

JUDGE ADVOCATES AND JOINT WORK

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The Importance of Being “Joint”

“Jointness” is a priority for the highest levels of U.S. political and military leadership. “Joint Force” appears twenty-nine times in the unclassified Summary of the 2018 National Defense Strategy; that summary never even names the separate services.¹ Top leaders rightly focus on the integration of efforts across the Department of Defense and beyond: they need to consider the full range of the nation’s political and security needs, and they need the full range of the government’s tools.

Generally, at the Soldier level, Judge Advocates focus far less than do their top leaders on “jointness.” Yet, by working on “jointness,” JAs support their leadership’s vision of integrating efforts across DoD components. By working on “jointness,” JAs improve at their own specific tasks. As Soldiers and as lawyers, they need to understand how “to operate successfully together,” collaborating with other components and agencies as one “joint team.”²

Preparation, Preparation, Preparation

Jointness was far from my own mind when I entered the Army JAG Corps. As a direct commission with no prior military experience, I busied myself trying to stumble through a single branch of service. One week after completing the Officer Basic Course in May 2021, I moved to Vicenza, Italy, to start work as an operational law attorney for U.S. Army Southern European Task Force, Africa (SETAF-AF). Amid deciphering numbers (33 for Current Operations; 35 for Future Operations) and more acronyms (OPT, WG, IPR: various terms for “meeting,” it seemed), I received an eyebrow-raising assignment from my SJA: participate in the Navy’s Large Scale Exercise 2021 (LSE 21) as part of a JA team aboard the USS *Mount Whitney*.³

¹ Department of Defense, *Summary of the 2018 National Defense Strategy of The United States of America*, 2018, <https://dod.defense.gov/Portals/1/Documents/pubs/2018-National-Defense-Strategy-Summary.pdf>.

² “The joint team is composed of the members of each Service, Department of Defense agencies, as well as associated civilians supporting governmental and private sector workforces.” Joint Chiefs of Staff, *Joint Publication I: Doctrine for the Armed Forces of the United States*, 25 March 2013 (incorporating Change 1 from 12 July 2017), ii, https://www.jcs.mil/Portals/36/Documents/Doctrine/pubs/jp1_ch1.pdf.

³ See generally, e.g., U.S. Naval Forces Europe-Africa/U.S. Sixth Fleet Public Affairs, *Mount Whitney and Sixth Fleet Underway for Large Scale Exercise*, 27 July 2021, <https://www.navy.mil/Press-Office/News-Stories/Article/2708954/mount-whitney-and-sixth-fleet-underway-for-lse/>.



Army CPT Alexa M. Andaya surveys the horizon on the USS Mount Whitney during a Navy exercise in the Mediterranean Sea in 2021. (U.S. Navy photo by Justin LTJG Prelogar.)

The LSE 21 exercise scenario centered on fictional rising tensions in the Atlantic and Pacific Oceans, culminating in simultaneous crises and forcing the United States to coordinate a response to threats across the globe. The exercise tested, among other objectives, the Navy's concept of distributed maritime operations (DMO), an evolving fleet-level approach that relies on fleet commanders' ability to access the "big picture" across different campaigns.⁴ In response to increased mission requirements without a corresponding increase in resources, DMO prioritizes "the precise delivering of only the exact right force to the exact right place at the exact right time," allowing individual assets to move as needed rather than adhering rigidly to the Navy's traditional Carrier Strike Group (CSG) structure.⁵ Thus, LSE 21 emphasized seamless communication and integration of efforts up the chain of command as well as across commands, so as to assess the vulnerability posed by existing vertical and horizontal gaps.

The preparation assigned for LSE 21's Judge Advocates included plenty of advance reading material, including *The Commander's Handbook on Naval Operations* as well as excerpts

⁴ See generally, e.g., Kevin Eyer & Steve McJessey, *Operationalizing Distributed Maritime Operations*, Center for International Maritime Security, 5 March 2019, <https://cimsec.org/operationalizing-distributed-maritime-operations/>. See also United States Navy Chief of Naval Operations, *A Design for Maintaining Maritime Superiority*, December 2018, 8, 10, https://media.defense.gov/2020/May/18/2002301999/-1/-1/1/DESIGN_2.0.PDF.

⁵ Eyer & McJessey.

from *Joint Publication 1: Doctrine for the Armed Forces of the United States* and *Joint Publication 3-32: Joint Maritime Operations*. In addition to those foundational documents were materials specific to LSE 21—the Road to Crisis describing the exercise scenario and the orders, along with the rules of engagement, under which participants would initially operate.

Of course, as a new Army lawyer joining a massive Navy exercise, I needed extra orientation. About a week before the USS *Mount Whitney*'s departure for LSE 21, at my SJA's suggestion, I traveled to U.S. Sixth Fleet headquarters in Naples. There, I met the Navy JAs and other Sixth Fleet staff, including such key exercise players as the Maritime Operations Center Director (MOC-D), and I began to familiarize myself with another service's idiosyncrasies. I learned the various ways in which the Navy JAG Corps differs markedly from the Army JAG Corps—for example, in organizational structure, career progression, and the “Staff Judge Advocate” position, which in the Navy does not refer to an O-6 leadership role.

Every moment of this pre-exercise preparation was key because suddenly, two months after OBC, I was aboard the USS *Mount Whitney* working with five Navy Judge Advocates. I was the only Army person on the ship and a source of great confusion to everyone, including myself; I had also just pinned captain, which apparently meant something very different to Navy people.

Exercising Operational Law: Substance, Practice, and Principles

During the exercise, the JAs worked closely with the operators, mainly to advise on rules of engagement. The legal team—three senior JAs and three first-term JAs—distilled ROE into easily usable matrices so that the operators could understand their authorities at a glance. The team helped craft supplemental ROE requests and utilized theoretical interagency channels to get the operators what they needed to accomplish the mission. Importantly, we made ourselves visible and available by attending the same meetings and working in the same space as everyone else.

People began coming to the JAs of their own volition, asking for legal perspectives early in their planning or in response to some event. As the senior JAs told me and the other junior officers, that fact—being known, trusted, and sought out—meant that we were doing our job right.

I certainly needed to hear that, as any time anyone asked me anything substantive, I felt fraudulent: I was new to the law, I was new to the Army, and I was definitely new to the Navy. I had no business advising on whether we could lawfully engage a certain type of submarine preparing to conduct a specified activity. Soon, though, I realized that that was exactly my business, and I realized that to do operational law, a JA apparently has to just start doing operational law—like so much else, you can never fully understand it beforehand.

Alongside the other junior JAs, then, I did what service members and lawyers do: figured it out. As I analyzed dynamic situations and worked more closely with Fires, Intel, and everyone else, the processes started to click. Finally, amazingly, the meetings and roles at my home station—previously disjointed and abstract—made some sort of sense.

Operational law is not only substantive legal knowledge or even working across different shops. It is also working with the other branches of service. Because operations are so often joint, training that “muscle” is just as key for an operational law attorney as knowing the Standing Rules of Engagement. During a real-world operation, prior exposure to joint work means one less thing to throw a JA off.



Andaya stands with two Navy Judge Advocate General counterparts above the USS Mount Whitney last summer during the U.S. Navy's Large Scale Exercise in the Mediterranean Sea. (U.S. Navy photo by CDR Alex Wann).

And many things about working with the Navy aboard a ship threw me off. “Small” things included the ship doors, ranks, and variety of uniforms. “Larger” things included the legal ramifications of a ship’s warning shot or the potential combatant status of a surveillance vessel. I had never thought about such matters, but my Navy counterparts viewed them with familiarity. When I analogized to what I did know—a spotter for a sniper, for example—the sudden recognition of our different essential assumptions produced fascinating insights.

I did not think I had been in the Army long enough to form assumptions about warfighting or military priorities. Yet, when I was forced to explain something I took for granted or ask about something the Navy JAs took for granted, I saw clearly our trained differences. This drill, repeated over the course of three weeks aboard the ship, illuminated the work of both services for me.

Of course, there are also constants across the services. Principled counsel, servant leadership, stewardship, and mastery of the law are manifest priorities in both the Army and Navy JAG Corps, even if not discussed explicitly or with the same terms. The weight of these four constants is clearer than ever during an exercise or operation. Against the nearly tangible tension of a fluid crisis and a person with multiple stars and multiple questions, a JA—Army, Navy, or otherwise—needs to be quick, sure, and morally courageous.

Even though principled counsel and substantive mastery of the law are most prominent in such urgent moments, servant leadership and stewardship also feature—particularly during an exercise. In LSE 21, the three senior JAs flawlessly modeled the latter two attributes. They regularly pulled the junior JAs aside, collectively and individually, to ensure that we understood everything that was happening. They talked us through legal and political concepts and conundrums, both in general and as applied to the exercise. They gave us the context that we needed to comprehend how LSE 21 fit into our professional experiences and goals. Crucially, they listened to and empowered us: whether drafting orders or interpreting rules or figuring out presentations, the senior and junior JAs constituted a genuine team. This type of learning and mentorship is not service-specific, of course. Given the opportunity, a JA must be prepared to absorb such lessons as well as pass them on.

In fact, given the opportunity, a JA must be prepared in several respects so as to perform well in such an environment. For an exercise, pre-start familiarity with the Road to Crisis scenario and any available orders is critical. In general, staying up to date with the laws and topics that form the background of operations is absolutely imperative. On enough occasions will a JA have to answer, “I’ll get back to you on that, ma’am/sir,” without also having to stumble on something fundamental like the SROE. Among the best preparatory steps, surely, is to know what you already know you will have to know. Doing so will—again—minimize the number of things to throw a JA off, of which there will always be enough.

Jointness in the Day-to-Day

After LSE 21, I returned to Vicenza with a far better understanding of my job as an operational law attorney and the confidence to implement that understanding. Although my normal day-to-day as a SETAF-AF operational law attorney does not involve advising on ROE or targeting, I weave the overarching lessons from LSE 21 into my daily work. I thoroughly appreciate the need to know which shop to call for a particular topic. I appreciate the need to be known and trusted as a lawyer, and I appreciate the importance of considering a variety of perspectives.

Notably, the LSE 21 experience is particularly valuable for an assignment to SETAF-AF, the entity that serves as USAFRICOM’s Joint Task Force—Headquarters (JTF-HQ)⁶ for contingency operations. Should the need for a contingency response arise in Africa, SETAF-AF—as the JTF-HQ—provides command and control of the joint operations.⁷

To ensure its ability to serve as the JTF-HQ, SETAF-AF leads two major annual exercises in Africa that involve the various DoD components, government agencies, and multinational partners. Currently, I am helping plan the Justified Accord exercise in Kenya and preparing to participate in the African Lion exercise in Morocco this year.⁸ The preparation for these exercises includes a JTF academics week, which most recently occurred in November 2021, to familiarize participants with joint doctrine and related topics. Among the JTF presentations was a brief on

⁶ See generally Joint Chiefs of Staff, *Joint Publication 3-33: Joint Task Force Headquarters*, 31 January 2018, https://www.jcs.mil/Portals/36/Documents/Doctrine/pubs/jp3_33.pdf.

⁷ U.S. Army Southern European Task Force, Africa, *Mission*, <https://www.setaf-africa.army.mil/about/mission>.

⁸ See generally United States Africa Command, *Justified Accord*, <https://www.africom.mil/what-we-do/exercises/justified-accord>; United States Africa Command, *African Lion*, <https://www.africom.mil/what-we-do/exercises/african-lion>.

Sixth Fleet, highlighting its structure, capabilities, role, and flagship: the USS *Mount Whitney*. The LSE 21 experience continues to be relevant.

Generally, exposure to the perspectives, limitations, and potential of a sister service enables better readiness for a joint exercise or operation. The opportunity to work across services, while key for any operational law attorney, has been especially important preparation for my role at SETAF-AF.

An Army exercise would have clarified my understanding of my role, too. But an Army-only or Army-centric exercise would not have forced me to recognize my assumptions about the law and the workings of the world—assumptions that formed during mere months in the Army. That is the major reason to emphasize joint training, even and especially for Judge Advocates. JAs get better at their job, and they get better at *the* job: fight and win the nation's wars, which will always be a joint endeavor.

Toward a Joint JAG Corps

Joint education should begin at junior levels. As unnerving as it may be to enter an unfamiliar environment when a JA scarcely understands her own, there are distinct learning benefits at that stage. While perhaps counterintuitive, a new officer may be best positioned to incorporate the lessons from a joint experience into her own work. She may not have the expertise of a senior officer, but she also has not had much time to lock in her thinking. She might be more willing to ask questions that are “basic” yet crucial.

I ended up at LSE 21 only through the sheer good fortune of working for a Staff Judge Advocate who prizes unconventional away-from-the-office opportunities. That SJA met a Navy JA at African Lion 21, and upon hearing about LSE 21, the SJA asked if our office could send someone. He then offered me the chance to be that person.

Yet, for all our pre-departure talk of the importance of “joint work,” the words were nearly meaningless to me until LSE itself. From outside the actual experience, explaining its powerful impact on me as a new Army JA is difficult. Looking back, I am amazed that my office was willing to assist through the logistics of sending an Army lawyer onto a Navy ship, lose that lawyer for a month, *and* pay the bill.

I cannot overstate the experience's value for me as a JA or my surprise at that value, as I frankly did not expect my participation to be significant: just a unique story of how I earned more sea time than most of the Army. In reality, LSE 21 helped me start to figure out what exactly a lawyer does in the military. Part of the job, too, is knowing whom to call, and now my network of JA contacts—and luckily, JA friends—extends beyond the Army.

The JAG Corps must seek more opportunities for joint work, especially for its new officers. Where possible, it should institutionalize those opportunities and relationships, so that Army JAG participation in LSE 31 does not need to depend on a particular SJA. Many of our actual operations are joint, but so often, our training and our thinking are not. A future JAG Corps, like the rest of the force, should be ready to operate as part of one joint team.