Morality and ethics were also covered by the general's lawyer. This often occurs at lower levels as well within the unit. It helps us understand how to make better decisions.</p> <p>Once per quarter they do training with wing JAG that go over legal trends and what JAGs can do to help. It's valuable.</p> | 2  | n/a   | 2                               | n/a                      |
| Positive: initial/required briefing                           | <p>The one strength is just the convenience of the online platform instead of trying to get a person in the room.</p> <p>It's valuable.</p>   | 2  | n/a   | 0                               | n/a                      |
| Positive: other or general informal training                  | This support the mission requirements   | 2  | n/a   | 0                               | n/a                      |
| Commander reported negative experience with informal training | —   | 0  | n/a   | 0                               | n/a                      |
| Commander reported neutral experience with informal training  | See text in following nodes   | —  | —   | —                               | —                        |
| Neutral: discussions with attorneys                           | SJA does brief commanders on new changes or trends.   | 3  | n/a   | 0                               | n/a                      |
| Neutral: initial/required briefing                            | SJAs came down to information us of changes. Company commanders and staff NCOs were informed of UCMJ changes.   | 2  | n/a   | 0                               | n/a                      |
| Neutral: other or general informal training                   | <p>Agree that there should be a shift to more in-person training.</p> <p>Informal training is just what you've seen over time and your experience.</p>  | 1  | n/a   | 0                               | n/a                      |

**Appendix V: Key Results from Marine Corps  
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| Views about informal legal training                     | Illustrative example responses  | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|---|---|--|---|---------------------------------|--------------------------|
|   |   | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Attorney provides training frequently or routinely      | <p>There are family law briefs 2 times per week. SCRA [pre-deployment briefs that family members can attend] 4 times per week. Wills/power-of attorney briefs 4 times per week.</p> <p>Every month the... CG has us teach different size groups or one on one and discuss different legal issues, including rules of engagement. They go to XOs, LOs, sergeants major. They have a new class every month. CG also has an ethics meeting and a deployment processing center.</p> <p>The monthly courses are very important. Bringing in the JAs and SMEs across the legal community. Provides an opportunity to ask questions, often these are commanders first interactions with SJAs. A lot is on the job training, when we talk to commanders about issues.</p> | n/a  | 3   | n/a                             | 1                        |
| Attorney provides training infrequently                 | It is a big challenge given the number and dispersion of commanders I support. There is not a meeting where all the commanders are present, so it is a struggle to get to everyone.   | n/a  | 1   | n/a                             | 0                        |
| Attorney does not provide training                      |   | n/a  | 0   | n/a                             | 0                        |
| Attorney other comments regarding provision of training | <p>The contracting office goes out and adds in a law part to some training. Same with environmental.</p> <p>Commanders can request certain briefs for units before deployment. This could include fiscal issues/rules of engagement (ROE)/human trafficking.</p> <p>There was a bullying order that we provided training about.</p>   | n/a  | 3   | n/a                             | 0                        |

Legend: CG=Commanding General; JAG=Judge Advocate General; LO= Legal officer; n/a= not applicable; NJP=Nonjudicial punishment; SJA=Staff Judge advocate; SLLC=Senior Leader Legal Course; XO=Executive officer; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Marine Corps site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix V: Key Results from Marine Corps  
Discussion Groups and Semi-Structured  
Interviews**

**Table 24: Content Analysis Summary of Marine Corps Responses Regarding Commander Preparation to Handle Legal Issues**

| Views about commander preparation to handle legal issues                 | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|--|--|--|---|---------------------------------|--------------------------|
|  |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Commanders felt prepared   | See text in following nodes  | —  | —   | —                               | —                        |
| Felt prepared generally  | You need to understand, the Marines know what they are doing. The Marines set up commanders for success, and they know that without training, bad things can happen.<br>Yes [I feel sufficiently prepared]. We are well prepared with the resources available to us. We cannot fast track punishments.<br>Think it prepares you. The point is to let you know the resources and understand how to use the resources.   | 4  | n/a   | 2                               | n/a                      |
| Felt prepared due to availability of JAG                                 | If you have confidence in your ability you know when to call the JAG. You call when it's an outlier. You ask for validation or options.<br>I was advised to consult the SJA on all matters, so I do that all the time. There is still a lot that you don't know until you take the command seat.<br>As a commander you don't need to be the SJA, you need to know how to reach out and balance the responsibilities of maintaining good order and discipline and marrying that with justice. | 4  | n/a   | 0                               | n/a                      |
| Commanders expressed neutral or general sentiments regarding preparation | It takes experience. Commanders need to understand judgement and to know who to call.<br>You get experience before command as a staff, so watching helps.<br>It set the tone for it. Exposure to legal issues helps form your experience.  | 3  | n/a   | 1                               | n/a                      |
| Commanders did not feel prepared   | They build a foundation then they throw something at you that you are less ready for.  | 1  | n/a   | 0                               | n/a                      |
| Non-commanders felt commanders were generally prepared                   | See text in following nodes  | —  | —   | —                               | —                        |

**Appendix V: Key Results from Marine Corps  
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Interviews**

| Views about commander preparation to handle legal issues                               | Illustrative example responses  | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|--|---|--|---|---------------------------------|--------------------------|
|  |   | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Commanders generally prepared  | <p><i>Ground combat commanders are well prepared.</i></p> <p><i>General officers are exceptionally well prepared to spot the issues; they're well prepared to handle. Some don't always get it. O-6s are reasonably able to spot issues. They can sometimes spot issues better than general officers just because they're closer to the unit.</i></p> <p><i>Commanders know where to go for help.</i></p>   | n/a  | 5   | n/a                             | 0                        |
| Commanders prepared due to availability of JAG   | <p><i>Need to form relationships so commanders will call the SJA. Use skills to cultivate goodwill. JAGs are good at building relationships.</i></p> <p><i>Commanders don't need to know everything, they just need to understand what is there for them to reach out to get help.</i></p> <p><i>They don't need to know the legal nuance, they just need to be able to spot the issue and pick up the phone and call the SJA. That's success.</i></p>                            | n/a  | 3   | n/a                             | 1                        |
| Non-commanders expressed neutral or general sentiments regarding commander preparation | <p><i>For a battalion commander, that is their first experience with court-martial convening authority. They are less experienced and should know to ask more questions than higher level commanders</i></p> <p><i>No commander knows everything; they need to know where to go. Some commanders know where to go, some don't</i></p> <p><i>In terms of teaching commanders that there is a process, some commanders are process oriented; some don't follow the process.</i></p> | n/a  | 4   | n/a                             | 1                        |
| Non-commanders felt commanders were not generally prepared                             | <p><i>Some people just shouldn't be commanders...most commanders have been told to talk to SJAs; some knew things were wrong and did them anyways.</i></p> <p><i>There is a gap—many commanders don't know they can separate Marines quickly so they go through the process of sending it to a full Board of Inquiry.</i></p> <p><i>No. The 'cheat sheet' they get at the course does not prepare them for the intricacies.</i></p>   | n/a  | 3   | n/a                             | 0                        |

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**Appendix V: Key Results from Marine Corps  
Discussion Groups and Semi-Structured  
Interviews**

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Legend: JAG=Judge Advocate General; n/a= not applicable; NJP=Nonjudicial punishment; SJA=Staff Judge Advocate; SLLC=Senior Leader Legal Course; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Marine Corps site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix V: Key Results from Marine Corps  
Discussion Groups and Semi-Structured  
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**Table 25: Content Analysis Summary of Marine Corps Responses Regarding Resource Sufficiency**

| Views about sufficiency of legal resources | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|--|--|--|---|---------------------------------|--------------------------|
|  |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Have sufficient resources                  | I feel great about the resources. The LSSS is great, and having a relationship with them is key.<br>We have what we need.<br><i>There is never a lack of resources to reach out to and ask questions.</i>  | 3  | 4   | 1                               | 0                        |
| Neutral resource sufficiency               | How you approach the legal system is location specific. All of us are serviced by a central legal office, but it might be helpful to break that down regionally.<br><i>Things move slow, but aren't broken.</i><br><i>I don't have people complaining about a lack of resources to provide them with information.</i>                | 3  | 3   | 0                               | 0                        |
| Need more resources                        | See text in following nodes  | 2  | 5   | 0                               | 1                        |
| Need dedicated SJA                         | —  | 0  | n/a   | 0                               | n/a                      |
| Need more JAGs                             | It is remarkable that they do as good of a job as they do given the rank of the SJAs and the volume of work they have. We could use more good lawyers, but we are managing well.<br><i>The lawyers and NCIS are undermanned for support.</i><br><i>I agree [that we need more JAGs]. The resource problem is a manpower problem.</i> | 1  | 4   | 0                               | 1                        |
| Need other legal staff                     | <i>Add more support/people to SJA shops.</i><br><i>The Marine Corps understaffs administrative sections.</i><br>Resource wise, I am not prepared. One GS-11 and one GS-6 is not enough.  | 1  | 3   | 0                               | 0                        |
| Need specialized expertise                 | <i>If a case involves sexual violence, it must involve NCIS. The case analysis and adjudication process takes months.</i>  | 0  | 1   | 0                               | 0                        |
| Other insufficient resources               | There are systematic network problems. I can't take 15 legal packages around the world, so it would be great to do them electronically.<br>We are in competition for resources. We need more legal resources here than elsewhere.  | 2  | 2   | 0                               | 1                        |

**Appendix V: Key Results from Marine Corps  
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| Views about<br>sufficiency of<br>legal resources | Illustrative example<br>responses  | Total discussion groups or interviews where<br>theme was identified |  |                                       |                                |
|--|--|---|--|---------------------------------------|--------------------------------|
|  |  | Out of four<br>commander<br>discussion<br>groups                    | Out of five<br>legal support<br>discussion<br>groups | Out of two<br>commander<br>interviews | Out of one<br>SJA<br>interview |
| Resource tradeoffs                               | I wouldn't give up a combat position for a new legal position.<br><br>I would give up a combat position for a new legal position.<br><br>If you want a lawyer in a unit, you have to take another MOS position and lose the billet to get a lawyer.  | 1   | 1  | 0                                     | 1                              |
| JAG supports 1 commander                         | —  | n/a   | 0  | n/a                                   | 0                              |
| JAG supports multiple commanders                 | <i>I support 7 court martial authorities, 6 O-5s and 1 O-6.</i><br><br><i>I support 1 general court-martial convening authority and 47 special court-martial convening authorities spread over 3 facilities.</i><br><br><i>I support 2 generals, as well as 8-9 special court martial convening authorities.</i> | n/a   | 1  | n/a                                   | 1                              |

Legend: JAG=Judge Advocate General; LSSS=Legal Services Support Section; MOS=Military occupational specialty; n/a= not applicable; NCIS= Naval Criminal Investigative Service; SJA=Staff Judge Advocate; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Marine Corps site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix V: Key Results from Marine Corps  
Discussion Groups and Semi-Structured  
Interviews**

**Table 26: Content Analysis Summary of Marine Corps Responses Regarding Handbooks and Other Available Resources**

| Views about available legal resources | Illustrative example responses  | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|---------------------------------------|---|--|---|---------------------------------|--------------------------|
|                                       |   | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Handbook Helpful                      | See text in following nodes   | 4  | 1   | 0                               | 0                        |
| Generally helpful                     | It is very useful. My copy is very flagged and used.<br>The Quick Manual is also good as a supplement.<br>The handbook is a resource that is useful.  | 3  | 1   | 0                               | 0                        |
| Early in career                       | The handbook is a resource that is useful. Useful as a new commander.   | 1  | 0   | 0                               | 0                        |
| When JAG unavailable                  | —   | 0  | 0   | 0                               | 0                        |
| Handbook not helpful                  | Never looked at the handbook.   | 1  | 0   | 0                               | 0                        |
| Handbook neutral or other views       | Provided a copy of the handbook at the end of the SLLC.<br>It gives you a boiler plate. It [the handbook] is not research. You can't take someone to court martial using it.<br><i>Make sure it is updated. Commanders should not use an old version.</i>     | 2  | 2   | 0                               | 0                        |
| Computer applications available       | It would not be helpful. If I need an application, I have bigger issues.  | 1  | 0   | 0                               | 0                        |
| Other available resources             | <i>There are also unofficial resources. For example, a former commander would sometimes call to check things.</i><br>Sergeant Major is useful as a resource.<br>NCIS investigators have utility. Those interactions are good. Expectation management is good. | 4  | 5   | 0                               | 1                        |

**Appendix V: Key Results from Marine Corps Discussion Groups and Semi-Structured Interviews**

| Views about available legal resources   | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|---|--|--|---|---------------------------------|--------------------------|
|   |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Resources that would be helpful to have | <p>When people get relieved, we don't know what they did. That information should be public. I'd like to know what they did so I can learn from others' mistakes.</p> <p>We need case studies.</p> <p>Turning the Handbook into a digital form would be good.</p> <p>There are systematic network problems. I can't take 15 legal packages around the world, so it would be great to do them electronically.</p>                 | 2  | 2   | 0                               | 0                        |
| Resources available to non-commanders   | <p><i>When something is out of our scope, like a contracts and acquisition question, we contact the east area counsel's office. They are happy to work through issues, and I defer to them on those issues.</i></p> <p><i>The Operations Law Manual is a resource for JAGs not for commanders.</i></p> <p><i>There is a sustained operational law course for lawyers. It was opened up for staff so they can issue spot.</i></p> | 0  | 4   | 0                               | 0                        |
| No other resources identified           | —  | 0  | 0   | 0                               | 0                        |

Legend: JAG=Judge Advocate General; NCIS=Naval Criminal Investigative Service; n/a= not applicable; SJA=Staff Judge Advocate; SLLC=Senior Leader Legal Course; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Marine Corps site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix V: Key Results from Marine Corps  
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**Table 27: Content Analysis Summary of Marine Corps Responses Regarding Legal Support**

| Views about legal support                | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|--|--|--|---|---------------------------------|--------------------------|
|  |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Positive views about JAG support         | See text in following nodes  | 4  | 5   | 2                               | 1                        |
| Generally                                | <p>It took a while to learn that lawyers were my friend. When I was deployed, I always had a lawyer assigned to me. The [current unit] SJAs are phenomenal.</p> <p>The Marine Corps lawyers are great though.</p> <p>We talk through things with them to see blind spots. This helps us get to where we need to get. The responses are professional and helpful. We have a huddle that brings in five different commanders' lawyers, their teams, and the regional trial counsel. This helps a lot and occurs every month.</p> | 3  | 4   | 2                               | 1                        |
| Commander's access to legal support      | <p>Currently, I meet with legal once per week. We talk about ethics issues constantly. I can meet with them whenever necessary.</p> <p>The lawyers are on speed dial, and they are available to address our needs.</p> <p>We typically interact over the phone, although it can be face to face; whichever is most convenient. One guy works for the two star with the legal team, but access has been good.</p>   | 4  | n/a   | 2                               | n/a                      |
| JAG access to commander                  | <p><i>I speak with the commander 4-5 times daily, all of it circles back to legal.</i></p> <p><i>Always did face to face when I was an SJA.</i></p> <p><i>I have daily contact that occurs both in person and on the phone, with both commanders and XOs. Not with every commander every day.</i></p>  | n/a  | 5   | n/a                             | 0                        |
| Neutral or other views about JAG support | See text in following nodes  | 4  | 4   | 1                               | 0                        |

**Appendix V: Key Results from Marine Corps  
Discussion Groups and Semi-Structured  
Interviews**

| Views about legal support               | Illustrative example responses  | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|---|---|--|---|---------------------------------|--------------------------|
|   |   | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Generally                               | The role of the SJA is based on the SJA, i.e. it is personality dependent.<br><br>If it is a captain, I try to figure out if they know what they are talking about, although captains are generally good.<br><br>How you approach the legal system is location specific. All of us are serviced by a central legal office, but it might be helpful to break that down regionally. | 3  | 3   | 1                               | 0                        |
| Commander's access to JAG               | I only had to call once in 6 months.<br><br>As required. Also interacts with LSSS but it's rare.<br><br>I call other SJAs if I can't reach mine or if I want a second opinion.  | 4  | n/a   | 0                               | n/a                      |
| JAG access to commander                 | <i>Depends on units—sometimes face to face but often phone calls/emails.</i><br><br><i>I haven't met many of them in person, so I usually communicate using phone and email.</i><br><br><i>It varies. When I was an SJA, we'd have monthly/weekly legal meetings.</i>   | n/a  | 3   | n/a                             | 0                        |
| Negative views about JAG support        | See text in following nodes   | 3  | 5   | 0                               | 1                        |
| Commander's access to JAG Slow Response | —   | 0  | n/a   | 0                               | n/a                      |
| Commander's access to JAG Other         | —   | 0  | n/a   | 0                               | n/a                      |
| JAG access to commander                 | <i>Many of the subordinate commanders don't want to call me, so my deputy usually talks to them. I try to be personal with them, but they do not want to bother the Colonel, so they call her [the deputy] instead.</i><br><br><i>I haven't met many of them in person, so I usually communicate using phone and email.</i>   | n/a  | 1   | n/a                             | 0                        |
| JAGs support too many commanders        | <i>I serve 15 different commanders.</i><br><i>I support one general court-martial convening authority commander and 47 special court-martial convening authority commanders spread over three facilities.</i>   | 0  | 1   | 0                               | 0                        |

**Appendix V: Key Results from Marine Corps  
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Interviews**

| Views about legal support                  | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|--|--|--|---|---------------------------------|--------------------------|
|  |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| JAGs overworked                            | <p><i>LSSS, trial counsel are overwhelmed. It takes 3 months for preferral of charges, to get stuff done. So a commander will do an administrative separation for a drug test. The marine should have a worse discharge, but you just want to get them out of the service, the commanders do not want to waste the time.</i></p> <p>But there's a limit to the number of JAGs available. They want to engage with SJAs but the SJAs are over worked.</p> <p>It is remarkable that they do as good of a job as they do given the rank of the SJAs and the volume of work they have.</p> | 3  | 2   | 0                               | 1                        |
| Other negative views                       | <p>There are periodic updates from the trial counsel (TC). The TCs are typically young so he'll validate with SJA since TC may be wrong, especially with regard to courts-martial.</p> <p>The only caveat is that the interaction is related to the experience of the SJA. More junior SJAs can be less helpful. They need background and experience to provide guidance.</p> <p><i>Commanders are often getting advice from someone slightly underqualified. JAGs often rotate so they don't get depth in specialties.</i></p>  | 2  | 2   | 0                               | 1                        |
| Positive views about non-JAG legal support | <p><i>The noncommissioned officers are helpful for telling people what the impact on the ground will be.</i></p> <p>I talk with my legal officer daily, her office is next to mine.</p> <p>I also have a first sergeant who is amazing. <i>I have daily interaction with the senior enlisted personnel. We can prevent issues by just speaking with senior enlisted personnel.</i></p>   | 2  | 5   | 2                               | 1                        |

**Appendix V: Key Results from Marine Corps  
Discussion Groups and Semi-Structured  
Interviews**

| Views about legal support                          | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|--|--|--|---|---------------------------------|--------------------------|
|  |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Neutral or other views about non-JAG legal support | <p><i>They have a paralegal, budget assistant, and secretary to help support the attorneys. We also liaise with NCIS, CID.</i></p> <p><i>Part of the role of the legal officer is to provide expectation management for the commander.</i></p> <p><i>I have a staff sergeant and 3 legal clerks who do work on investigations, justice, and administrative separations. They interact daily with the command teams—the legal officers and Chiefs, but usually not the commanders.</i></p>  | 3  | 5   | 1                               | 1                        |
| Negative CO views about non-JAG legal support      | <p>Investigations take a long time.</p> <p>I have been briefed wrong by the legal administrative officer too many times. Many of them haven't worked in a legal environment prior to their current position, so they are inexperienced.</p> <p>However, many administrators assume the role of lawyer, because there is not a lawyer. In some cases, not all options are presented to the commanders by the legal administrative staff, and this is problematic.</p>   | 1  | n/a   | 1                               | n/a                      |
| Negative non-CO views about non-JAG legal support  | <p><i>Adjutant is the first source, which can be a problem since it's a 1st or 2nd-lieutenant who doesn't know anything. Was a legal officer (LO) and was on the job 6 months before going to LO course.</i></p> <p><i>The opportunity to do things out of your lane is a shortcoming. You use a MC SJA to act as an XO. It is great to see as a staff officer, can leverage things not in your lane, it builds confidence with fellow staff members. But there are not enough lawyers in the MC for this.</i></p> <p><i>Reporting agencies lack bandwidth to handle cases. NCIS is swamped.</i></p> | n/a  | 3   | n/a                             | 0                        |
| Disagreements between commanders and attorneys     | See text in following nodes  | —  | —   | —                               | —                        |

**Appendix V: Key Results from Marine Corps  
Discussion Groups and Semi-Structured  
Interviews**

| Views about legal support             | Illustrative example responses   | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|---------------------------------------|--|--|---|---------------------------------|--------------------------|
|                                       |  | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Handled well generally                | <p>On a case, I'm always trying to get an understanding of their thinking. There's always differences of opinion. Some cases come down to experience; lawyers don't necessarily have the same experience. Not every case is the same. For example, in adultery cases it depends on the circumstances and impact on the unit.</p> <p><i>There's a dual role. As an attorney, I can advise on the legal left/right limits of a commander's authority. As a counselor, I can provide advice on stopping a commander from 'doing something stupid' even though it may be technically legal.</i></p> <p>I've chosen to disagree with the SJA's recommendation at different points. The SJA may make a recommendation because of problems they see in the court or judicial process, like the evidence is weak. I may choose to pursue the court-martial anyway, because I want to send a message that these infractions will be prosecuted. In such a case, I will call the senior SJA, get their opinion, their take on the matter, and then go back to my SJA and explain what I think, and educate the SJA on why I am making the decision I am making. It is a 2 way street, you need a good rapport with the SJA. A disagreement can't be the first time you talk to your SJA.</p> | 2  | 2   | 1                               | 0                        |
| Handled well commanders actions legal | <p>The SJA provides a recommendation, but there is always a caveat that the decision lies with the commander.</p> <p><i>If all courses of action are legally sufficient, then even if it is not what I recommended, I have no objection if they decide to take an option that I did not recommend. So long as it is legally sufficient, it is good.</i></p>  | 2  | 2   | 0                               | 0                        |

**Appendix V: Key Results from Marine Corps  
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Interviews**

| Views about legal support | Illustrative example responses  | Total discussion groups or interviews where theme was identified |   |                                 |                          |
|---------------------------|---|--|---|---------------------------------|--------------------------|
|                           |   | Out of four commander discussion groups                          | Out of five legal support discussion groups | Out of two commander interviews | Out of one SJA interview |
| Other or neutral views    | <p>I call my lawyer or their peers. This helps inform the decision. Peers are the best.</p> <p><i>Often the situation is delay and inefficiency as opposed to right vs. wrong. Staff and legal bring options to commander. General can ignore and may waste time. Sometimes there's a purpose to it; sometimes they just ignore advice.</i></p> <p>Most lawyers haven't sat in the command seat, so we have a unique perspective. Also, there are certain issues you can keep within your command. You lose control of outcomes if you kick them up.</p> <p>A commander acts at his peril if he goes against legal advice. Needs to recognize that he is putting himself personally and the organization at risk. If I disagree with the SJA, I will get another opinion, talk to my peers, and then talk to the SJA again.</p> <p><i>We don't want to advocate for our desired outcome. They need to come to one. Sometimes you don't want to give your opinion, they need to figure out the best call themselves. This is more for younger commanders. They know the command better than the SJA does, you want them to decide and not want to influence them too much. You provide the pros and cons of each course of action, and the end state. Once they are more confident, a higher level commander, you give a recommendation, because they already know. You don't want to direct the commander what to do.</i></p> | 2  | 2   | 1                               | 0                        |
| Handled poorly            | —   | 0  | 0   | 0                               | 0                        |

Legend: CID=Criminal Investigation Command; JAG=Judge Advocate General; LO=Legal officer; LSSS=Legal Services Support Section; MC=Marine Corps; n/a= not applicable; NCIS = Naval Criminal Investigative Service; SJA=Staff Judge Advocate; XO=Executive officer; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Marine Corps site visit discussion groups and semi-structured interviews. | GAO-21-338.

## Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews

This appendix contains several tables that show the results of our content analysis from our site visit to an Air Force installation. During our site visit, we conducted facilitated group discussions and semi-structured interviews at one Air Force installation. Specifically, we held semi-structured interviews with general officers and staff judge advocates, and we held facilitated group discussions with Air Force commanders and legal support personnel. For Air Force commanders, we conducted three interviews with general officers, two discussion groups with O-5 commanders, and two discussion groups with O-6 commanders. For Air Force legal support personnel, we conducted seven interviews with Air Force staff judge advocates, three discussion groups with military attorneys, three discussion groups with civilian attorneys, and two discussion groups with senior enlisted personnel.

To aggregate and analyze the results of the discussion groups and semi-structured interviews, we conducted a content analysis of the interview summaries to determine the extent of any common themes. Each of the interview summaries was coded by two independent analysts, to determine the number of interview summaries that contained any statements about each of the specific trends, practices, and experiences we identified.<sup>1</sup> The information and perspectives of the servicemembers we spoke to cannot be generalized to other commanders and legal support personnel in their respective services that we did not interview; they represented only the views and experiences of the individuals with whom we spoke during our site visit. Nevertheless, the discussion groups and interviews provide illustrative examples of commanders' experiences with and views of the legal training they receive, as well as insights into the extent commanders receive training on legal subjects throughout their

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<sup>1</sup>Because servicemembers did not speak on every topic, and participants in our discussion groups in particular did not have the same level of participation on every topic, we do not specify the number of individuals who expressed various statements. Instead we specify the number of interviews and discussion groups in which a category was coded. For additional details about our methodology for coding the interview summaries, please see appendix I.

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**Appendix VI: Key Results from Air Force  
Discussion Groups and Semi-Structured  
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careers.<sup>2</sup> They also provide insights into the extent the legal training provided to commanders meets commanders' needs, and the resources beyond the training that the military services make available to commanders to assist them in carrying out their legal responsibilities. The tables below include illustrative example responses representative of the statements that were coded under the identified trends, practices, or experiences.

The following tables and information are included in this appendix:

- Table 28: Content Analysis Summary of Air Force Responses Regarding Dedicated Legal Training
- Table 29: Content Analysis Summary of Air Force Responses Regarding Utility of Additional Legal Training
- Table 30: Content Analysis Summary of Air Force Responses Regarding Informal Legal Training
- Table 31: Content Analysis Summary of Air Force Responses Regarding Commander Preparation to Handle Legal Issues
- Table 32: Content Analysis Summary of Air Force Responses Regarding Resource Sufficiency
- Table 33: Content Analysis Summary of Air Force Responses Regarding Handbooks and Other Available Resources
- Table 34: Content Analysis Summary of Air Force Responses Regarding Legal Support

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<sup>2</sup>Some illustrative examples included in the tables were altered to improve clarity or remove identifying information.

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

**Table 28: Content Analysis Summary of Air Force Responses Regarding Dedicated Legal Training**

| Views about dedicated legal training | Illustrative example responses   | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|--------------------------------------|--|--|--|-----------------------------------|----------------------------|
|                                      |  | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Took training                        | Took SOLO a year ago, in Spring 2018<br>I took it in February of 2017 in preparation for becoming a Vice-Wing.   | 1  | n/a  | 2                                 | n/a                        |
| Did not take                         | [Has heard of SOLO but has never taken the class]<br>[None of the participants had taken SOLO]   | 3  | n/a  | 1                                 | n/a                        |
| Attendance: required                 | It was required, and 2 days long<br>It was required  | 1  | n/a  | 1                                 | n/a                        |
| Attendance: not required             | [SOLO was not required for these commanders]   | 1  | n/a  | 0                                 | n/a                        |
| Attendance: other comments           | They were not aware of the course<br>'Senior Officer' implies O-6 and above.   | 2  | 0  | 0                                 | 1                          |
| Positive review                      | SOLO covered a lot of topics relevant to military commanders and the law, such as command influence, approaches to punishment, judicial and nonjudicial punishment, toxic leadership, inappropriate travel, acquisition information, anti-deficiency act. SOLO used case studies to illustrate points.<br>It's been a while, so I don't remember everything, but it included a senior mentor, I believe a 2-star type, and I recall the content being good, but again I can't remember everything. I remember that it wasn't just a regurgitation of important things, though, and I don't recall any particular weaknesses.<br><i>I think SOLO is a good course but I don't know if it's offered to lower commanders.</i> | 1  | 1  | 2                                 | 1                          |
| Negative review                      | Legal issues handled at a higher level, such as officer grade discipline or conditional retirement, were not handled well.   | 0  | 0  | 1                                 | 0                          |
| Neutral review                       | —  | 0  | 1  | 0                                 | 0                          |

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

| Views about dedicated legal training | Illustrative example responses   | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|--------------------------------------|--|--|--|-----------------------------------|----------------------------|
|                                      |  | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Timing: should take earlier          | There were some things in SOLO that I could have used during my first command.<br><i>it would be helpful for squadron commanders to take the SOLO training, in a modified way because they do not need installation level material at that level. But military justice and ethics training would be helpful at that level. Squadron commanders should take SOLO too.</i> | 1  | 1  | 2                                 | 1                          |
| Timing: not needed earlier           | It wouldn't have helped to take it any earlier because it was so high-level.   | 1  | 0  | 0                                 | 0                          |
| Timing: other comments               | —  | 0  | 0  | 0                                 | 0                          |

Legend: JAG=Judge Advocate General; n/a= not applicable; SJA=Staff Judge Advocate; SOLO=Senior Officer Legal Orientation; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Air Force site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

**Table 29: Content Analysis Summary of Air Force Responses Regarding Utility of Additional Legal Training**

| Views about utility of additional legal training            | Illustrative example responses   | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---|--|--|--|-----------------------------------|----------------------------|
|   |  | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Commander wants additional training                         | See text in following nodes  | —  | —  | —                                 | —                          |
| Commander wants additional training generally               | There is always room for (a benefit to) more training.   | 0  | n/a  | 1                                 | n/a                        |
| Commander wants additional training on specific subject     | —  | 0  | n/a  | 0                                 | n/a                        |
| Commander wants less training                               | —  | 0  | n/a  | 0                                 | n/a                        |
| Current amount of training was sufficient                   | See text in following nodes  | —  | —  | —                                 | —                          |
| Current amount was sufficient                               | Nothing has stood out as an area where I wanted legal training but didn't have it.<br><i>Commanders do not need additional formal training.</i><br><i>Thought training was sufficient once you get to the wing commander level</i>   | 1  | 6  | 1                                 | 6                          |
| There are risks to overtraining                             | Commanders have plenty of their plates and I would never want to give someone the impression that I'm an expert in law. More training would have the opposite intended effects and might make commanders think 'I should know all of the answers and therefore must make an immediate decision.' Expertise is in leveraging resources not knowing the law.<br><br>You can't learn all the legal rules. It is best to have an on demand person to call. It would not work with a fire hose of legal issues in the first month on the job<br><br><i>Legal training is only one of the many training that are levied on commanders and it's important to recognize that we can't make everyone an expert on everything.</i> | 2  | 1  | 0                                 | 0                          |
| Non-commanders suggested additional training for commanders | See text in following nodes  | —  | —  | —                                 | —                          |

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

| Views about utility of additional legal training     | Illustrative example responses   | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|--|--|--|--|-----------------------------------|----------------------------|
|  |  | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Additional training generally                        | <i>Training isn't sufficient and it's lumped in with other stuff.<br/>...not enough training had taken place at the Lt. or new commander level. It is important to start teaching commanders about legal issues early in their career but instituting more training is a hard sell when it is not required by an Air Force Instruction because commanders are already 'trained to death.'<br/>Commanders prefer to focus on stuff thinking 'what won't get me fired or imprisoned.' A 1-and-a-half hour block is not enough.</i> | n/a  | 3  | n/a                               | 3                          |
| Additional training on specific subjects             | <i>Commanders could use some additional training on ethics. Civilian personnel management is difficult too.<br/>Commanders need more training about contracts.<br/>You can't have enough ethics training and exposure. I've seen squadron commanders struggle a bit with things like outside influence, decision-making.</i>   | n/a  | 6  | n/a                               | 4                          |
| Non-commander suggested less training for commanders | <i>There needs to be less emphasis on training, more on risk management.</i>   | n/a  | 1  | n/a                               | 0                          |

Legend: JAG=Judge Advocate General; n/a= not applicable; SJA=Staff Judge Advocate; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Air Force site visit discussion groups and semi-structured interviews. | GAO-21-338.

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Interviews**

**Table 30: Content Analysis Summary of Air Force Responses Regarding Informal Legal Training**

| Views about informal legal training                           | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---|---|--|--|-----------------------------------|----------------------------|
|   |   | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Commander received informal training                          | See text in following nodes   | —  | —  | —                                 | —                          |
| Received frequently or routinely                              | At the quarterly Status of Discipline meetings, which all of the commanders attend, they also conduct some legal training there. There is informal training and discussion.<br><br>There's also the Squadron Commander's Call, which is monthly, and includes a JAG briefing and includes the junior troops.<br><br>The legal office or SJA sends quarterly emails.           | 4  | n/a  | 3                                 | n/a                        |
| Received infrequently   | —   | 0  | n/a  | 0                                 | n/a                        |
| Received at other frequency                                   | There's also a required 137 briefing.<br><br>There's an email, I think it's called Crime and Punishment, and legal basically says 'this was the situation' and here were the left and right options we provided to the commander.<br><br>They're usually pretty ad-hoc, there's not a lot of regularity.<br><br>I also received training from SJA when becoming a Magistrate. | 4  | n/a  | 0                                 | n/a                        |
| Commander did not receive informal training                   | —   | 0  | n/a  | 0                                 | n/a                        |
| Commander reported positive experience with informal training | See text in following nodes   | —  | —  | —                                 | —                          |
| Positive: discussions with attorneys                          | The informal training I get from my SJA at my current command is the best I've ever seen.   | 1  | n/a  | 2                                 | n/a                        |

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

| Views about informal legal training                           | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---|---|--|--|-----------------------------------|----------------------------|
|   |   | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Positive: status of discipline briefing (Air Force only)      | <p>Learned a lot from counterparts at the status of discipline meetings during my first group command tour from 2007-2008, it was good to be part of a wing with operations, fighter, and medical groups. They also have a good status of discipline meeting here.</p> <p>The SOD is the most valuable legal training that I receive as a commander.</p> <p>The SOD gives you experience, as you see what other commanders go through and how they handle things. Those are really helpful.</p> | 3  | n/a  | 2                                 | n/a                        |
| Positive: initial/required briefing                           | <p>That covers a wide range of topics and the one-on-one format lets you focus on your specific needs.</p> <p>The ethics training was good, got varied scenarios about gifts and other topics.</p> <p>I liked the initial training, it was to the point.</p>  | 2  | n/a  | 0                                 | n/a                        |
| Positive: other or general informal training                  | There was a UCMJ update briefing, and update on the IG reporting requirements, I was updated quickly on these items.  | 1  | n/a  | 0                                 | n/a                        |
| Commander reported negative experience with informal training | See text in following nodes   | —  | —  | —                                 | —                          |
| Negative: discussions with attorneys                          | —   | 0  | n/a  | 0                                 | n/a                        |
| Negative: status of discipline briefing (Air Force only)      | <p>The higher level SOD does not lend itself to two-way conversation.</p> <p>When it started it was a SOD for the [whole unit], not for the [specific wing], but at this level it was too long and too watered down</p>   | 2  | n/a  | 1                                 | n/a                        |
| Negative: initial/required briefing                           | —   | 0  | n/a  | 0                                 | n/a                        |
| Negative: other or general informal training                  | —   | 0  | n/a  | 0                                 | n/a                        |

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

| Views about informal legal training                          | Illustrative example responses   | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|--|--|--|--|-----------------------------------|----------------------------|
|  |  | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Commander reported neutral experience with informal training | See text in following nodes  | —  | —  | —                                 | —                          |
| Neutral: discussions with attorneys                          | I've gotten informal training through discussion on subjects like medical law, tort law, dealing with providers/doctors, knowing the legal rights and what can happen in situations with patients. We go over case scenarios.  | 2  | n/a  | 0                                 | n/a                        |
| Neutral: status of discipline briefing (Air Force only)      | That goes into depth of issues, not really breadth. The Air Force doesn't really consider it training, but it is.<br>But, it's really more an opportunity to discuss how they dealt with a situation, since commanders have a huge leeway in how to deal with issues.<br>The SOD is different here. The SOD covers all cases over the past quarter. All commanders and senior enlisted are there, they are required to be there, to stand and report on their cases. The legal team is there, and they run the show. You provide very generic information, what was the charge, and what was the resulting disciplinary action. There is a discussion of the rationale to go up or down on discipline. Anyone in the room can ask questions. | 4  | n/a  | 2                                 | n/a                        |

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| Views about informal legal training         | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---|---|--|--|-----------------------------------|----------------------------|
|   |   | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Neutral: initial/required briefing          | <p>When new commanders come in, the lawyers meet with them to discuss things that have been issues in that command in the past, such as discipline of contractors, anti-deficiency act, research and protected subjects, investigations, medical decision making, and other areas.</p> <p>I took something, but I don't know the name. It was Article 137 and was some sort of legal briefing.</p> <p>I've only been in command since August, but I got the initial legal briefing from the SJA when I arrived. In my prior time as a commander, I also got the initial legal briefing when I arrived</p> | 4  | n/a  | 1                                 | n/a                        |
| Neutral: other or general informal training | <p>It's in a canned email that outlines the responsibilities for lieutenant colonels, points of contact, and info about the UCMJ.</p> <p>It's basically just collecting business cards and trying to understand where resources are located.</p> <p>There are also mandatory formations with roll call that include things like safety briefings, DUI briefings, etc.</p>   | 4  | n/a  | 0                                 | n/a                        |

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

| Views about informal legal training                     | Illustrative example responses   | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---|--|--|--|-----------------------------------|----------------------------|
|   |  | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Attorney provides training frequently or routinely      | <p><i>I provide informal training to commanders and deputy commanders. I also provide formal training in the form of annual ethics briefings.</i></p> <p><i>I provide various types of legal training to a variety of groups, including...ethics briefing (sometimes will also provide to commander's spouse), legal training for subordinate commands and their JAs, legal update at the command conference (when required, and often involves a trending issue), and during commander calls (when legal support is needed).</i></p> <p><i>My office provides a variety of training opportunities. Formally, the Status of Discipline Briefings are carried out on a quarterly basis...</i></p> | n/a  | 1  | n/a                               | 7                          |
| Attorney provides training infrequently                 | ---  | n/a  | 0  | n/a                               | 0                          |
| Attorney does not provide training                      | <i>Currently doesn't provide training because of the level of organization at which he currently works.</i>  | n/a  | 0  | n/a                               | 1                          |
| Attorney other comments regarding provision of training | <p><i>...gave a briefing in January on changes associated with the Military Justice Act, and also handed out a one-page tip sheet on it at that training.</i></p> <p><i>When my commander previously was a Wing commander, was never a general court martial convening authority, so I prepared a background paper and did an in-brief about military justice, covering the role of the commander and special and general courts-martial, things to consider for courts-martial, nonjudicial punishments, discharges, how inspections work, and other issues.</i></p>  | n/a  | 1  | n/a                               | 3                          |

Legend: IG=Inspector General; JAG=Judge Advocate General; n/a= not applicable; SJA=Staff Judge Advocate; SOD=Status of Discipline; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Air Force site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

**Table 31: Content Analysis Summary of Air Force Responses Regarding Commander Preparation to Handle Legal Issues**

| Views about commander preparation to handle legal issues | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|--|---|--|--|-----------------------------------|----------------------------|
|  |   | Out of three commander discussion groups <sup>a</sup>            | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Commanders felt prepared                                 | See text in following nodes   | —  | —  | —                                 | —                          |
| Felt prepared generally                                  | <p>Training has been sufficient for the situations I've faced. Some of that sentiment is due to my background. I was a three time commander of security forces, and so got a lot of knowledge by exposure from those tours. So I have a somewhat different lens—I believe the training was sufficient for me, given my background.</p> <p>I felt adequately trained. I've been able to help squad commanders say 'okay, you got this from JAG, but have you asked them these questions.' For example, sometimes legal discouraged what Security wanted us to do regarding a search warrant call.</p> <p>Law education is provided through our entire career from very early on. The Air Force is very good at this.</p> | 2  | n/a  | 2                                 | n/a                        |
| Felt prepared due to availability of JAG                 | <p>In every training I have been to, they always lead with 'Ask the Judge Advocate.' That is good advice.</p> <p>I mean, I don't need to understand every legal change that happens, and I have enough support from the legal team.</p> <p>That's a tough question. I probably had the appropriate level of training, but it's 10 times more important to know to call legal. Training will never cover everything and having a JAG's number in your phone is invaluable.</p>   | 3  | n/a  | 2                                 | n/a                        |

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

| Views about commander preparation to handle legal issues                 | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|--|---|--|--|-----------------------------------|----------------------------|
|  |   | Out of three commander discussion groups <sup>a</sup>            | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Commanders expressed neutral or general sentiments regarding preparation | You know when to report something, and who to report it to. But there is a lot of on the job learning, you are learning from the application of it.<br><br>The training was a starting point. You know where to start and who to contact. You get experience once you do enough of this. The SOD gives you experience, as you see what other commanders go through and how they handle things. Those are really helpful. I got the right amount of information, and got references that I could read as needed. | 3  | n/a  | 1                                 | n/a                        |
| Commanders did not feel prepared   | [It would be nice] if they could spread the training out. The depth of the information we get isn't adequate.   | 1  | n/a  | 0                                 | n/a                        |
| Non-commanders felt commanders were prepared                             | See text in following nodes   | —  | —  | —                                 | —                          |
| Commanders generally prepared  | <i>Training gives them a baseline, and that's adequate.<br/><br/>Most commanders are able to identify legal issues and know when to call for their JAG. They have a good sense of what is legal and what is not.<br/><br/>The training prepares commanders to recognize and handle legal issues appropriately. Most squadron commanders have sufficient training and exposure to issue spot before they take command. They are smart folks, they are in the commander position for a reason.</i>                | n/a  | 3  | n/a                               | 4                          |

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

| Views about commander preparation to handle legal issues                               | Illustrative example responses   | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|--|--|--|--|-----------------------------------|----------------------------|
|  |  | Out of three commander discussion groups <sup>a</sup>            | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Commanders prepared due to availability of JAG   | <i>Commanders aren't meant to be legal experts. What is important is knowing to reach out to your JAG. Regardless of the training, commanders still need to call my office. Every case is unique and need to be walked through with a legal professional. Commanders may not know a lot about the process for courts-martial, but they don't need to know that. That is what the JAG is for.</i>   | n/a  | 3  | n/a                               | 5                          |
| Non-Commanders expressed neutral or general sentiments regarding commander preparation | <i>Brand new commanders have a learning curve. Some have attorneys on speed dial, others wait too long to call for help. Some things are harder to spot than others. Resources plus experience help overcome gaps in knowledge. Commanders want to do the right thing and take whatever time is needed to make an informed decision. That said, some commanders are better prepared and more decisive than others. In my experience, some commanders are risk averse and 'issue spotting' isn't a significant issue. In terms of handling, most commanders will do what they think is best and, being risk-averse, will remain within the range of our advice, but some will go beyond that.</i> | n/a  | 8  | n/a                               | 4                          |
| Non-commanders felt commanders were not generally prepared                             | <i>Training gets commanders to a 7 out of 10, if they take it seriously. However, most are probably 5s. Your JAGs are 9s. Experience can give them a boost, though.</i>  | n/a  | 1  | n/a                               | 2                          |

Legend: JAG=Judge Advocate General; n/a= not applicable; SJA=Staff Judge Advocate; SOD=Status of Discipline; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Air Force site visit discussion groups and semi-structured interviews. | GAO-21-338.

<sup>a</sup>One Air Force commander discussion group did not cover this issue due to time constraints, so for this topic there were three Air Force commander discussion groups.

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

**Table 32: Content Analysis Summary of Air Force Responses Regarding Resource Sufficiency**

| Views about sufficiency of legal resources | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                             |
|--|---|--|--|-----------------------------------|-----------------------------|
|  |   | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interviews |
| Have sufficient resources                  | <p>Can't think of any other resources that are needed in my current position.</p> <p>I've had nothing but success.</p> <p>We all have a very good idea of due process and JAG will help you navigate that, whether it's 1PM right after lunch or at night and someone is in jail.</p> <p><i>Commanders have the legal resources needed to carry out their responsibilities.</i></p> | 4  | 2  | 3                                 | 4                           |
| Neutral resource sufficiency               | <p>The preparation and available resources were adequate.</p> <p><i>I think it depends on the commander. If they are willing to do their homework, or pick up the phone and call, then I think the existing resources are adequate.</i></p>   | 2  | 0  | 3                                 | 4                           |
| Need more resources                        | See text in following nodes   | 1  | 1  | 3                                 | 2                           |
| Need dedicated SJA                         | <p>Would like the legal support structure to be different, to have a dedicated SJA for the Wing.</p> <p>While the centralized JAG support model could work for some commanders, I wanted to work with the same person, not whoever happened to be available when I called for assistance.</p>   | 0  | n/a  | 2                                 | n/a                         |
| Need more JAGs                             | Would like more JAGs, 1,000 more of them would be great. In places like Puerto Rico, Hawaii, Alaska, the Pacific, in remote areas sometimes the nearest base can be 5-6 hours away, and there may only be 2 JAGs servicing a huge area. Army recruiting command has a page full of lawyers, for Air Force recruiting command, they have only 2 billets.                             | 0  | 1  | 1                                 | 0                           |
| Need other legal staff                     | —   | 0  | 0  | 0                                 | 0                           |
| Need specialized expertise                 | —   | 0  | 0  | 0                                 | 0                           |

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| Views about sufficiency of legal resources | Illustrative example responses   | Total discussion groups or interviews where theme was identified |  |                                   |                             |
|--|--|--|--|-----------------------------------|-----------------------------|
|  |  | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interviews |
| Other insufficient resources               | <p>Wish I had this level of legal support when I was a group commander.</p> <p>The quality of the legal staff is fantastic, but as the base grows, resources are shrinking. That could inhibit the capacity of commanders.</p> <p>My concern is about the legal staff's capacity and the impact on them, not on us as commanders. Their advice is always spot on, but we know their capacity is limited.</p> | 1  | 0  | 2                                 | 2                           |
| Resource tradeoffs                         | —  | 0  | 0  | 0                                 | 0                           |
| JAG supports 1 commander                   | <p><i>Currently serves as SJA to the...Commander, which is responsible for personnel issues, and implementing and executing personnel actions.</i></p> <p><i>My primary client is the Vice Commander of the Wing.</i></p>  | n/a  | 0  | n/a                               | 3                           |
| JAG supports multiple commanders           | <p><i>There are several different levels of commanders that I support.</i></p> <p><i>My current role is very different from past SJA positions at other installations. I currently advise about 20+ commanders, across four installations.</i></p>   | n/a  | 0  | n/a                               | 2                           |

Legend: JAG=Judge Advocate General; n/a= not applicable; SJA=Staff Judge Advocate; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Air Force site visit discussion groups and semi-structured interviews. | GAO-21-338.

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**Table 33: Content Analysis Summary of Air Force Responses Regarding Handbooks and Other Available Resources**

| Views about available legal resources | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---------------------------------------|---|--|--|-----------------------------------|----------------------------|
|                                       |   | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Handbook Helpful                      | See text in following nodes   | 3  | 5  | 2                                 | 5                          |
| Generally helpful                     | <p>Refer to this frequently, but there is no danger of using this instead of calling the SJA. Those two are like checks and balances. If something atypical comes up, you can flip through it, and you will know what questions to ask, or what other people to call and include.</p> <p>It's a daily read for me.</p> <p>Commander and the Law; everyone has a copy in their desk and it's very helpful.</p> <p><i>This book is good as it illustrates issues and orients commanders for their conversation with the legal office. It covers every subject and provides citations.</i></p> | 3  | 4  | 2                                 | 3                          |
| Early in career                       | <i>The more they've seen, the less likely they are to pick that up and the more experienced they are, the more likely they are to involve legal early.</i>  | 0  | 1  | 1                                 | 0                          |
| When JAG unavailable                  | <i>This publication does not replace legal advice, but it does provide commanders with a starting point.</i>  | 0  | 2  | 0                                 | 2                          |
| Handbook not helpful                  | <p>I have not used it. I know it is an available resource, but I rely on my JAG.</p> <p><i>Occasionally, commanders will cite the Military Commander and the Law publication as justification for not communicating with their legal staff.</i></p> <p><i>New publications of this document are now only available digitally, and this might decrease its utility.</i></p>  | 0  | 0  | 1                                 | 2                          |

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

| Views about available legal resources | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---------------------------------------|---|--|--|-----------------------------------|----------------------------|
|                                       |   | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Handbook neutral or other views       | <p><i>Commanders have a desk book. I liked it when it was a hard copy.</i></p> <p><i>There is not a hard copy available.</i></p> <p><i>Some commanders may skip Commander and the Law because they know they'll just wind up calling us anyway.</i></p>   | 2  | 6  | 1                                 | 4                          |
| Computer applications available       | <p><i>Whiteman has a base-level app, although it's a smaller base, that includes directories for things like the suicide hotline, ADDB, events, PCS tips, medical group, and emergency contacts.</i></p> <p><i>In 2014, Yokota had an agency matrix. In 2016, they developed the Yokota Connects app, which was useful and had a similar purpose, but a service-wide app would be less useful.</i></p>  | 0  | 1  | 0                                 | 0                          |
| Other available resources             | <p><i>There are also unit specific publications, such as the 502nd, which produces Jurist and Crime and Punishment. These decentralized publications cover civil and legal matters and serve as an outlet to disseminate key information.</i></p> <p><i>There are also other commanders, and senior mentors, even if they're retired.</i></p> <p><i>First Sergeants because they're typically doing 90 percent of the work and are the liaison with the JAG office.</i></p> <p><i>I've occasionally talked to the Area Defense Counsel to get the other side of the story and other commanders as well.</i></p> | 4  | 4  | 1                                 | 3                          |

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

| Views about available legal resources   | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---|---|--|--|-----------------------------------|----------------------------|
|   |   | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Resources that would be helpful to have | <p>It would be helpful if I had a database that I could search to see precedents because most of our legal reviews have already been done, at least for simple issues.</p> <p>An app to direct you to specific references or people would be helpful, with examples of cases like whatever you are interested in.</p> <p><i>An ethics version of The Military Commander and the Law would be helpful since I receive so many questions about ethics-related issues.</i></p>   | 2  | 3  | 0                                 | 2                          |
| Resources available to non-commanders   | <p><i>When outside expertise is required, my office reaches out to the wing legal office.</i></p> <p><i>We have a variety of specialists available. I am a specialist, I get called about disability issues.</i></p> <p><i>Field Support Centers also provide specialized legal input.</i></p> <p>The judge advocate in the legal office that my wing typically goes to is not an expert in areas such as environmental law, labor law, civil law, and contracting, so that judge advocate will act as more of a go between or intermediary between the legal experts in those areas and the Wing when that type of specialized legal expertise is needed.</p> <p><i>They go up through the chain in the Wing structure first on some legal issues where they have expertise before they go to Headquarters or the support centers. On other areas where there is not that expertise in the Wing, so they go straight to the Field Support centers.</i></p> | 0  | 5  | 2                                 | 7                          |

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

| Views about available legal resources | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---------------------------------------|---|--|--|-----------------------------------|----------------------------|
|                                       |   | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| No other resources identified         | <p>You cover by consulting legal. I don't have any apps or other tools.</p> <p><i>I am not aware of any other resources.</i></p> <p><i>I have never heard a commander say they need a tool, or they do not have a tool that they need. Can't think of anything currently lacking that a commander would need.</i></p> | 1  | 0  | 0                                 | 3                          |

Legend: JAG=Judge Advocate General; n/a= not applicable; PCS=Permanent change of station; SJA=Staff Judge Advocate; SOD=Status of Discipline; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Air Force site visit discussion groups and semi-structured interviews. | GAO-21-338.

**Appendix VI: Key Results from Air Force  
Discussion Groups and Semi-Structured  
Interviews**

**Table 34: Content Analysis Summary of Air Force Responses Regarding Legal Support**

| Views about legal support        | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|----------------------------------|---|--|--|-----------------------------------|----------------------------|
|                                  |   | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Positive views about JAG support | See text in following nodes   | 4  | 8  | 3                                 | 7                          |
| Generally                        | <p>If there is a significant disciplinary issue, I will speak to the SJA in my office. We will discuss the risks and benefits of different courses of action, and what is proposed for the situation. She is a good judge advocate, she takes responsibility to make sure I get her advice.</p> <p>The quality of the legal staff is fantastic. They are very professional. They come informed, give me information and answer questions. Usually if there is an issue, I give the facts to the JAG, who may know of the case already. When I need to make a decision, they will do research, tell me the options, and tell the best option or recommendation. A discussion may follow. I usually follow what they tell me.</p> | 4  | 3  | 3                                 | 0                          |
| Commander's access to JAG        | <p>My current SJA is on speed dial, we communicate by text, email, phone, and in person.</p> <p>I have a direct line to my JAG and he usually responds within 20 minutes.</p> <p>The JAG's availability is impressive, I have never been left hanging.</p>  | 4  | n/a  | 3                                 | n/a                        |

**Appendix VI: Key Results from Air Force  
Discussion Groups and Semi-Structured  
Interviews**

| Views about legal support                | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|--|---|--|--|-----------------------------------|----------------------------|
|  |   | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| JAG access to commander                  | <p><i>I advise commanders over the phone, through mail, and in person on a daily basis.</i></p> <p><i>I speak with commanders almost once a day.</i></p> <p><i>He is accessible though they aren't collocated, which can affect the frequency of interaction.</i></p> <p><i>I schedule a weekly meeting with commanders to provide an outlet to discuss legal issues. When unexpected legal matters arise, commanders feel free to call me in order to address issues in a timely manner. These ad hoc calls happen multiple times a week and represent the most common type of interaction.</i></p> <p><i>It depends on the ongoing issues. Typically, these interactions occur weekly or biweekly. I try to have a 5-day turn around on legal issues.</i></p> | n/a  | 8  | n/a                               | 7                          |
| Neutral or other views about JAG support | See text in following nodes   | 4  | 7  | 2                                 | 5                          |

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

| Views about legal support | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---------------------------|---|--|--|-----------------------------------|----------------------------|
|                           |   | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Generally                 | <p>The judge advocate in the legal office that my wing typically goes to is not an expert in areas such as environmental law, labor law, civil law, contracting, so that judge advocate will act as more of a go between or intermediary between the legal experts in those areas and the Wing when that type of specialized legal expertise is needed.</p> <p><i>Epecially at lower levels, we try to have more contact, especially face-to-face. Most commanders are capable, but we're providing facts, analysis, and not just left and right options. Some commanders will lose trust in their attorney and they won't contact an attorney in the future, which is usually to their detriment and then they get themselves in trouble.</i></p> <p>There's always some necessary 'ramp up' time with new attorneys.</p> <p>It depends on the case. I need to gather the facts first, then I will email or call and discuss it. Then the SJA will come back with a recommendations of a next step, or who else to contact. I usually go with their recommendation unless something is just not right. Usually when you conduct an inquiry, you have a legal advisor for the inquiry, so the report will meet a legal sufficiency review. But for anything, you start with an email or a phone call. They can help formulate questions to ask.</p> | 3  | 6  | 2                                 | 3                          |
| Commander's access to JAG | <p>Since I'm geographically separated from the legal office, everything is on the phone.</p> <p>In practice, I can go to the SJA and something will happen if I need it to.</p> <p>As needed. It's very circumstantial.</p>   | 3  | n/a  | 1                                 | n/a                        |

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

| Views about legal support               | Illustrative example responses   | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---|--|--|--|-----------------------------------|----------------------------|
|   |  | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| JAG access to commander                 | <p><i>Most contact with commanders occurs via email. This is a benefit, as the written trail of advice makes it easy to track when information is requested. The frequency of this communication varies depending on the process.</i></p> <p><i>My commander likes a high intensity workout. I attend this not for the exercise, but for the access.</i></p> <p><i>My current boss travels a lot, so there is a lot of interaction by email, and some face to face.</i></p> <p><i>At minimum commanders will take my calls.</i></p>  | n/a  | 5  | n/a                               | 3                          |
| Negative views about JAG support        | See text in following nodes  | 2  | 6  | 3                                 | 1                          |
| Commander's access to JAG Slow Response | That's not always been my experience.  | 1  | n/a  | 0                                 | n/a                        |
| Commander's access to JAG Other         | <p>In my current position it is a situation where there is not an SJA assigned to the Wing, and there is not a dedicated legal office that supports you. This is not the norm in the Air Force, but it is because my current position falls under the installation.</p> <p>In a prior position as a commander, there was no dedicated JAG; instead, JAG support was centralized under the warfare center. I did not like that, and "adopted" a JAG from the office to informally serve as a dedicated JAG, and that worked well.</p> | 1  | n/a  | 3                                 | n/a                        |
| JAG access to commander                 | <p><i>I almost never meet with commanders in person. I do speak on the phone with commanders.</i></p> <p><i>I often do not get see the commanders I support or sit in on some of the staff meetings because of the distance involved, and the fact that we are at different locations.</i></p> <p><i>It makes it more challenging to provide legal support when your clients are not physically located where the SJA is. The SJA is not as likely to be involved in some of the day-to-day meetings and interactions.</i></p>       | n/a  | 6  | n/a                               | 1                          |

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

| Views about legal support                  | Illustrative example responses   | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|--|--|--|--|-----------------------------------|----------------------------|
|  |  | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| JAGs support too many commanders           | My current role is very different from past SJA positions at other installations. I currently advise about 20+ commanders, across four installations.  | 0  | 0  | 0                                 | 1                          |
| JAGs overworked                            | They both have crazy schedules,<br>My concern is about the legal staff's capacity and the impact on them, not on us as commanders. Their advice is always spot on, but we know their capacity is limited.<br>I suspect there's a strain on the legal staff.  | 1  | 0  | 1                                 | 0                          |
| Other negative views                       | The structure is poor though, because when their person is on leave, then they get support from a young, inexperienced judge advocate in the office.<br>While the centralized JAG support model could work for some commanders, I wanted to work with the same person, not whoever happened to be available when I called for assistance. I needed legal support and counsel from someone who understood my mission, and I did not have time to keep bringing someone up to speed about the organization and its positions.  | 0  | 0  | 3                                 | 0                          |
| Positive views about non-JAG legal support | <i>Senior enlisted often serve as point person and coordinate with the sergeant major. Often superintendents ask about contracting and help in coordination rather than advising of commanders.</i><br><i>As a liaison officer, I often transfer commanders to the people who can provide an answer. Every year, we lose 50% of our leadership, so it is important to for civilian liaisons to save institutional knowledge.</i><br>For example, family advocacy is composed of social workers and psychologists, so they provide quality services.<br><i>First Sergeants are key advisers on all enlisted personnel issues. Can communicate the commander's intent, and they can give insights on the impact on the squadron if you take a particular action, does it make sense, gauge what looks right on an issue. They provide very valuable input.</i> | 3  | 8  | 1                                 | 6                          |

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

| Views about legal support                          | Illustrative example responses   | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|--|--|--|--|-----------------------------------|----------------------------|
|  |  | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Neutral or other views about non-JAG legal support | <p><i>I talk regularly with senior enlisted personnel.</i></p> <p><i>It is important to distinguish between first sergeants and superintendents. Superintendents are a force multiplier.</i></p> <p>The squadron commander, the Chief, and the First Sergeant are usually there for discussion of any legal matter. The First Sergeant will talk to legal and work the paperwork on military justice matters for his or her unit. The Chief is in on most legal discussion as well, but not directly working the legal issues to discuss the pitfalls of different decisions.</p> <p>Typically, an offense is identified, then we reach out to OSI or security forces and they take ownership and begins an investigation. We notify legal at this point, but legal doesn't issue a decision until after the investigation is completed.</p> | 2  | 5  | 2                                 | 6                          |
| Negative CO views about non-JAG legal support      | There are some troubles at agencies if folks don't have the requisite degrees. Some agencies want to justify their existence, but don't have the training, time, or qualifications to provide quality services.  | 1  | n/a  | 0                                 | n/a                        |
| Negative non-CO views about non-JAG legal support  | <i>Interactions with agencies may be a challenge to timeliness because they're high-demand, low-density assets.</i>  | n/a  | 1  | n/a                               | 0                          |
| Disagreements between commanders and attorneys     | See text in following nodes  | —  | —  | —                                 | —                          |

**Appendix VI: Key Results from Air Force  
Discussion Groups and Semi-Structured  
Interviews**

| Views about legal support | Illustrative example responses   | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---------------------------|--|--|--|-----------------------------------|----------------------------|
|                           |  | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Handled well generally    | <p>If we disagree, we talk through it. As a commander I must be mindful of the entire situation. It may be that legally we cannot win a case, and the JAG would advise accordingly. The JAG does not want to prosecute. However, I may need to take a case to court anyway because of the impact on good order and discipline, so might choose to prosecute against the advice of the JAG. Or the JAG might recommend to make a deal or settle a case, to make sure that justice is served. There can be interesting dynamics sometimes. This is why the close relationship with the JAG is so important, so that even if you disagree, there is understanding of the mindset on both sides.</p> <p><i>It depends. Sometimes legal issues are binary, other times there is a range. Most of the time commanders are receptive to advice. I can't think of a time I have had to elevate things.</i></p> <p><i>I would communicate and discuss the risks. Even if some orders are lawful, if I disagree I will present my opinion. These disagreements don't change the relationship. I have never felt that commanders have done something illegal. JAG staff is not meant to just green light a commander's action.</i></p> <p><i>Reasonable minds may differ, so as long as the commander is taking a reasonable action, they are the ones who make the decision.</i></p> | 3  | 3  | 3                                 | 7                          |

**Appendix VI: Key Results from Air Force Discussion Groups and Semi-Structured Interviews**

| Views about legal support             | Illustrative example responses  | Total discussion groups or interviews where theme was identified |  |                                   |                            |
|---------------------------------------|---|--|--|-----------------------------------|----------------------------|
|                                       |   | Out of four commander discussion groups                          | Out of eight legal support discussion groups | Out of three commander interviews | Out of seven SJA interview |
| Handled well commanders actions legal | <p>If we disagree, I will ask for other opinions, will discuss with some other judge advocates and get their thoughts. As long as the action is not illegal, immoral, or unethical, it is the commander's decision to make.</p> <p>If I decide to do something else other than what the SJA recommended, or to do nothing, I usually stay within the range they give. I may or may not take their recommendation, but I usually choose within the range. It falls on the commander to make the final decision. I can't think of anytime I didn't do something that was within the range.</p> <p><i>Have had commanders who did not follow my advice but that does not necessarily mean that the commander's decision is illegal. If the commander's decision is 'in the ball park' I get out of the way. However, if a commander is way out of bounds, I have a meeting with the superior commander, but I have only had to do this one-two times in my career.</i></p> | 3  | 3  | 2                                 | 7                          |
| Other or neutral views                | <p><i>Issues of talent management are difficult. Commanders have interest in retaining talent. That's where I see disagreement, when commanders are inconsistent in their discipline.</i></p> <p>As a commander, you have to consider good order and discipline to the unit, not just member. JA focuses only on the individual.</p> <p><i>Our job is to give them their range of options. We have had situations where a commander wanted to do a potentially unlawful activity and we elevated it. At the end of the day, we work for the Air Force, not the commander.</i></p>   | 2  | 5  | 0                                 | 1                          |
| Handled poorly                        | —   | 0  | 0  | 0                                 | 0                          |

Legend: JAG=Judge Advocate General; n/a= not applicable; OSI=Office of Special Investigations; SJA=Staff Judge Advocate; --- = No response for node. Text in italics is from legal support personnel or SJAs.

Source: GAO content analysis of Air Force site visit discussion groups and semi-structured interviews. | GAO-21-338.

## Appendix VII: Views about Legal Support in the Military Services

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### Generally Positive Views about Communication between Commanders and Attorneys

Commanders expressed generally positive views about communication between commanders and staff judge advocates and other military and civilian attorneys, although we also heard negative views from some commanders, attorneys, and legal support personnel. Views were predominantly positive among the higher ranking commanders and judge advocates, with 17 out of the 18 SJAs we interviewed indicating that they had ready access to the commanders they supported and 15 out of the 16 general or flag officer commanders we interviewed indicating that they had ready access to their SJA. Among lower ranking commanders, participants in 15 out of 16 commander discussion groups expressed positive views about the accessibility of the legal support they received from their staff judge advocates and other military and civilian attorneys. The positive views in all four services generally mentioned daily or frequent, routine communications between commanders and attorneys, through mechanisms such as regularly scheduled and ad hoc meetings, as well as communications by phone, email, or texts. Additionally, participants in all 24 of our non-commander discussion groups expressed positive views about their access to the commanders they supported.

However, we also heard some negative views about communication between commanders and their legal support staff. In addition, participants in 11 of our 24 non-commander discussion groups and two of our 18 SJA interviews expressed negative views about the accessibility of the commanders that they supported. Concerns raised about commander accessibility included the commander's busy travel schedule, SJAs being in a different location than the commander, and commanders not asking for input from the SJA. For example, an Air Force SJA told us that it is more challenging to provide legal support when your clients are not physically located where the SJA is. The SJA explained that if the commander does not talk to the JAG, then the JAG can't help them and does not know if the commander is missing things or doing something wrong. The SJA further said that sometimes commanders don't bring the JAG in because they have already decided what they want to do and they know it's not the right decision.

We also heard some views that there was a need for more paralegals from two of our 16 commander discussion groups and two of our 16 general or flag officer interviews, and for more legal personnel with specialized expertise, such as labor and contract law, from one commander discussion group and two of our 16 general or flag officer interviews. For example, one Navy flag officer said that the government needs skilled contract writers, who understand the government's requirements and what the government position should be. In his experience, the private sector firms have very skilled and knowledgeable contract attorneys who know how to get the best deal for the company, and in the end the government loses, because they do not know how to get the best deal. He said that skilled contract writers would be a good investment for the Department of Defense.

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### **Mixed Views about Legal Support Provided by Non-Attorney Legal Support Staff**

We heard mixed views from commanders about the support that they receive from non-attorney legal support staff. Specifically, commanders expressed positive views about the legal support they receive from non-attorney staff in 10 of our 16 commander discussion groups and eight of our 16 interviews with general or flag officer commanders. Similarly, participants in 22 of our 24 non-commander discussion groups and 12 of our 18 staff judge advocate interviews expressed positive views about the legal support commanders received from non-attorney staff. We heard praise for the support provided by paralegals, legal officers, or senior enlisted personnel in all four military services. For example, a Marine Corps SJA explained that senior enlisted personnel can play a significant role, because they know the marines better than the SJA. The SJA continued, saying that senior enlisted have seen a lot and it is good to get their input because while the SJA tells the "how," the senior enlisted tells the "should." Positive views were also expressed for resources such as the military criminal investigative organizations, sexual assault prevention and response personnel, and medical staff, among others. For example, a Navy flag officer explained how in a marijuana case where the sailor had asked for clemency because he said that he unknowingly ate hash brownies, the commander called the drug lab to find out if the drug levels in the test results were consistent with eating brownies that contained marijuana. [The levels were not, the sailor would have had to eat multiple pans of brownies to attain the tested levels.]

However, we also heard some negative views about the legal support commanders receive from non-attorney personnel, with five of our 16 commander discussion groups and one of our 16 general or flag officer commanders expressing negative views about the legal support they received from non-attorney staff. Among non-commander personnel, participants in 11 of our 24 non-commander discussion groups and four of our 18 staff judge advocate interviews expressed negative views about the support commanders received from non-attorney staff. Some of the negative concerns raised included slowness or lack of resources in the military criminal investigative organizations, lack of preparation or qualifications of legal support staff such as legal officers, the use of legal officers as a collateral duty position, and the Marine Corps practice of assigning judge advocates to non-lawyer positions.

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### Positive or Neutral Views about Resolution of Disagreements Between Commanders and Attorneys

Commanders and attorneys expressed positive or neutral views about how disagreements between commanders and attorneys were resolved.<sup>1</sup> Specifically, we heard that disagreements between commanders and attorneys were handled well in 10 of our 16 commander discussion groups and 14 of our 16 general and flag officer commander interviews. The attorneys generally shared these positive views, which were expressed in 11 of our 16 discussion groups with military and civilian attorneys and 17 out of 18 SJA interviews. A common view that we heard, in 20 of our 32 discussion groups and 26 of our 34 interviews with commanders and attorneys, was that as long as the commander's decision or action is legal (or is not illegal, immoral or unethical), commanders are not obligated to follow the attorney's recommendation; lawyers provide advice, but it is the commander's responsibility to make the decision.

We also heard neutral or other views about the resolution of disagreements between commanders and attorneys in eight of our 16 commander discussion groups and three of our 16 general and flag officer commander interviews. For example, commanders in one of our Air Force O-5 discussion groups explained that commanders need to account for wider context, focus on the human behind the action and the second and third order effects. They said that sometimes the attorney

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<sup>1</sup>We heard one comment from an Army judge advocate who provided an example of a disagreement with a commander that the attorney did not think was handled well.

relies on the easiest decision to defend, which may not be the best decision. From the attorneys' perspective, neutral views were expressed in 11 of our 16 discussion groups with military and civilian attorneys and one out of 18 SJA interviews. For example, some military and civilian attorneys in the Army, Marine Corps, and Air Force said that depending on the seriousness of the issue, sometimes they may have to elevate an issue up the chain of command. In addition, judge advocates in the Army and Air Force said that sometimes commanders do not want to be too harsh because they like a servicemember or an incident involves a good servicemember.

## Appendix VIII: Comments from the Department of Defense



DEPARTMENT OF DEFENSE  
OFFICE OF THE GENERAL COUNSEL  
1600 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1600

June 21, 2021

Ms. Brenda Farrell  
Director, Defense Capabilities and Management  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Ms. Farrell:

Enclosed is the Department of Defense response to the GAO Draft Report, GAO-21-338, "MILITARY TRAINING: The Services Need to Ensure That All Commanders Are Prepared for Their Legal Responsibilities," dated May 26, 2021 (GAO Code 103591).

As an overarching matter, DoD recommends that the recommendations concerning the Marine Corps be addressed to the Secretary of the Navy rather than the Commandant of the Marine Corps. The Marine Corps falls under the purview of the Secretary of the Navy no less than the Navy. See 10 U.S.C. § 8013. In no other instance does the GAO draft report direct a recommendation to a Service Chief rather than the Secretary of the relevant Military Department. Directing recommendations concerning the Marine Corps to the Secretary of the Navy would appropriately recognize that the Marine Corps is no less under the authority of a civilian Secretary of a Military Department than are the other Military Services.

The Department appreciates the opportunity to comment on the draft report. Should you need further information, my point of contact for this matter is Dwight Sullivan of my office, who is available at [dwight.h.sullivan.civ@mail.mil](mailto:dwight.h.sullivan.civ@mail.mil).

Sincerely,

/s/  
Paul S. Koffsky  
Senior Deputy General Counsel/Deputy General  
Counsel for Personnel and Health Policy

Enclosure:  
As stated

**GAO DRAFT REPORT DATED MAY 26, 2021  
GAO-21-338 (GAO CODE 103591)**

**“MILITARY TRAINING: THE SERVICES NEED TO ENSURE THAT ALL  
COMMANDERS ARE PREPARED FOR THEIR LEGAL RESPONSIBILITIES”**

**DEPARTMENT OF DEFENSE COMMENTS  
TO THE GAO RECOMMENDATION**

**RECOMMENDATION 1:** The Secretary of the Army should determine the reasons that the training completion data for ASEP-B in the system of record differs from the records maintained by the course providers; assess the underlying data issues that prevented an accurate assessment of SOLO completion rates using only data from the system of record; and take steps to address those issues to ensure that training completion data are comprehensively and accurately collected and documented in the designated system of record. (Recommendation 1)

**DoD RESPONSE:** Concur. The Army will implement this recommendation to ensure that the data in the Army Training Resources and Requirements system accurately reflect commander attendance in all legal education courses.

**RECOMMENDATION 2:** The Secretary of the Navy should direct training providers to use a system of record to track legal training courses such as New Flag and Senior Executive Training Symposium and the Command Leadership Seminar to ensure that training completion data are comprehensively and accurately collected and documented. (Recommendation 2)

**DoD RESPONSE:** Concur. The New Flag and Senior Executive Training Symposium and the Navy Flag Officers and Senior Executive Symposium are run by Director, Navy Staff, and coordinated across appropriate stakeholders. The Navy Senior Leader Seminar is hosted by the Naval Postgraduate School. These training symposia address numerous topic areas, which may include legal discussions. Per OPNAVINST 1510.10D, the Corporate Enterprise Training Activity Resource System (CeTARS) is the Deputy Chief of Naval Operations, Manpower, Personnel, Training, and Education (CNO (N1)), training management system and the authoritative source for all formal Navy course data, student data, and training statistics. All Navy echelons, as well as other Department of Defense activities, agencies, Services, contractors, and authorized foreign governments that formally train naval personnel, are required to report Department of Navy (DON) formal training data in CeTARS. The completion of all courses provided by the Naval Justice School is recorded in CeTARS. For legal training not conducted by the Naval Justice School for other DON personnel, including other senior leadership and junior officers, individual commands are expected to report training completion for their personnel in the appropriate training management system.

**RECOMMENDATION 3:** The Commandant of the Marine Corps should determine the reasons that the training completion data for the Brigadier General Select Orientation Course in the data warehouse differs from the records maintained by the course provider, and take steps to

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**Appendix VIII: Comments from the Department of Defense**

address those issues to ensure that training completion data are comprehensively and accurately collected and documented in the designated system of record. (Recommendation 3)

**DoD RESPONSE:** Concur. Training and Education Command (TECOM), on behalf of the Commandant, will determine the reasons that the training completion data for the Brigadier General Select Orientation Course in the data warehouse differs from the records maintained by the course provider. Beginning in May 2021, Education Command's (EDCOM) Lejeune Leadership Institute received responsibility for overseeing the execution of the Brigadier General Select Orientation Course. EDCOM routinely coordinates with USMC Manpower & Reserve Affairs (MMSL) to track and maintain senior leader training completion data. This will resolve the course tracking issue.

**RECOMMENDATION 4:** The Secretary of the Air Force should determine the reasons that the training completion data for SOLO and the Senior Leader Orientation Course in the system of record differs from the records maintained by the course providers and take steps to address those issues to ensure that training completion data are comprehensively and accurately collected and documented in the designated system of record. (Recommendation 4)

**DoD RESPONSE:** Concur. The Air Force will immediately work to determine the reasons that the training completion data for SOLO and the Senior Leader Orientation Course (SLOC) in the system of record differ from the records maintained by the course providers. AF/A1DI will be sharing this information with the respective Senior Leader Management Offices and the Air Force's contract partners, Flatter Inc. and BAMTech, to discern why certain leadership courses (e.g., SLOC and SOLO) are not being documented in the Senior Leader Career Management System (SLCMS) and/or MilPDS.

AF/A1LG SLOC attendance is captured in SLCMS and the report can be pulled in real time; however, the Air Force will look into why the course data are different than the course provider's records.

**RECOMMENDATION 5:** The Secretary of the Army should ensure The Judge Advocate General's Legal Center and School establishes and implements guidance for conducting Level 3 surveys of dedicated legal training on a continual basis. (Recommendation 5)

**DoD RESPONSE:** Concur. The Judge Advocate General's Legal Center and School has already implemented this recommendation, incorporating level 3 surveys into its assessment policy. The first survey was conducted in February 2021 and reflected a high degree of satisfaction with the preparation provided to commanders by the Senior Officer Legal Orientation.

**RECOMMENDATION 6:** The Secretary of the Navy should ensure the Naval Justice School establishes and implements guidance for conducting Level 3 surveys of dedicated legal training on a continual basis. (Recommendation 6)

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**Appendix VIII: Comments from the Department of Defense**

**DoD RESPONSE:** Concur. The Naval Justice School conducts Level 3 surveys for graduates of both fleet training for commanders and other DON personnel and for legal community training (e.g., Navy judge advocates and legalmen) six months to one year after course completion. These surveys ask a series of quantitative and qualitative questions to enable the respondent to provide feedback on the training, assess current curriculum delivery/retention, and provide recommendations concerning future curriculum developments.

**RECOMMENDATION 7:** The Secretary of the Air Force should ensure The Air Force Judge Advocate General's School establishes and implements guidance for conducting Level 3 surveys of dedicated legal training on a continual basis. (Recommendation 7)

**DoD RESPONSE:** Concur. The Air Force will immediately work to establish and implement guidance for conducting Level 3 surveys of dedicated legal training on a continual basis.

**RECOMMENDATION 8:** The Secretary of the Army should examine the need and feasibility of conducting Level 3 surveys or other higher-level techniques for assessing training for training with blocks of legal content that would allow for commanders to provide feedback about the course some period of time after assuming command. (Recommendation 8)

**DoD RESPONSE:** Concur. The Judge Advocate General's Legal Center and School has already implemented this recommendation, incorporating level 3 surveys into its assessment policy. Surveys are conducted one year after the course to determine commander satisfaction at the mid-point of their command.

**RECOMMENDATION 9:** The Secretary of the Navy should examine the need and feasibility of conducting Level 3 surveys or other higher-level techniques for assessing training for training with blocks of legal content that would allow for commanders to provide feedback about the course some period of time after assuming command. (Recommendation 9)

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**RECOMMENDATION 10:** The Commandant of the Marine Corps should examine the need and feasibility of conducting Level 3 surveys or other higher-level techniques for assessing training for training with blocks of legal content that would allow for commanders to provide feedback about the course some period of time after assuming command. (Recommendation 10)

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**Appendix VIII: Comments from the Department of Defense**

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**DoD RESPONSE:** Concur. Training and Education Command (TECOM), on behalf of the Commandant, will examine the need to conduct and feasibility of conducting Level 3 surveys or using other higher-level techniques for assessing training for training with blocks of legal content that would allow commanders to provide feedback about the course some period after assuming command. Of note, the Vice President for Academic Affairs at Marine Corps University is already investigating the implementation of additional survey tools at the Commandant's Commanders Course to better capture feedback.

**RECOMMENDATION 11:** The Secretary of the Air Force should examine the need and feasibility of conducting Level 3 surveys or other higher-level techniques for assessing training for training with blocks of legal content that would allow for commanders to provide feedback about the course some period of time after assuming command. (Recommendation 11)

**DoD RESPONSE:** Concur. The Air Force will immediately start studying the need to conduct and the feasibility of conducting Level 3 surveys or using other higher-level techniques.

**RECOMMENDATION 12:** The Secretary of the Navy should develop policies and procedures that formalize the Navy's implementation of the legal course for junior officers and the intermediate legal course for 0-4 and senior 0-3 grade officers and ensure the courses are provided to all officers. (Recommendation 12)

**DoD RESPONSE:** Concur. Currently, Military Personnel Manual (MPM) Article 1301-907 establishes procedures for Navy prospective flag officers, commanding officers, executive officers, and senior enlisted leaders to attend a legal training course prior to assuming a leadership position. As part of the implementation of Recommendation 22 from the Comprehensive Review of the Department of the Navy's Uniformed Legal Communities, the Naval Justice School is coordinating with CNO (N1) to revise MPM 1301-907 to apply to the entire leadership training continuum. In the interim, the Naval Justice School is now executing: (1) an on-demand online legal course for junior officers or division officer-equivalents; and (2) an in-person half-day legal course for department head or equivalents to be implemented in training pipelines in coordination with Community Leads.

**RECOMMENDATION 13:** The Commandant of the Marine Corps should require a comprehensive mix of legal training to be provided to all Marine Corps commanders throughout their careers. (Recommendation 13)

**DoD RESPONSE:** Concur. Training and Education Command (TECOM), on behalf of the Commandant, will conduct a comprehensive review of legal training that is provided to all Marine Corps commanders throughout their careers. As identified by Marine Officers in the GAO discussion groups, Marine Officers are provided with minimal or no legal training at various points in their careers, such as The Basic School, Expeditionary Warfare School, Command and Staff College, School of Advanced Warfighting, and the Marine Corps War College. TECOM must conduct a review of the programs of instructions for these courses to

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**Appendix VIII: Comments from the Department of Defense**

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ensure that the leaders are getting the legal training that they need to be successful. One Marine O-6 commander stated that the Marine Corps is not good about training and they do not look positively on taking time off from a current position to prepare for the next job, even though there is value in carving out this time.<sup>1</sup> In addition, a Marine general officer stated that more training could not hurt, especially given the sensitivity and complexity of the currently legal environment.<sup>2</sup>

In addition to the legal training that a commander will receive at the Brigadier General Select Orientation Course or the Commandant's Combined Commandership Course, the only formal legal training available to a commander is the Navy's Senior Leader Legal Course (SLLC). SLLC, a three-day course offered by the Naval Justice School, is designed to prepare O-5 and O-6 commanding officers, executive officers, and senior enlisted leaders/advisors for the legal issues they will likely face as a command team. Topics covered include: investigations, non-punitive measures, nonjudicial punishment, administrative separations, officer misconduct, military justice, sexual harassment, sexual assault, ethics, civilian personnel law, law of armed conflict, rules of engagement, law of the sea, free speech and political activities, overseas legal issues, gifts, fundraising, and legal assistance.

In addition, based on the Comprehensive Review of the Navy's Uniformed Legal Communities, the Navy and Marine Corps legal communities recently developed and distributed legal primers for commanders on several of the most challenging issues encountered by commanders. Finally, Education Command, with the support of the Staff Judge Advocate to the Commandant of the Marine Corps, will continue to semi-annually revise Cornerstone (the primary source of legal training for senior Marine commanders) in order to ensure Marine commanders are being trained on the most relevant and timely issues they will encounter.

**RECOMMENDATION 14:** The Secretary of the Army should comprehensively assess the entire continuum of legal training provided to commanders throughout their careers to help ensure that they are receiving legal training at the time, in the amount, and on the mix of topics needed to prepare them for the legal responsibilities of their positions. (Recommendation 14)

**DoD RESPONSE:** Partially concur. The facts contained in the report reflect a significant investment by the Army in the preparation of commanders for legal duties. They also reflect that a significant percentage of commanders and legal personnel agree that the education provided is effective, applicable, and sufficient, at least for field grade and more senior levels of command. While the Army needs to better document the review process, the facts in the report support a finding that the content provided to commanders at the field grade and higher level is the proper content. All of that said, the Army concurs that a comprehensive evaluation of commander legal education across an officer's career will be beneficial and the Army will conduct that assessment. The specific area for improvement that such a study would address is at the company grade level of command with the goal of systematizing the creation and execution of

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<sup>1</sup> Draft GAO Report GAO-21-338, Military Training: The Services Need to Ensure That All Commanders Are Prepared for Their Legal Responsibilities. P.44

<sup>2</sup> Ibid.

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**Appendix VIII: Comments from the Department  
of Defense**

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company grade commander education to ensure more uniformity in scope, focus, execution, and documentation of completion.

**RECOMMENDATION 15:** The Secretary of the Air Force should comprehensively assess the entire continuum of legal training provided to commanders throughout their careers to help ensure that they are receiving legal training at the time, in the amount, and on the mix of topics needed to prepare them for the legal responsibilities of their positions. (Recommendation 15)

**DoD RESPONSE:** Concur. The Air Force will immediately start assessing the entire continuum of legal training provided to commanders throughout their careers.

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## Agency Comment Letter

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### Text of Appendix VIII: Comments from the Department of Defense

#### Page 1

June 21, 2021

Ms. Brenda Farrell  
Director, Defense Capabilities and Management  
441 G Street, NW  
Washington, DC 20548

Dear Ms. Farrell:

Enclosed is the Department of Defense response to the GAO Draft Report, GAO-21-338, "MILITARY TRAINING: The Services Need to Ensure That All Commanders Are Prepared for Their Legal Responsibilities," dated May 26, 2021 (GAO Code 103591).

As an overarching matter, DoD recommends that the recommendations concerning the Marine Corps be addressed to the Secretary of the Navy rather than the Commandant of the Marine Corps. The Marine Corps falls under the purview of the Secretary of the Navy no less than the Navy. See 10 U.S.C. § 8013. In no other instance does the GAO draft report direct a recommendation to a Service Chief rather than the Secretary of the relevant Military Department. Directing recommendations concerning the Marine Corps to the Secretary of the Navy would appropriately recognize that the Marine Corps is no less under the authority of a civilian Secretary of a Military Department than are the other Military Services.

The Department appreciates the opportunity to comment on the draft report. Should you need further information, my point of contact for this matter is Dwight Sullivan of my office, who is available at [dwight.h.sullivan.civ@mail.mil](mailto:dwight.h.sullivan.civ@mail.mil).

Sincerely,

Paul S. Koffsky  
Senior Deputy General Counsel/Deputy General Counsel for Personnel and Health  
Policy

Enclosure:  
As stated

Page 2

**“MILITARY TRAINING: THE SERVICES NEED TO ENSURE THAT ALL  
COMMANDERS ARE PREPARED FOR THEIR LEGAL RESPONSIBILITIES”**

DEPARTMENT OF DEFENSE COMMENTS TO THE GAO RECOMMENDATION

**RECOMMENDATION 1:**

The Secretary of the Army should determine the reasons that the training completion data for ASEP-B in the system of record differs from the records maintained by the course providers; assess the underlying data issues that prevented an accurate assessment of SOLO completion rates using only data from the system of record; and take steps to address those issues to ensure that training completion data are comprehensively and accurately collected and documented in the designated system of record. (Recommendation 1)

DoD RESPONSE: Concur. The Army will implement this recommendation to ensure that the data in the Army Training Resources and Requirements system accurately reflect commander attendance in all legal education courses.

**RECOMMENDATION 2:**

The Secretary of the Navy should direct training providers to use a system of record to track legal training courses such as New Flag and Senior Executive Training Symposium and the Command Leadership Seminar to ensure that training completion data are comprehensively and accurately collected and documented. (Recommendation 2)

DoD RESPONSE: Concur. The New Flag and Senior Executive Training Symposium and the Navy Flag Officers and Senior Executive Symposium are run by Director, Navy Staff, and coordinated across appropriate stakeholders. The Navy Senior Leader Seminar is hosted by the Naval Postgraduate School. These training symposia address numerous topic areas, which may include legal discussions. Per OPNAVINST 1510.10D, the Corporate Enterprise Training Activity Resource System (CeTARS) is the Deputy Chief of Naval Operations, Manpower, Personnel, Training, and Education (CNO (N1)), training management system and the authoritative source for all formal Navy course data, student data, and training statistics. All Navy echelons, as well as other Department of Defense activities, agencies, Services, contractors, and authorized foreign governments that formally train naval personnel, are required to report Department of Navy (DON) formal training data in CeTARS. The completion of all courses provided by the Naval Justice School is recorded in CeTARS. For legal training not conducted by the Naval Justice School for other DON

personnel, including other senior leadership and junior officers, individual commands are expected to report training completion for their personnel in the appropriate training management system.

**RECOMMENDATION 3:**

The Commandant of the Marine Corps should determine the reasons that the training completion data for the Brigadier General Select Orientation Course in the data warehouse differs from the records maintained by the course provider, and take steps to address those issues to ensure that training completion data are comprehensively and accurately collected and documented in the designated system of record. (Recommendation 3).

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DoD RESPONSE: Concur. Training and Education Command (TECOM), on behalf of the Commandant, will determine the reasons that the training completion data for the Brigadier General Select Orientation Course in the data warehouse differs from the records maintained by the course provider. Beginning in May 2021, Education Command's (EDCOM) Lejeune Leadership Institute received responsibility for overseeing the execution of the Brigadier General Select Orientation Course. EDCOM routinely coordinates with USMC Manpower & Reserve Affairs (MMSL) to track and maintain senior leader training completion data. This will resolve the course tracking issue.

**RECOMMENDATION 4:**

The Secretary of the Air Force should determine the reasons that the training completion data for SOLO and the Senior Leader Orientation Course in the system of record differs from the records maintained by the course providers and take steps to address those issues to ensure that training completion data are comprehensively and accurately collected and documented in the designated system of record. (Recommendation 4)

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AF/A1LG SLOC attendance is captured in SLCMS and the report can be pulled in real time; however, the Air Force will look into why the course data are different than the course provider's records.

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DoD RESPONSE: Concur. The Air Force will immediately start assessing the entire continuum of legal training provided to commanders throughout their careers.

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## Appendix IX: GAO Contact and Staff Acknowledgments

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### GAO Contact

Brenda S. Farrell at (202) 512-3604 or [farrellb@gao.gov](mailto:farrellb@gao.gov).

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### Staff Acknowledgments

In addition to the contact named above, Kimberly Mayo (Assistant Director), David M. Ballard, David Blanding, Renee S. Brown, Vincent M. Buquicchio, Michael Dworman, Christopher Gezon, Dawn R. Godfrey, Tracey R. Kalinowski, Ron La Due Lake, Matthew A. Ray, Lucas Smith, and Lillian M. Yob made key contributions to this report.

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