DEPARTMENT OF THE ARMY
OFFICE OF THE JUDGE ADVOCATE GENERAL
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DAJA-ZA

27 SEP 2024

MEMORANDUM FOR President and Members of the Fiscal Year 2025 Judge Advocate General's Corps Funded Legal Education Program Selection Board

SUBJECT: Memorandum of Instruction for the Fiscal Year 2025 Judge Advocate General's Corps Funded Legal Education Program Selection Board

1. The Fiscal Year 2025 (FY25) Judge Advocate General's Corps (JAGC) Funded Legal Education Program (FLEP) Selection Board is convened under 10 U.S.C. § 2004, as implemented by Department of Defense Instruction 1322.12 and Army Regulation (AR) 27-1, Chapter 10, to recommend active duty commissioned officers and noncommissioned officers (NCOs) to attend civilian law school at government expense. The board will convene between 4 and 15 November 2024.

2. Membership. The board will consist of five voting members: a general officer as president, two Judge Advocate members in the grade of O-5 or above, and two non-Judge Advocate members in the grade of O-5 or above. The board will also include the Senior Enlisted Advisor, and at least one female member, one minority member, and one former FLEP officer. My designee or I will appoint the board members and may select individuals other than those recommended to serve on the board. Board membership will be provided under separate cover. The Chief, Judge Advocate Recruiting Office (JARO), is delegated authority to excuse board members and appoint alternates.

3. General.

a. The board will recommend by order of merit up to the 25 applicants—whether officer or NCO—who are fully qualified and best qualified to participate in the FLEP commencing in academic year 2025–2026. All applicants—officer and enlisted—will be evaluated using the criteria specified in Enclosure 2.

b. The board will convene at a time set by the board president. The board president has no authority to constrain the board from recommending for appointment those applicants the majority of the board determines to be best qualified as defined in this Memorandum of Instruction (MOI) and enclosures.

c. Enclosure 1 contains administrative instructions and procedures and specifies the oaths for the board members and the recorder.

d. Enclosure 2 contains additional guidance on the factors the board is to consider in the selection process. This enclosure also contains guidance for ensuring equal opportunity for all applicants.

e. The JARO will furnish applicant files to the board and will provide all administrative support.

f. I have selected each of you to serve on this board because I have confidence in your ability to recognize officers and NCOs with the strongest potential as future Army leaders and attorneys. Bear in mind the serious nature of your duties and your obligation to ensure these proceedings remain above reproach. The oath you will take obliges you to ensure all applicants are considered without prejudice or partiality. You will adhere to that oath, governing laws, directives, regulations, and this memorandum of instruction when selecting applicants who meet the needs of the Army, as outlined herein.

g. Any board member who believes he or she cannot, in good conscience, perform his or her duties as a member of the board without prejudice or partiality has a duty to request that I relieve them from board membership. At my discretion, such a request may be honored. Any board member who believes the integrity of the board's proceedings has been affected by improper influence or senior military or civilian authority, misconduct by the board president or a member, or any other reason, has a duty to report the basis for his or her belief to me.

4. Restrictions.

a. Recommendations of the board are "Controlled Unclassified Information" until the proper authority releases the results. Upon adjournment, board members are encouraged to familiarize other officers with board procedures in general. However, members will not disclose, for any reason, specific details of the board proceedings pertaining to the selection or non-selection of individual applicants, whether recorded or unrecorded.

b. Board membership will not be revealed until the board adjourns.

c. The board's recommendations are advisory. I will make the final decision on officers and NCOs selected for participation in the FLEP.

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2 Encls
1. Administrative Instructions
2. Additional Guidance

FY25 JUDGE ADVOCATE GENERAL'S CORPS FUNDED LEGAL EDUCATION PROGRAM SELECTION BOARD ADMINISTRATIVE INSTRUCTIONS

1. **Eligibility.** The Funded Legal Education Program (FLEP) provides an opportunity for up to 25 exceptional officers and noncommissioned officers (NCOs) to attend civilian law school and serve thereafter as Regular Army (RA) Judge Advocates. Officers and NCOs selected for the FLEP will be detailed to the Judge Advocate General's Corps (JAGC). The board recorder will furnish the board with the electronic files of all applicants eligible for consideration. Applicants must:

a. Be U.S. citizens serving as commissioned officers in the RA in the grade of O-1 through O-3 or RA enlisted personnel in the grade of E-5 through E-7 while applying and at the time law school begins.

(1) Officer applicants must have at least two, but not more than five, years of active duty service—including any prior warrant officer or enlisted service—at the time law school begins. Officers who will have more than five but fewer than six years of active duty service when legal training would commence may request an exception to policy (which is part of the application).

(2) NCO applicants must have at least four, but not more than eight, years of active duty service at the time law school begins.

b. Have graduated from an accredited college or university with a baccalaureate degree or equivalent.

c. Be able to qualify for appointment in the JAGC according to the requirements of Army Regulation (AR) 601-100, Appointment of Commissioned and Warrant Officers in the Regular Army, after completing law school; and

d. Have at least a favorably adjudicated National Agency Check with Law and Credit (NACLC), or SECRET security clearance.

e. Not have an approved resignation or separation date.

2. **Oaths**.

a. The board president shall administer the following oath or affirmation to the recorder:

Do you, *[state the recorder's name]*, solemnly swear (or affirm) that you will keep a true record of the proceedings of this board, and further, that you will not divulge the

proceedings or results thereof pertaining to the selection or non-selection of individual applicants except to the proper authority?

b. The recorder shall administer the following oath or affirmation to each member of the board:

Do you, *[state the board members' names]*, solemnly swear (or affirm) that you will, without prejudice or partiality, and having in view both the special needs and the efficiency of the Army, perform the duties imposed upon you, and further, that you will not divulge the proceedings or results thereof pertaining to the selection or non-selection of individual applicants except to the proper authority?

3. **Information Considered**.

a. The board will consider applicants' electronic files, including:

(1) Official transcripts for college-level and graduate level education.

(2) All officer evaluation reports (OERs), NCO evaluation reports (NCOERs), and academic evaluation reports (AERs).

(3) Current Soldier Talent Profile (STP) with the applicant's photograph, gender, race, ethnic group, religion, marital status, and number of dependents redacted. In addition to the STP, there is an STP Supplement provided in the application to include inaccurate or missing information and information that does show on the STP, such as additional assignments, skill identifiers, education, and awards.

(4) Personal statement (up to 2,500 characters) describing the applicant's motivation for participation in the FLEP and serving as a Judge Advocate.

(5) List of law schools to which the applicant has applied or will apply. Prior application or acceptance to law school is not a prerequisite for selection for the FLEP.

(6) Law School Admissions Test (LSAT) score report.

(7) Comprehensive time-in-service documentation including, but not limited to, DD Form 214, DA Form 71 (Oath of Office), Enlistment Contract, NGB 22, and NGB 23.

(8) A request to Human Resources Command for a branch release upon acceptance into the FLEP, signed by the company-level and battalion-level commanders.

(9) Staff Judge Advocate (SJA) interview.

(10) Disclosure of any military adverse action and/or civilian criminal misconduct, including a full explanation of the circumstances involved and the final disposition. Additionally, any applicant who has been titled as the subject of a criminal investigation, regardless of disposition, will also disclose this information and provide a detailed explanation.

(11) DA Form 5500/5501 Body Fat Content Worksheet (if applicable).

(12) Up to three letters of recommendation (optional).

4. **Procedures**. The board may be held in person or by remote/virtual means. Applicant files that are deemed complete by the Judge Advocate Recruiting Office (JARO) will be made available for board review. The consideration of applicants will follow a three-step process:

a. Step 1 – Familiarization: The board recorder will provide the Board with sample files for a practice vote. These files will be voted in accordance with the voting procedures discussed in Step 2, below. The purpose of a practice vote is to allow board members to become familiar with the contents and organization of applicant files and voting procedures.

b. Step 2 – Voting:

(1) Each board member will assess each applicant's file and assign a score from 1-6 (with 1 being the lowest and 6 being the highest score). A plus (+) or minus (-) may be used for each numerical rating to emphasize the degree of recommendation. Those applicants scoring the highest are deemed "best qualified."

(2) Any board member may, at his or her discretion, reconsider and revote an individual applicant's file at any time before adjournment. The board recorder will assist any board member seeking to conduct a revote.

(3) The board will recommend by order of merit the 25 applicants—whether officer or NCO—who are fully qualified and best qualified to participate in the FLEP commencing in academic year 2025–2026.

(4) All applicants—officer and enlisted—will be evaluated using the criteria specified in paragraph 3 above and in the Additional Guidance enclosure. Bear in mind, however, that officers and NCOs have unique professional development models and leadership responsibilities given the nature of their respective roles in the Army. For example, a staff sergeant applicant may have served as an infantry squad leader while a captain may have commanded an infantry company. These inevitable differences should not operate to the advantage or disadvantage of any applicant. Officer and

enlisted applicants bring different experiences and perspectives that will collectively strengthen the diversity of the JAGC. Consider each applicant's potential holistically, on the basis of all components of the application.

(5) In the event a tiebreaker is required to determine a cut-off line for the OML, the board recorder will administratively create a group of only those applicants who received identical scores. Board members will revote those applicants, and a new revote OML will be compiled. A decimal point reflecting the new OML will be added to the original OML score to indicate the best qualified applicants within the revote population.

c. Step 3 – Recommendations/Reports and Certification:

(1) After voting is complete, the recorder will produce a list of all qualified applicants, which will be forwarded to TJAG with recommendations for selection in the RA JAG Corps.

(2) The Board will conduct a review of the board proceedings and draft an after-action report (AAR). The AAR will highlight the members' collective observations, concerns, and recommendations regarding the selection process. TJAG may ask the board president to address specific questions in the AAR. The board recorder will provide the questions and a sample format. The board president may include additional observations or recommendations on issues not addressed in TJAG's questions. The board may modify the format of the report to record the Board's comments in a concise, logical manner.

(3) Certification. Each member of the Board will attest to the following certification:

The board president, board members, and board recorders hereby certify that, to the best of their knowledge, the board complied with the Memorandum of Instruction (MOI), they were not subject to or aware of any censure, reprimand, or admonishment resulting from the recommendation of the board or its exercise of any lawful function within the board's authorized discretion; they were not subject to or aware of any attempt to coerce or influence improperly any action in the formulation of the board's recommendations; and they were not a party to, or aware of, any attempt at unauthorized communications.

The board, acting under oath and having in view the special needs and the efficiency of the Army, has carefully considered the record of every applicant whose name was furnished to it as specified in the MOI. In the opinion of a majority of the members of the board, the applicants named in the Enclosure are qualified to meet the needs of the

Army, as specified in the MOI furnished to the board by TJAG, and are hereby recommended for appointment to the JAGC in the RA.

5. **Instructions Concerning Communications and Information**.

a. Each of you (president, board members, recorder, and administrative support personnel) is responsible for maintaining the integrity of this advisory board, and to foster the careful consideration, without prejudice or partiality, of all eligible applicants.

b. You may not receive, initiate, or participate in communications or discussions involving information that is not presented in each application, any information beyond what is provided to the board, and any information communicated to you by the individual under consideration. In your deliberations, you may not discuss any matters precluded by law, Army Regulations, or this MOI.

c. The board may not use personal knowledge in its deliberations. If a board member has personal knowledge of an applicant that is not documented in the file provided to the board, and the board member feels the information is of great significance, then the board member will summarize the information in writing and provide it in a sealed envelope to the board recorder. The board recorder will seek guidance from the proper authority.

FY25 JUDGE ADVOCATE GENERAL'S CORPS FUNDED LEGAL EDUCATION PROGRAM SELECTION BOARD ADDITIONAL GUIDANCE

1. **General**.

a. The applicants you recommend for selection will become the Judge Advocate General's Corps (JAG Corps) of the future. Your goal, therefore, is to select those individuals who demonstrate the greatest potential for outstanding service as Soldier-lawyers.

b. Selection for the Funded Legal Education Program (FLEP) is based on an applicant's potential as a peer leader, expert and versatile lawyer, and skilled staff officer. Selection is not intended as a reward for past performance. No single factor should be overriding in determining whether an officer or noncommissioned officer (NCO) should be selected. The board must consider each applicant's entire record to determine whether he or she possesses the appropriate balance of intellect, integrity, and leadership needed to thrive in our dual profession. The board should consider the following factors:

(1) **Record of Military Service**. Select officers and NCOs who have established records of exceptional performance and leadership potential, as reflected in their respective evaluation reports.

(2) **Character**. Only individuals of the highest moral character should be selected for service as future Judge Advocates.

(3) **Intellect**. Academic achievement is a strong indicator of intellect. Applicants are required to submit undergraduate transcripts and to take the Law School Admission Test (LSAT). The LSAT provides a standard measure of reading comprehension, reasoning, and writing skills that law schools use in assessing an applicant's law school readiness. In the same way, you should carefully review undergraduate transcripts to gauge each applicant's academic potential. You must be satisfied that each officer and NCO selected is capable of graduating from an American Bar Association (ABA)-accredited law school, gaining admission to the bar, and practicing competently in each of the JAGC legal functions.

(4) **Communication**. Judge Advocates must possess exceptional written and verbal communication skills. You should select only those applicants with the ability to communicate effectively with Army senior leaders.

(5) **Motion**. Because the purpose of the program is to provide the JAGC with career officers, there should be clear evidence an applicant desires to remain a professional military officer after becoming a member of the legal profession.

(6) **Demonstrated Aptitude for Performance of Legal Duties**. Not all applicants have had the opportunity to perform legal duties. Applicants who have not been exposed to legal work should not be penalized. Rather, the board should assess each file in its entirety to determine whether the applicant possesses the intellect, critical thinking skills, maturity, and humility needed to thrive as an Army lawyer and leader.

(7) **Physical Fitness**. Physical fitness is an essential component of individual readiness and leadership. Consider whether each applicant has consistently met the Army's physical fitness and body composition standards, as well as the likelihood of future compliance.

(8) **Versatility**. Carefully consider whether officer applicants with more than three years of active duty service will have sufficient time in the JAGC to develop the versatility required to be competitive for promotion to Major.

2. **Staff Judge Advocate's (SJA's) Report**. All applicants will have been interviewed by an SJA who has prepared a report for your consideration. You should carefully evaluate the SJA Report, giving special attention to the SJA's assessment of the applicant's potential for JAGC service. The narrative justifications for an SJA's recommendation are particularly important and lend meaning to the other elements of the SJA Report. Each SJA Report includes an overall recommendation on selection according to the following tiered ranking system.

a. **Is an absolute must select**: a truly extraordinary applicant who is outstanding in all dimensions.

b. **Is a must select**: a strong applicant about whom the SJA is genuinely enthusiastic; possesses the key qualities and skills needed to make a positive impact on our people and mission.

c. **Is recommended**: an average applicant with no glaring weakness, but few significant strengths; has potential to develop into an effective Judge Advocate with training and development.

d. **Is not recommended**: an applicant about whom the SJA has reservations; does not currently have the qualities or skills our dual professions demand.

e. **Should absolutely not be selected**: the applicant is clearly deficient in multiple respects; the SJA has severe misgivings; avoid selecting.

3. **Adverse Information**. The board must independently evaluate and weigh derogatory information presented to the board. The board should evaluate indications of disciplinary action relative to an individual's overall record and potential, while, at the same time, considering the seriousness of the offense. Accordingly, the board should use care in assessing the weight placed on one incident, which may be atypical of an otherwise outstanding record.

4. **Prior Non-Selection**. Prior non-selection will not be considered a reason for non-selection by a subsequent board. The board must make an independent evaluation on the basis of the applicant's record as compared with other applicants considered by the board.

5. **Diversity and Equal Opportunity**. The strength of our Army comes from our diversity. Developing and maintaining qualified and demographically diverse leadership is critical for mission effectiveness and is essential to national security. Effective leaders understand that organizational success depends on the ability of people of different backgrounds to work together, while bringing the value of their diverse experiences to the mission. With a culture that embraces diversity, the Army is better able to attract and keep the best men and women from across the Nation, and to operate more successfully around the world. Moreover, the success of today's Army comes from a total commitment to the ideals of freedom, fairness, and human dignity upon which our country was founded. It is vital that our Army is in fact one of equal opportunity–equal opportunity for all Soldiers is the only acceptable standard for our Army. This principle applies to every aspect of career development and utilization in our Army, but is especially important to demonstrate in the accession process. Select meritorious applicants who create and maintain an inclusive environment where individual attributes are recognized, accepted, and, most importantly, valued, regardless of race, color, national origin, religion, sex (including gender identity), or sexual orientation. In doing so our Soldiers will have a clear perception of equal opportunity in the selection process.