Roles and Responsibilities

The Judge Advocate General, 10 U.S.C. § 7037

Legal Advisor

- Military legal advisor to the Secretary and all officers and agencies of the Department of the Army
- Principal legal advisor to the Secretary and the Chief of Staff on matters of military justice
- Provides legal advice directly to the Chief of Staff and the Army Staff
- Advises the Secretary and the Army Secretariat, in coordination with the General Counsel

Judge Advocate Legal Services

- Direct members of the JAG Corps
- Provision of legal services across the Army
- Exercise tech supervision and professional responsibility of over 145 Staff Judge Advocates and associated offices and personnel
- Proponent for all JAG Corps personnel positions
- Career manager for all JAG Corps members including managing, recruiting, career development and worldwide assignment

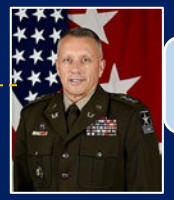
Judicial Systems Responsibilities

- Examine Records of Trial from Courts-Martial where appropriate and modify or set aside findings or sentences where appropriate
- Train, educate, man, and equip the personnel and resources supporting all Trial Counsel, Defense Services, Victim Legal Services, Trial and Appellate Courts, and Government and Military Commissions
- Establish and operate a worldwide U.S. Army Trial Judiciary and the U.S. Army Court of Criminal Appeals

Our Constants

- **Principled Counsel** - Professional advice on law and policy grounded in the Army Ethic and enduring respect for the Rule of Law, effectively communicated with appropriate candor and moral courage, that influences informed decisions.
- **Mastery of the Law** - Mastering the fundamentals in all areas of practice and the profession. Know your craft, know your client, know your people, know yourself.
- **Stewardship of the Profession** - To improve the organization beyond one's tenure.
- **Servant Leadership** - Enabling, resourcing, supporting, and developing people. Servant leaders put the enterprise and people first in everything they do. They find ways to empower others.

Office of the Judge Advocate General



The Judge Advocate General

Strategic Initiatives Office (SIO)

Personnel, Plans, and Training Office (PPTO)

SJAs
LODs



Director, Civilian Personnel

(b) (6)

Chief Warrant Officer of the Corps



Deputy Judge Advocate General

(b) (6)

Regimental Command Sergeant Major



NG Advisor to TJAG





CDR, USALSA Chief Judge, ACCA

(b)(6)



AJAG for Military Law & Operations



Commandant, TJAG's Legal Center & School



Director, Soldier & Family Legal Services

Labor & Employment Law

CP 56 Program

Army Court of Criminal Appeals

Trial Judiciary

Litigation Div

Environmental Law Div

Contract & Fiscal Law Div (KFLD)

Regulatory Law & Intellectual Property Div

Information Technology Div

Administrative Law Div

Criminal Law Div

Government Appellate Div

National Security Law Div

Contract & Fiscal Actions Div (KFAD)

Legal Center

The Judge Advocate General's School

Defense Appellate Div

Trial Defense Service

Legal Center and Support Directorate

NCO Academy

Legal Assistance Policy Div

Special Victims' Counsel Program

U.S. Army Claims Service

Suspension & Debarment

Office of Soldiers' Counsel

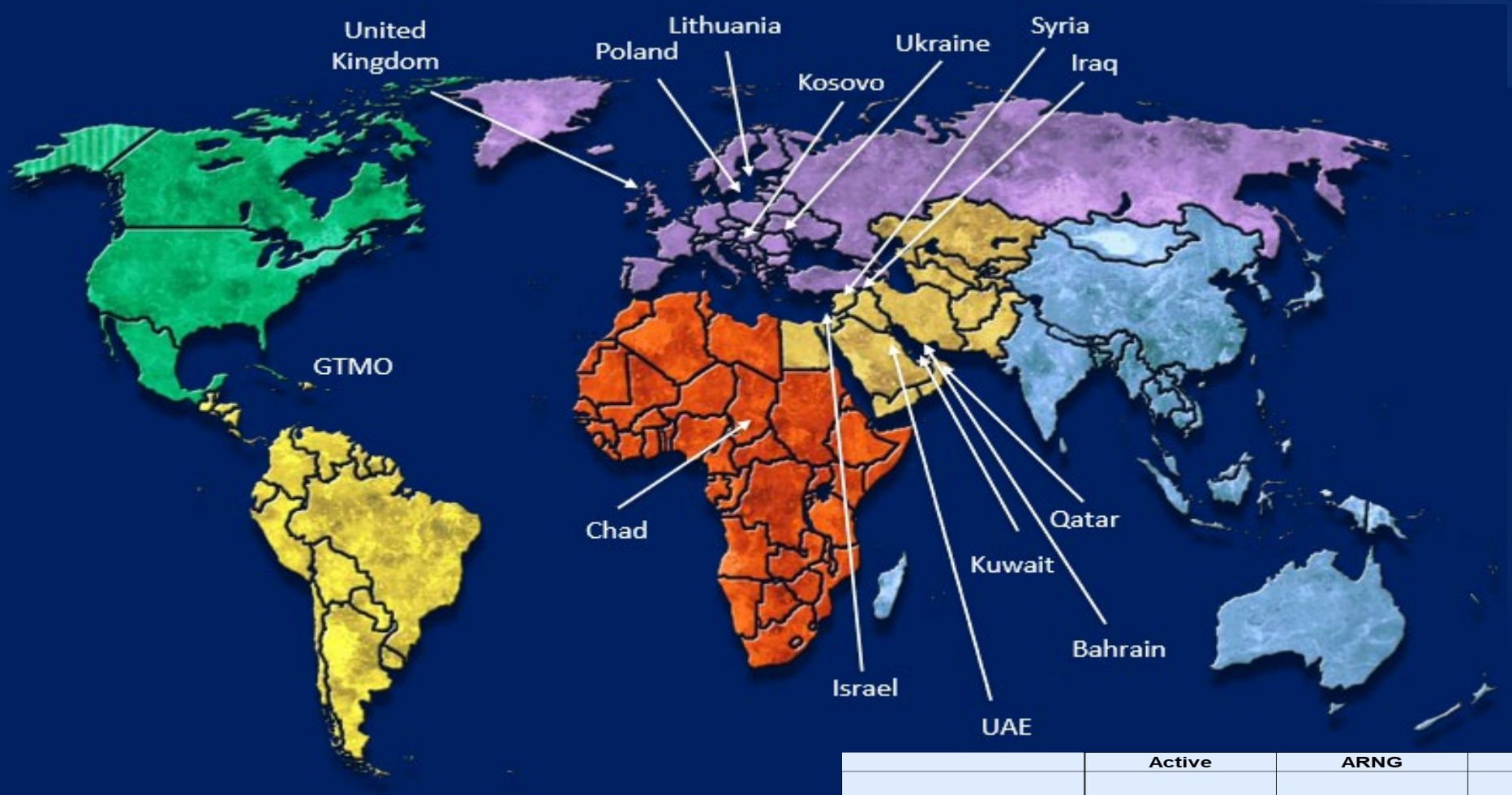
OTJAG

USALSA

LCS

Claims

Our Personnel Around The Globe



Total Deployed:
197 from all COMPOS in over 17 Countries

	Active	ARNG	USAR	L.N.	Total
Judge Advocates	1,841	783	1,704	0	**4,328**
Legal Administrators	112	42	52	0	**206**
Paralegal Soldiers	1,474	801	1,116	0	**3,391**
Civilian Attorneys	735	N/A	N/A	22	**757**
Civilian Paraprofessionals	744	N/A	N/A	64	**808**
Total	4,906	1,626	2,872	86	**9,490**

Our Dual Professions
and
TRUST

"The Coin of the Realm"

MILITARY EXPERTISE

HONORABLE SERVICE

ESPRIT DE CORPS

STEWARDSHIP OF THE PROFESSION

(b) (6)

OUR ETHICAL APPLICATION OF LANDPOWER

OUR NOBLE CALLING TO SERVICE AND SACRIFICE

OF OUR PROFESSIONS

OUR WINNING SPIRIT

OUR LONG-TERM RESPONSIBILITY

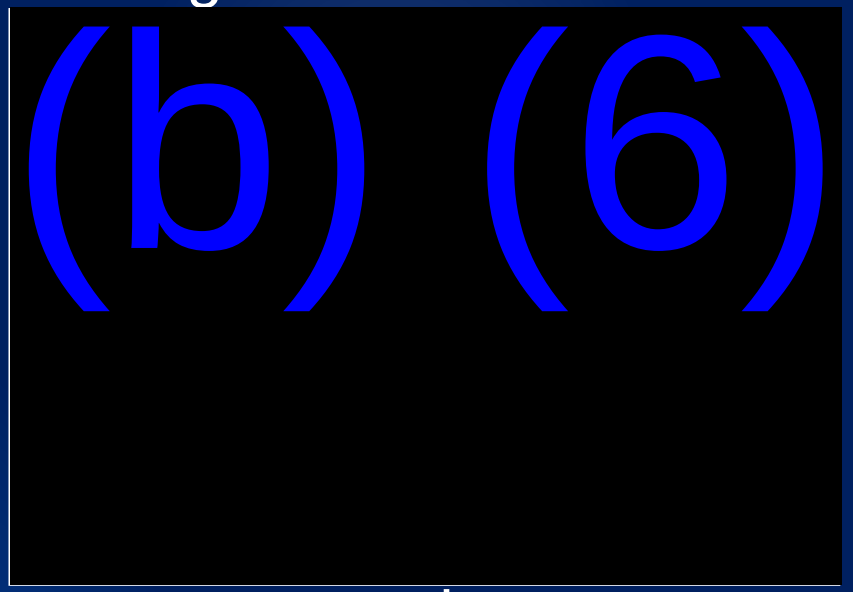
Trust between Soldiers
Trust between Soldiers and Leaders
Trust between Soldiers, their Families and the Army
Trust between the Army and the American People

Loyalty · Duty · Respect · Selfless Service · Honor · Integrity · Personal Courage

Ethical Foundation: Character / Legal / Moral

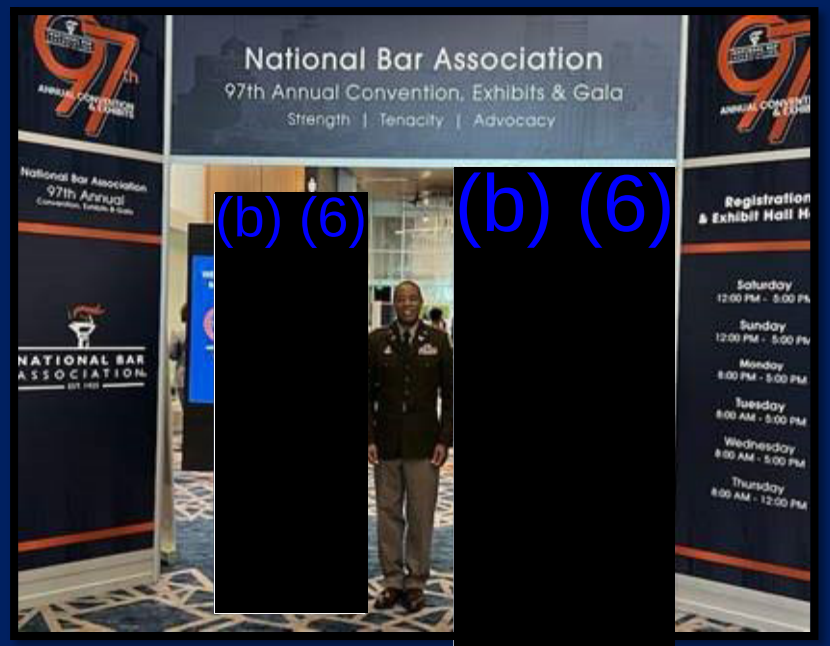
TJAG 41 CALL TO SERVICE

- We are in a **WAR FOR TALENT**. Winning will depend on changing how we recruit and retain talented JALS personnel
- The **JAG Corps** is **PEOPLE**, and our end strength = recruiting/retention
- The JAG Corps is experiencing growth of authorizations between FY23-FY25
- TJAG challenges everyone to recruit
  - ROTC Education Delay cadets
  - Direct Commissioned individuals
  - Funded Legal Education Program (FLEP) personnel
- Need JALS for Life (veterans and retirees) to **INSPIRE** young men and women to serve



Everyone is a Recruiter / Retainer!

War for Talent



Recruiting
&
Retention

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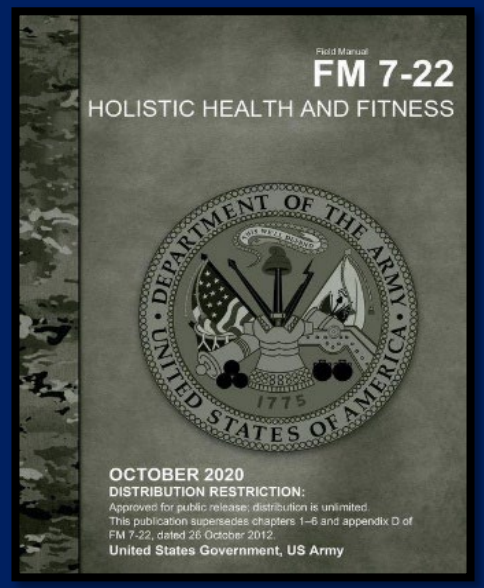
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Wellness & Mentorship

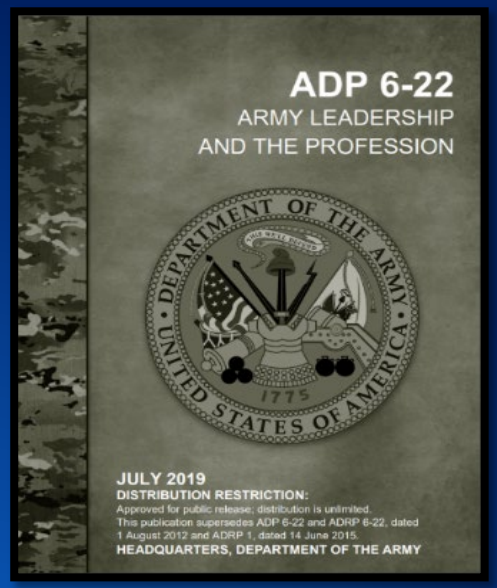
The most important resource in the JAG Corps is our **people**.
Strong wellness and mentorship programs are foundational in caring for the well-being of our people and providing professional mentorship throughout their career.

Wellness





Mentorship





Diversity, Equity & Inclusion



DEI Council

Bi-weekly meetings since July 2020

9 DEI Council Field Boards (Worldwide)

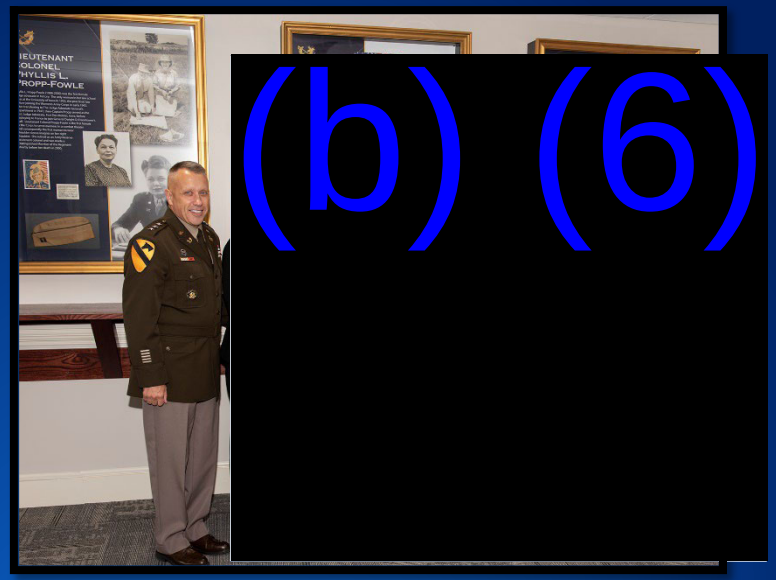
Each Field Board meets as often as every two weeks

Examining JALS' recruiting, hiring, and accessions; training/education; retention; promotions and assignments; any other obstacles to inclusion





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Military Justice Reform Implementation

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As trusted professionals,
we will adapt.

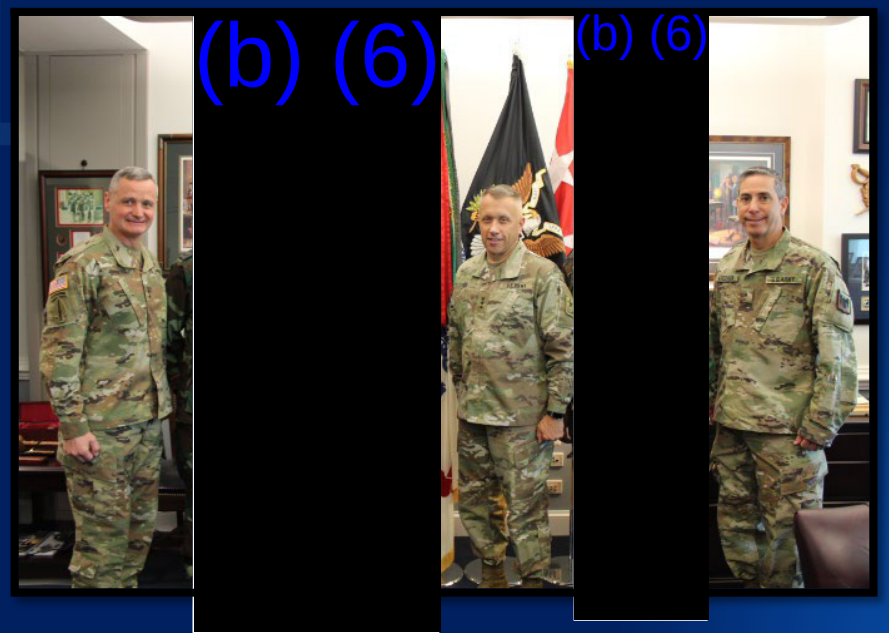
We will work on this together.

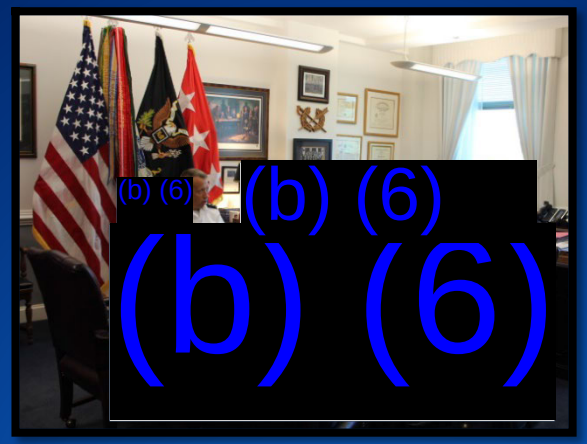
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Interoperability: Strengthening Allies and Partners



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Exchange Positions

- UK: 2 Positions
- AUS
- POL

Legal Center and School

- DEU, POL: CLAMO
- UK: Dpty, Legal Center

OBC & Graduate Course

JPN (x2), CZE, IRQ, ROK, MEX, ISR, JOR, NGA

Our Constants

Principled Counsel

Servant Leadership



Stewardship

Mastery of the Law

I’ll Meet You On The High Ground



RECOMMENDED OVERALL THRUST**: **The Corps' efforts in fostering Diversity, Equity, and Inclusion (DEI) are nested in the Army's campaign plan known as the Army People Strategy, and its DEI Annex. It is also about building trust and making sure that everyone is included.

- ***What does the DEI board do**?*
  - Two of the Army's 5 DEI goals concern the demonstration of Army leaders' commitment to further DEI, and the establishment and resourcing of structures that support that commitment.
  - In support of these Army goals, our Corps has three DEI-focused organizations that reflect our commitment to DEI: the DEI Council (DEIC), the DEI Field Boards, and the Office of DEI.
    - DEIC: TJAG stood up the DEIC in summer of 2020. It consists approximately twenty senior leaders of our Corps, charged with conducting a comprehensive look at the following to identify any obstacles to DEI and reduce/eliminate barriers to success for all our personnel:
      - Recruitment, hiring, and accessions;
      - Assignments;
      - Training and education; and
      - Promotions and retention.
    - DEI Field Boards: This past Spring, the DEIC stood up 9 field boards across the Corps to help the DEI Council accomplish its mission. The 9 field boards consist of approximately 10 volunteers each, from all our components and rank structures.
    - ODEI:
      - On the recommendation of the DEIC, TJAG organized and resourced ODEI (ultimately becoming a three-person office).
      - Since Summer 2021, and currently led by COL Luis Rodriguez, ODEI's mission is to provide full-time leadership and guidance in the formulation, execution, and management of policies and practices that foster a DEI environment consistent with the core values of our Corps.
  - These three DEI-focused organizations meet frequently and work together to recommend well-informed initiatives for our leadership to consider and adopt to further DEI in our Corps.
- ***And, what is their measurable end goal?*** Our DEI-focused organizations are devising initiatives that can result in measurable DEI improvements. For example:
  - Recruitment and Accessions: We can examine how we can strengthen our Corps' efforts to attract more diverse candidates. A measurable goal here for any new recruitment tools would be for the percentage of diverse personnel (race/ethnicity and gender) whom we select and access to at least reflect or best current law school student enrollment demographics [see attached slide for current percentages].
  - Retention: Our retention numbers may also serve to indicate, to a certain extent, how inclusive we are beyond recruitment. A measurable goal here for our retention tools

would be to improve the retention of diverse talent beyond initial commitment, and that could be measured by determining the percentage of diverse talent, across any rank level, that remains at least at the same or better level than the original selection/accession percentages.

- ***What does success look like?***
  - The Army, as stated in its DEI Annex to the Army's People Strategy, faces "*increasingly complex global responsibilities" and "must continue to acquire and retain exceptional talent to support its national security role and enhance the total force."*
  - The Army aims to become *"a global leader in embracing the strengths of our diverse Soldiers and Civilians in an equitable and inclusive environment*."
  - DEI success for the Corps is the same as the Army's. In short, our Corps aims to become a leader in acquiring and retaining exceptional and diverse talent to support our Army in performing its global mission.
- ***Are there any concrete DEI initiatives?*** They include:
  - Conducting listening sessions with all our personnel.
  - Establishing the ODEI (staffing and developing a civilian position for continuity)
  - Develop/disseminate DEI training packets for OSJAs (implicit bias training).
  - Development of the Gray/Propp Fowle Academic Chair
  - Review of Recruiting Initiatives and possible changes
  - Conducted a survey of the JALS to identify areas of concern

Questions TJAG Should In Turn Pose to GC

1. *What do you think should be our measurable goals?*
2. *What do you think success should look like?*
3. *What other DEI initiatives should we consider implementing?*

Other DEI Background for TJAG

What is Diversity*?* (Army's DEI Annex to the Army's "People Strategy" Campaign Plan): "*All attributes, experiences, cultures, characteristics, and backgrounds of the total force which are reflective of the Nation we serve and enable the Army to deploy, fight, and win*."

- Attributes are: *"…national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status, and family structures...*" (not an exclusive list) (AR 690-12). These attributes "*further enhance our global capabilities and contribute to an adaptive, culturally astute Army."* (AR 600-20).

What is Equity? (Army's DEI Annex): "*The fair treatment, access, opportunity, choice, and advancement for all Soldiers and Civilians*…."

- (Executive Order (EO) 14035, 25 JUN 21)*: "…the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment."*

What is Inclusion? (Army's DEI Annex): "*The process of valuing and integrating each individual's perspectives, ideas, and contributions into the way an organization functions and makes decisions*…." & "*…behaviors (culture) that encourage employees to feel valued for their unique qualities and experience a sense of belonging*…" (AR 690-12).

- (EO 14035, 25 JUN 21): *"…the recognition, appreciation, and use of the talents and skills of employees of all backgrounds."*

The Army's Five DEI Goals (DEI Annex to the Army's People Strategy)

1. Demonstrate leader commitment, engagement, and support to DEI practices at all levels of the Army.
2. Institutionalize talent management processes to acquire, develop, employ, and retain a cadre of high-performing Soldiers and Civilians to address diversity in senior military and civilian leaders.
3. Establish and resource a governance structure to support Army DEI efforts.
4. Implement DEI training and education programs that meet the demands of the total force.
5. Create and maintain an equitable and inclusive environment where the value of diverse attributes, experiences, cultures, characteristics, and backgrounds ensure mission readiness.

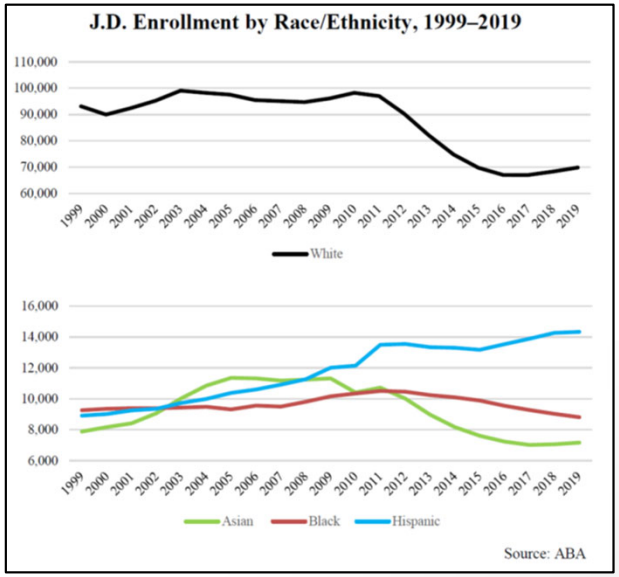
Talent Pool Trends

- **Academic markers remain consistent**
  - Median LSAT – applicants (154) / selects (156)
  - GPA – applicants (3.3) / selects (3.5)
- **Top Talent Sources**
  - Intern/Extern Programs
  - ROTC Ed Delay Program
- **Diversity**
  - Geographic – strong
  - Gender – solid
  - Racial/Ethnic – static



Diversity Goals & Outcomes

Race / Ethnicity (FY16-FY20 Average)						
	Applicants	Selects	Law Students	JAs	Army Officers	Licensed Attorneys
African-American	10.7%	9.5%	8%	8%	11%	5%
Asian/Pacific Islander	6.3%	5.4%	6%	6%	7%	2.4%
Caucasian	67.7%	70.7%	62%	80%	71%	85.2%
Hispanic	11.3%	9.2%	13%	4%	8%	5%
Native American	0.4%	0.34%	<1%	<1%	Not reported	0.6%
Other/Unknown	4.0%	4.2%	6%	3.%	3%	1.4%
Gender						
	Applicants	Selects	Law Students	JAs	Army Officers	Licensed Attorneys
Female	31%	39%	52%	29%	19%	37%
Male	69%	61%	48%	71%	81%	63%



J.D. Enrollment by Race/Ethnicity, 2011 and 2019

	Asian	Black	Hispanic	White	N
2011	7.3%	7.2%	9.2%	66.1%	146,930
2019	6.3%	7.8%	12.7%	61.9%	112,879

Source: ABA

Diversity Efforts

- **Longstanding**
  - Participation in minority bar association events
  - Showcase diverse teammates in recruiting materials
- **Recent and ongoing**
  - More diverse FSOs
  - Equitable candidate recommendation scheme
  - Initial assignments
  - DEIC / Field Board input
- **Upcoming**
  - Student minority association outreach
  - Symplicity Recruit
  - Redesign of GoArmy.com



Diversity Efforts



Recent and Ongoing

- ✓Implicit bias training
- ✓More diverse FSOs
- ✓DEIC / Field Board input
- ✓Removed LSAT from RA and USAR
- ✓Minority conferences
- ✓Untapped talent pools





Bias:
I didn’t know I thought that!
How do I stop?



What is bias?

Where do we see it?

Why do we care?

Key: Self-awareness

- Implicit Association Test
  - Will take about 10min
  - I won't see your results, but Harvard uses the data as part of their ongoing research

- https://implicit.harvard.edu/implicit/takeatest.html

  (or google "Harvard iat" … first link should say "Take a Test")

- Scroll to bottom, click "I wish to proceed"
- Select whatever subject you wish, and follow the instructions

- Keep that screen up and return here when you're finished

Please click the “thumbs-up” button so I know you’re done, and I’ll continue shortly…

Key factors / definitions

- Bias: Skew in judgment (favorable or unfavorable)
- Implicit: Unconscious / sub-conscious / non-conscious
- Involuntary: Activated without intention
- Pervasive: Robust across research / literature

Cognitive Bias

Halo / Horns

- Allowing one piece of data to drive our conclusion
- Often overlaps with the principles of “liking” or “familiarity”

Confirmation Bias

- We naturally gravitate toward information that supports our existing belief

- **Avoid the temptation to reach a conclusion early**

Confirmation Bias: Some cousins

- Continued belief after disconfirmed evidence
- “Absence of evidence” vs “Evidence of absence”
- We remember occurrences more than non-occurrences

All-or-Nothing

- Most of life is in the gray area

- **Even if the final decision will be binary, allow the process to be more complex in the meantime**

Contrast bias

- Comparing against the most recent candidate you saw (or any A vs B), rather than against an established standard of success

- **Avoid saying "This person is much more ____ than that last one…"**

Anchoring

- Our first assessment heavily influences our final assessment, and we often don’t adjust nearly enough when we receive new information

Fundamental Attribution Error

- Good things happen to me because I'm good; They happen to you because you're lucky.
- Bad things happen to me because I'm unlucky; They happen to you because you're bad.

- My motives get partial credit; Yours don't.

Implicit Bias

How do they develop?

- Brain is constantly developing shortcuts to streamline decision-making

- Two primary avenues to learn these:
  - Personal experience (direct or vicarious)
  - Taught in our environment (explicit or implicit)

- Reinforced over time

When do biases show themselves?

- Time pressure
- Cognitive demand
- Not giving conscious thought to our decision

How is it measured?

- Self-report is obviously limited
- fMRI, Facial EMG
  - Various measures of emotional activity/response based on race-related stimuli
- Priming
  - Prime the subject with a race-based image, follow up with specific questions / prompts, monitor their responses for race-related content
- Response Latency
  - Measure reaction times for specific tasks
  - Cognitively simple / routine tasks are faster than complex / novel tasks

Implicit Association Test

- Pair objectively positive or negative words (joy, terror, etc) with a group of potential bias (blacks vs whites, abled vs disabled, etc)

- Quicker response = natural implicit pairing
- Delayed response = unnatural implicit pairing

- Compare against explicit (self-reported) views… Implicit is frequently higher than we realize, or are willing to admit

Where does this exist?

Notable research

- Most Americans, *regardless of race*, demonstrate a pro-White and anti-Black bias
  - Even 6-year-olds
- Implicit bias links with notable behavioral changes
  - More positive interactions with White vs Black research assistants
- 97% of us believe we're in the top half in our ability to view racial matters objectively

Domains where Implicit Bias is observed

- Employment
  - Resume ratings, callbacks
  - Performance reviews
- Education
  - Teachers' expectations of students, assessment of their intelligence / motivation / morality
  - Self-fulfilling prophecy
  - Testing: Asian-American females on math tests
- Healthcare
  - Different testing / treatments / prescriptions for various conditions based on race / gender
  - Pain management
- Housing
  - Mortgage lenders
- Sports
  - NBA foul calls

Domains where Implicit Bias is observed

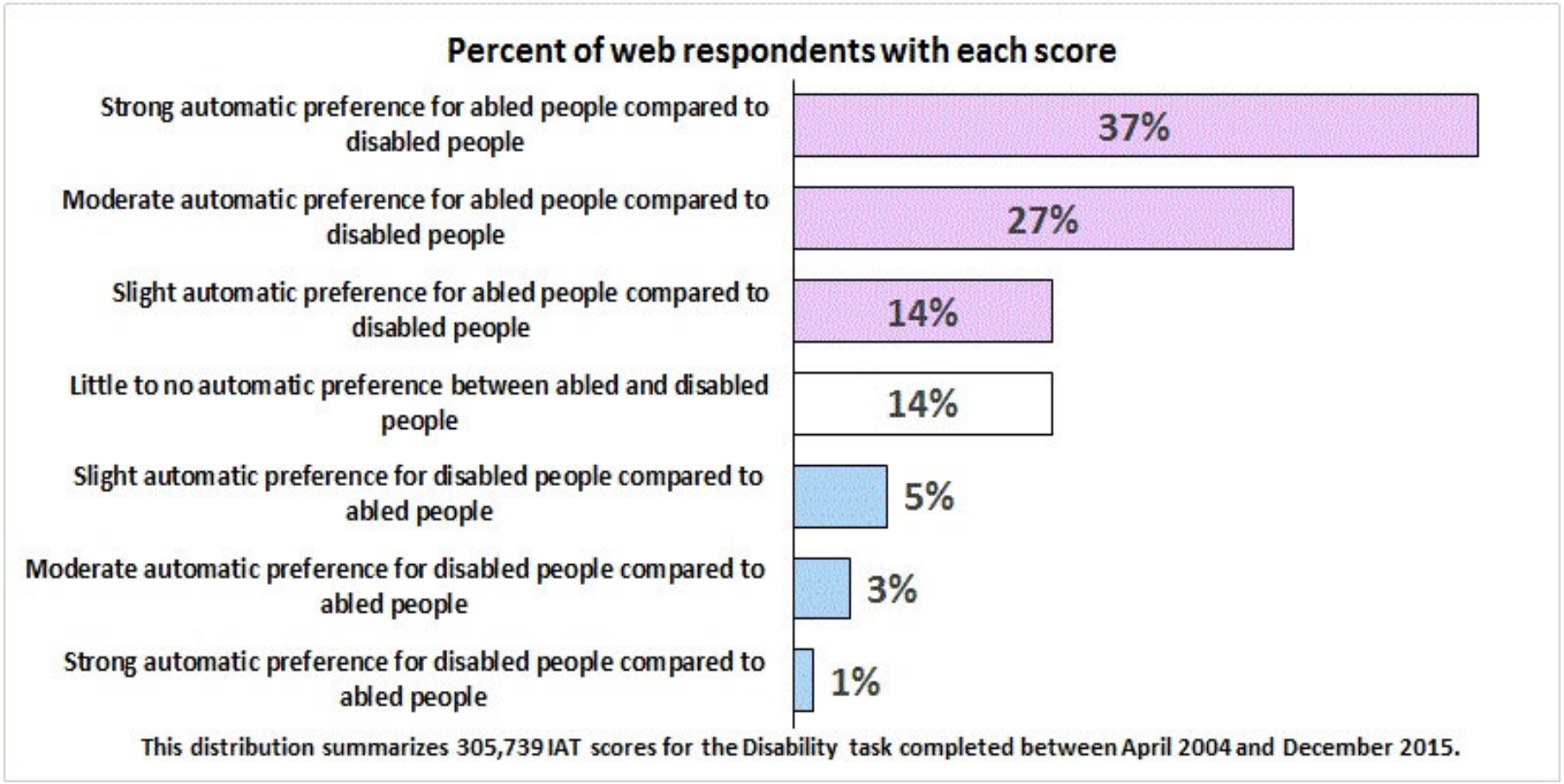
- Legal
  - Slight bias at each step (charge, bail, pretrial motions, etc) can aggregate
  - Assessing danger, assigning blame, determining punishment
  - Identifying weapons, shoot / no-shoot
  - Plea-bargain offers
  - Disproportionate attention to prejudice-relevant evidence
  - Harsher sentencing based on Afro-centric features (even in white defendants)

Expanding the aperture

- Vast majority of research has been on race and gender
- Newer efforts exploring implicit bias in several other areas
  - Religion, weight, sexuality, age, disability
- Potential to identify suicide risk, romantic attachment

A personal anecdote

- Daughter with Down Syndrome
- IAT targeting “Abled vs Disabled” persons
- IAT used images associated with abled vs disabled, and objectively positive vs negative words
- I was instructed to pair the following:
  - Abled with positive and disabled with negative
  - Abled with negative and disabled with positive
  - Same pattern a second time


Percent of web respondents with each score
Strong automatic preference for abled people compared to disabled people
37%
Moderate automatic preference for abled people compared to disabled people
27%
Slight automatic preference for abled people compared to disabled people
14%
Little to no automatic preference between abled and disabled people
14%
Slight automatic preference for disabled people compared to abled people
5%
Moderate automatic preference for disabled people compared to abled people
3%
Strong automatic preference for disabled people compared to abled people
1%
This distribution summarizes 305,739 IAT scores for the Disability task completed between April 2004 and December 2015.

Applications:
Individual and Mission

Mitigation efforts: General

- Various well-intended but generally weak “re-training” models
  - Juxtapose the traditional stereotypes into the opposite cultural context
  - Highlight examples which counter the prejudice
- Intergroup contact
  - Should engage with individuals of equal status (e.g., not student and teacher)
- Education
- Accountability (or perceived accountability) for defending your views
- Taking others’ perspectives
- **Self-monitored, mindful processing (esp. when aware of own biases)**
- **Deliberate changes in procedures (blind auditions, data-driven decisions, etc.)**

What can you do, as an individual?

- Become aware of your implicit biases
  - Free online tests through Kirwan Institute and Harvard
- Make a conscious effort to engage with the “other” group, particularly in ways that will challenge your bias
  - Mindful meditation is a decent alternative
- Be vigilant for situations where the bias may creep in unnoticed
  - Less likely to have an effect during racially-charged (or gender, or age, etc) situations
- Make a conscious effort to deliberately think through decisions where these biases might be at play

What might this mean for screening / hiring?

- Army is moving to blind decision-makers from potential bias (e.g., curtain at BCAP/CCAP)
- Some positions may actually *seek* diversity in certain areas

- Relevant principles:
  - Bias is most impactful when we don't recognize it's present
  - Bias is mitigated when we believe we'll be held accountable

- Application:
  - Make it (race, gender, whatever) an open conversation topic as necessary
  - Ensure decision-makers are explicitly stating the reasons for their decision
  - Focus on specific target attributes during selectioo process

Questions / Discussion

References

- Kirwan Institute (Ohio State Univ; Annual update on implicit bias)
  - 2015 review includes a compelling “story” comparing two individuals, demonstrating common ways their experiences may differ simply due to race
- Harvard’s “Project Implicit”
  - Online IAT
- Rudman (2004): Social Justice in Our Minds, Homes, and Society: The Nature, Causes, and Consequences of Implicit Bias. Social Justice Research, 17(2), 129-142