

JAG Reservists and the Air Force Mission

LAWYERS

BY RODNEY GLASSMAN
PHOTO BY KAREN SHELL



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If the United States Air Force Judge Advocate General (JAG) Corps were a private law firm, it would rank as one of the largest in the world, with more than 2,000 attorneys, hundreds of enlisted paralegals, a strong civilian support staff and some of the most “high-flying” clients on earth.

IN SERVICE



L to R: Lieutenant Colonel Joel England, Major Sara Carrasco, Captain Rodney Glassman, Major Jeff Hall, Major Andre Pennington, Captain David Osterfeld on location at Luke Air Force Base. In the rear is the F-35A Lightning II.



Captain David Osterfeld
 direct commission (State Bar of Arizona,
 Hopi Bar, Gila River Indian Community),
 elected Justice of the Peace

With a great, great maternal grandfather who served as a Provost Guard to General George Meade in the Civil War, maternal and paternal grandfathers who served in World War II, and a mother and father who met and fell in love while they both served in the Air Force, you could say that military service runs in Osterfeld's bloodline. It is no wonder, then, that you can find him serving at Luke as a captain in the JAG Corps Reserves.

Osterfeld had initially set his sights on becoming an F-16 pilot at Luke, but his ultimate career path took him into the law and into a career focused, in large part, upon serving Native-American Nations and their leaders as they worked to develop economic opportunities and protect their members. He never forgot his deep interest in serving his country.

"I always knew that I would serve my country and that I would do so through the Air Force. I just never envisioned that it would start when I was 37 years old," he says.

Challenge and service to others motivates him.

"The Reserves add a definite quality of life to my career, and it is this role of service to my community and my country that I value above all." Today, Osterfeld serves as an elected Justice of the Peace in Maricopa County in an area that includes Luke AFB. He adds, "I am honored to not only serve the residents of the White Tank Justice Precinct with fair and just outcomes in their court, but to also serve my country through the Air Force's directive to fly, fight, and win in air, space, and cyberspace. These two roles of service not only complement each other, they shape me into a better person and professional."

During law school, while 1Ls are busy strategizing how to receive litigation experience and serve their communities, one traditional roadmap is a clerkship with the local county attorney's office, a track where DUIs and bench trials fill the days with fast-paced courtroom adventures. Yet for fans of Robert Frost's "The Road Not Taken," on-campus interviews with a JAG officer from the nearby military base provide a glimpse into a career track where one's waistline is kept in check by mandatory physical training tests and "good order and discipline" is the organizational standard.

With less than half a percent of all Americans choosing to serve in the United States military, for those law school graduates with the ability and desire to commit the early years of their legal careers to two-year assignments rather than six-minute increments, the United States Air Force Judge Advocate General Corps provides a unique opportunity to gain a wide array of legal experience, from military justice and procurement to real estate and estate planning—all while seeing the world and serving the nation.

For readers whose only exposure to the term *JAG* has been from watching episodes of the popular 90s show or from enjoying a Navy attorney played by Tom Cruise asking Marine Col. Jessup (played by Jack Nicholson) for "the truth," then you may not know that JAGs do quite a bit more than litigate courts-martial.

What's a JAG?

Each branch of the U.S. military has a legal component led by a senior legal adviser, designated as The Judge Advocate General (TJAG). Under 10 U.S.C. § 8037, the Air Force TJAG, in addition to other duties prescribed by law, is the legal adviser of the Secretary of the Air Force and of all officers and agencies of the Department of the Air Force; directs the officers of the Air Force designated as judge advocates in the performance of their duties; and receives, revises, and has recorded the proceedings of courts of inquiry and military commissions. The independence of TJAG's and judge advocates' legal advice is further protected under federal law. 10 U.S.C. § 8037 prohibits any officer or employee of the Department of Defense from interfering with the ability of the Judge Advocate General to give independent legal advice to the Secretary of the Air Force or the Chief of Staff of the Air Force; or the ability of officers of the Air Force who are designated as judge advocates who are assigned or attached to, or performing duty with, military units to give independent legal advice to commanders.

Judge advocates are tasked with providing the entire array of legal services necessary for a fully functioning legal system, including the provision of both military justice and civil law, such as real estate, procurement, human resources, estate planning, and more. Some of the best and brightest JAG Corps members are called upon, after their first two years of service in the JAG Corps, to become Area Defense Counsel (ADC) and to provide legal services for those service members who are accused of misconduct or charged with crimes.

During their military career, a JAG may serve as an Assistant Staff Judge Advocate (similar to law firm Associate); criminal trial counsel (prosecutors) and civil trial counsel (civil litigation attorneys); Division Chief (similar to practice-area head); Area Defense Counsel; Appellate Counsel practicing before the Air Force Court of Military Appeals, Court of Appeals for The Armed Forces, and the United States Supreme Court; an Operational Law JAG during combat and



JAG DETAIL

In addition to over 1,200 active component Air Force JAG Officers, stationed at every Air Force base around the world, the United States Air Force Judge Advocate General Corps Air Reserve Component provides operationally trained and combat-ready Judge Advocates and paralegals to support the Air Force mission to “Fly, Fight, and Win.” From the Air Force wing (a unit that has a distinct operating mission such as the 355 Fighter Wing at Davis–Monthan Air Force Base on the southeast side of Tucson, which flies A-10s) to the major commands (MAJCOM’s), best described as global management headquarters for multiple components of the Air Force organization and leadership, reserve component JAG Corps members are serving and supporting the Air Force mission all around the world.

In 2014, reservists served more than 34,000 total days in support of active-component JAG corps members including both “Steady State” and “War Efforts,” as well as individual training days at bases. The Reserve Corps alone completed thousands of legal reviews including contract actions, more than 6,800 civil law opinions, 3,600 discharge, demotion, and separation reviews, and more than 5,000 military justice actions and proceedings. In addition, JAG Corps Reserve component members served over 3,900 legal assistance clients, including 8,500 notaries and wills.

Serving in the reserve component of the JAG Corps provides a unique way to expand an attorney’s legal experiences as well as dedicate time, energy, and service to our country. To become a commissioned officer, members must be under the age of 34 (37 for those with previous service). The JAG Corps Reserves prefers applicants with prior military experience (and especially prior JAG experience), but the Corps has accepted applicants who have never served in the military. Applicants who have neither prior military experience nor significant practical legal experience are typically far less competitive.

The JAG Corps Air Reserve Component is made up of three programs: Category A (Traditional Reservists), Air National Guardsmen, and Category B (Individual Mobilization Augmentees). Touted for its variety of options and flexibility of programs based on the individual capacities of those who volunteer to serve, Category A and National Guardsmen dedicate the well-known one-weekend-per-month and two-weeks-per-year of service. Category B reservists dedicate a minimum of 12 days and 2 weeks per year, but serve Monday through Friday alongside active-duty component members while attached to active-component offices, such as the 56 Fighter Wing Legal Office at Luke Air Force Base.

The Reserve Component also runs two programs that assist the active-duty JAG Corps. TRIALS (Trials by Reservists in Advocacy and Litigation Skills), of which Maj. Pennington is a member, conducts numerous 2.5-day litigation seminars throughout the Air Force. The experienced reservists, some with more than 20 years of litigation skills, train young active-duty JAGs on improving their litigation skills when trying courts-martial. The program is currently run by Colonel Stephen J. McManus, a 1993 graduate of the University of Arizona College of Law and reservist at Air Combat Command (ACC/JA).

The other program is the ITRC (Information Technology Readiness Committee). This Committee helps solve technology issues and create software to run JAG Corps programs.

For more information on JAG programs in the Air Reserve Component, contact Col. Mike Jonasson at (866) 213-0497 or (703) 614-3191; michael.e.jonasson.mil@mail.mil. <http://jagrecruiting.law.af.mil>; www.facebook.com/AirForceJAG



non-combat operations (Law of Armed Conflict matters); Medical Law Consultants; Deputy Staff Judge Advocate (number two in the legal office); Staff Judge Advocate (managing partner or Chief In-House Counsel); and as a military judge on the Air Force Court of Criminal Appeals. Each of these assignments typically run for two to four years, with service at military Air Force bases and United States embassies around the world.

Luke Air Force Base

For residents of the Grand Canyon State, even those well into their legal careers, these lawyering opportunities are not a distant possibility. They can be found less than 30 minutes west of downtown Phoenix at the world's largest military Fighter Wing: Luke Air Force Base's 56th Fighter Wing. The 56th FW is the Air Force's only active-component F-16 training wing and home to the Air Force's newest airframe, the F-35A Lightning II. The 56th FW's mission

is to train the world's greatest F-35 and F-16 fighter pilots. The base is home to 23 squadrons and graduates more than 400 F-16 pilots and 300 air control professionals annually. Since 1941, Luke has graduated more than 61,000 pilots and in 2014 was host to nearly 16,500 F-16 sorties (flights) and 190 F-35 sorties while deploying more than 300 Airmen. The base also provides more than 100,000 volunteer service hours per year in the greater Phoenix community.

Leading the more than 5,500 Airmen who serve at Luke Air Force Base is Brigadier General Scott Pleus, a command pilot with more than 2,300 hours on both the F-35 and F-16. BG Pleus previously commanded Luke's 63rd Fighter Squadron, the 611th Air and Space Operations Center, and the 8th Fighter

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Wing at Kunsan Air Base, South Korea. He most recently served as Executive Officer to the Air Force Chief of Staff at the Pentagon.

BG Pleus's top legal adviser at Luke, carrying the title of Staff Judge Advocate for the 56th Fighter Wing, is Lieutenant Colonel Joel England, who graduated from Camp Verde High School in Northern Arizona. Lt. Col. England graduated from the Air Force Academy ('95) in Colorado Springs, Colorado, and returned to Arizona where he graduated from the



Major Jeff Hall former active-component (State Bar of Arizona), estate planning practice in Chandler

Born and raised in the East Valley of Phoenix, Major Jeff Hall attended local Catholic elementary and high schools before moving to Denver for college. At

Regis University, he earned Bachelor's Degrees in Business Administration and Computer Science. He later moved to Boston, Mass., to study at New England School of Law. After graduating, he and his future wife contemplated where to start married life. Unable to agree on which side of the country to live, they left the decision up to Uncle Sam. Fulfilling a lifelong dream and commitment to serve, Hall was commissioned in the Air Force as a Judge Advocate in 2005.

He and his wife were first stationed in Newport News, Va. He subsequently completed a tour of duty in Baghdad, Iraq, working detainee operations. He and his growing family later moved to Patrick AFB in Cocoa Beach, Fla., where he joined the legal office staff in early morning beach volleyball games.

After traveling during his active-duty years in the Air Force, the Halls decided to settle somewhere permanently to raise their children. They chose to return to Phoenix to be near family and friends, for the beautiful weather, and to put down roots and be part of a community. Hall is a member of both the Massachusetts and Arizona State bars and runs his own practice with offices in the East and West Valley, focusing on estate planning and end-of-life issues.

While assigned to the active component, Hall worked with more than 1,300 clients on various legal issues, including estate planning, government contracts, and criminal prosecution, as well as labor and environmental law. Upon returning to Phoenix, setting up an estate planning legal practice seemed like a natural transition. He notes that when serving in the military, many of his clients were young soldiers, sailors, airmen, and Marines who, if they weren't in the service, would not have been planning for what happens to their loved ones if they should pass. He has seen firsthand the effects of young families failing to plan, and decided to craft a practice around helping them.

Hall says, "I did not go to law school envisioning a career helping people plan for the worst times in their life. My family is the most important thing in my life, and most people I meet, both military and civilian, feel the same."



Major Sara Carrasco
Active-Component Deputy Staff Judge Advocate (Georgia Bar)

Major Carrasco is the Deputy Staff Judge Advocate for the legal office at Luke Air Force Base. She supports the base “General Counsel” in providing legal advice to the Wing

Commander, as well as to subordinate and tenant units. When she first went into law school she was not expecting a career in the military. It was not until she was already a practicing attorney that she began to consider joining the JAG Corps. Carrasco joined the Air Force in 2008 after graduating from law school, joining the State Bar of Georgia, and practicing law at a small civil litigation firm in Atlanta for almost two years.

A strong desire to serve her country was the primary reason she joined the Air Force, and doing so as an attorney was the skill set she

could contribute. She was attracted to the breadth of experience she would be exposed to in the Air Force JAG Corps. As a JAG, she has practiced in several areas of the law including civil, criminal, and operational law—sometimes all in the same day. In her seven years of service, she has been stationed at four Air Force bases and has deployed twice. The opportunity to serve her country, see the world, and do some meaningful work all influenced her decision to join.

Carrasco grew up on the south side of Chicago and went to undergraduate and law school at Emory University in Atlanta. Her first memory of understanding the importance of being a United States citizen and what the flag represents was when she attended her father’s naturalization ceremony in the mid-1980s. Her father and mother met in Chile, and they married and started their family there when her older brother was born. In 1973, her family was able to escape the country a few months before the overthrow of the Chilean government.

While her father is a naturalized citizen, she believes he is the most patriotic American one could ever meet. This stems from his life experiences coming to the United States as an immigrant and the opportunities and blessings he has been given as an American. Her maternal grandfather was in the U.S. Army Air Corps during World War II, and her brother is an infantry officer in the U.S. Marine Corps. She has seen, firsthand, the sacrifices and life experiences gained through military service. When someone asks Carrasco why she serves, she says, “I want to give back to the country that has given my family so much. The United States Air Force JAG Corps has been an awesome way to accomplish that goal.”



LAWYERS IN SERVICE

University of Arizona James E. Rogers College of Law (’02). He oversees a legal office of 12 attorneys, 10 paralegals, and 3 civilians. He provides legal advice to the Wing Commander, BG Pleus, and his staff, as well as to subordinate and tenant units, all while overseeing the provision of legal services to a base population of 5,500 active-component members and civilian personnel. The base legal office also provides basic legal assistance for military retirees and their dependents who have earned this benefit through their service in and retirement from any of the five branches of the armed services.

While the majority of the Luke Air Force Base legal office’s active-component members grew up and attended law school across the country, the office also includes five JAG Corps Reservists who are also active attorneys within the Arizona legal

community. The reserve team at Luke highlights how service in the JAG Corps Reserves provides opportunities for a wide array of legal practitioners. The JAG Reservists at Luke include a former Federal Defense attorney, an elected Justice of the Peace, a sole practitioner with his own estate planning firm, and a corporate consultant who is Of Counsel at one of the Valley’s largest law firms. As Lt. Col. England describes, “The great diversity of backgrounds and skill sets that are brought to bear by our JAG Reservists help make our office a stronger, more nimble resource for the Luke Air Force base community.”

“Our five JAG Reservists, as well as our reserve paralegals, are a key component to supporting wing leadership, and the men and woman of Luke Air Force Base,” Lt. Col. England said. (More information about the JAG Corps Reserves is in the

sidebar on page 23.)

Uniform Code of Military Justice

Imagine an office where ignoring the boss’s orders to arrive on time was against the law. Think about working in an organization where dishonorably failing to pay ones debts could land you in confinement or reduce your salary. Consider a court system where rather than a jury of your peers, you were entitled to a jury made up of individuals who were senior to you in experience and rank. Such is the world of the judicial system within the United States military, as proscribed by the Uniform Code of Military Justice (UCMJ).

Article I, Section 8 of the United States Constitution provides that, “The Congress shall have power to make rules for the Government and Regulation of the land



and naval forces.” The Uniform Code of Military Justice (UCMJ), passed by Congress in 1950 and signed into law by President Harry S. Truman, is designed to provide consistent application of law to all the armed services. The UCMJ allows for personal jurisdiction over all members of the uniformed services of the United States: the Air Force, Army, Coast Guard, Marine Corps, Navy, NOAA Commissioned Officer Corps, and Public Health Service Commissioned Corps, and, in certain circumstances even military contractors.

One of the unique elements that makes the UCMJ relevant to both active-component members worldwide and all of the communities that host military installations is that it creates 24/7 personal jurisdiction over military members from the time of their commissioning or enlistment until their separation or retirement. In other words, no matter where they are, or what they are doing, they are subject to the UCMJ.

This set of “standards” that military members agree to meet when they elect to serve creates a unique set of legal issues for Air Force JAG Reserve officers who are accustomed to practicing in civilian courts of law. JAG Reservists are trained to this new type of law, alongside active-component JAGs, during the Air Force’s nine-week Judge Advocate Staff Officer Course, which takes place multiple times each year at Maxwell Air Force Base in Montgomery, Alabama. The UCMJ provides a variety of challenges and opportunities for the legal mind, with its Military Rules of Evidence (which largely mirror the Federal Rules of Evidence), unique courtroom procedures, and significant emphasis on good order and discipline for the unit and setting a strong tone for the overall organization.

Since 1941, Luke has graduated more than 61,000 pilots and in 2014 was host to nearly 16,500 F-16 sorties.

Conclusion

Colonel Michael Jonasson, Air Reserve Component Advisor to TJAG, advises TJAG on accessions and assignments for the entire JAG Corps reserves out of the Pentagon in Washington. He describes the various programs as providing flexibility to fit the various components of a member’s life cycle.

“The various JAG reserve programs are designed to accommodate working people, and members are encouraged to transition from component to component as their





Major Rustin Mangum
former active-
component
pilot (Calif. Bar), intellectual property attorney

Major Rustin Mangum grew up not far from Luke in Prescott, Arizona, with six brothers and sisters. With a father and grandfather who served in the Army, military service was a

natural consideration. His love for aviation drove him to the Air Force. “Growing up, I was always fascinated by flying and dreamed of being a pilot.” After graduating from Prescott High School, Mangum attended Brigham Young University in Provo, Utah, where he studied physics and mathematics. While there, he joined the Air Force ROTC program and was selected to attend pilot training.

“I’ve always had a love for my country and felt it an honor to serve in the military, but the truth is that I really joined the Air Force because I wanted to fly airplanes.” Mangum served 10 years as a pilot flying the KC-135 and C-37 (Gulfstream GV) aircraft. One of his favorite flights came while providing aerial refueling to close air-support aircraft over Iraq during a very intense ground battle. “I was blessed to travel to some amazing places during my time as a pilot, but it was the flights supporting Operations Enduring Freedom and Iraqi Freedom where I felt most grateful for the opportunity to serve.”

After 10 years of flying, Mangum felt it was time for a new chapter in his life, so he separated from the Air Force and attended law school at the College of William and Mary in Williamsburg, Va. He enjoyed law school and learning about the law.

“If you think about it, I just went from defending the Constitution in one way to defending it in another. In that regard, the two activities have a lot in common.” During law school, he missed his association with the Air Force and the people who serve. After law school, he relocated to Southern California to take a job at an intellectual property law firm, but decided to also pursue a reserve position in the JAG Corps.

Mangum was accepted into the Air Force JAG Corps and attended JAG school. He currently works as a Litigation Associate at Gibson Dunn & Crutcher in Orange County, Calif., and serves as a Reserve Assistant Staff Judge Advocate at Luke AFB, highlighting the flexibility and opportunity for travel to other communities that Air Force JAG Reserve service provides.



Major Andre Pennington
former active-
component JAG
(Colo. Bar), business owner and former Federal Public Defender

Major Andre Pennington grew up in Southern California, and some might consider it a minor miracle that he became an attorney. He says his family tree “is littered with addiction

and crime,” including a grandfather who died of alcoholism and drugs and two uncles convicted of murder (one serving a life sentence without parole and also a registered sex offender). He says, “I was raised

by a single father, had a stepmother who was a prostitute and heroin addict and spent time in a foster home.”

When he entered high school, Pennington devoted his time and energy to his high school basketball team. He brags, “I once had 9 three-pointers before half-time.” It was basketball that brought him to community college at Mt. San Antonio College in Walnut, Calif. While he made the team, he never did suit up for a game, as he began to lose his way. Three years into community college with a “C” average, he decided to make a change in his life after seeing several of his closest friends turn to lives of crime and drugs. He describes, “I was sitting in my room and heard this small voice telling me that I could do anything I wanted in life. All I had to do was choose.”

He decided on law. He transferred to California State University, Fullerton, and graduated with honors. During college, he worked full-time at a group home for emotionally, sexually and physically abused boys. It was there that he met and began dating his wife, Thania. Pennington is adamant that meeting her saved his life and gave him the drive to complete his goals. He warmly says, “Thania is the single greatest miracle of my life.” While working in the group home, they made a promise to one another that they would return to their roots once they “made it.” Immediately after graduation, he entered and ultimately graduated from Loyola Law School in Los Angeles.

After law school, he became a Colorado State Deputy Public

personal life stages transition,” Col. Jonasson describes. For example, “A single person may be interested in dedicating one weekend a month to his or her military service, whereas parents with young kids may be more interested in taking time away from the work week to serve alongside members at an active-component fighter wing so as to not give up soccer-games and life-cycle benchmarks.”

He continues, “The goal of the JAG Corps Reserves is to serve the needs of the Air Force and provide flexibility and allow members to achieve the work, family, and service balance that we all desire. Our leadership at the United States Air Force JAG Corps is committed to supporting members in making that happen. The agility in our programs allows our ARC members to obtain a diversity of experience, enhancing the strength of our program by allowing our ARC members to actively contribute to ARC and active-duty operational missions in a way that accommodates their family and civilian work commitments, and preparing them to meet surge requirements if called upon.”

Defender and married Thania. He says he wanted to enter the trenches and fight for those who had no voice. Ultimately, he decided to enter the U.S. Air Force JAG Corps to fulfill a childhood dream of serving his country. While spending four years in the active component, Pennington shined brightest as a military defense counsel, representing Airmen accused of criminal misconduct. After active-component service, he entered the Reserves attached to Luke AFB and became an Assistant Federal Public Defender in Phoenix. He is also a TRIALS (Training by Reservists in Advocacy and Litigation Skills) team member, traveling nationwide to train JAG attorneys on advanced trial advocacy.

Pennington spent eight years actively practicing as a trial attorney with over 50 jury trials before deciding to keep the promise that his wife and he made while working together in college. He and Thania are co-owners of Hearts of the Desert, group homes for children who are victims of abuse, abandonment and neglect. He smiles as he says that he is now living his dream.

Captain Rodney Glassman
direct commission IMA Cat-B Reservist (State Bar of Arizona), Of Counsel at Ryley Carlock & Applewhite

Raised in the Central Valley of California, Captain Glassman grew up in a farming family with his mother on the board of the children’s hospital and his father on the board of the local Boy Scout council.

Earning his Eagle Scout rank at age 13, he was raised with a strong commitment to service, helping others, and contributing to the community. Upon moving to Arizona to attend school and run a family business, Glassman became involved with Tucson’s

Davis–Monthan Air Force base, first as a member of the Davis–Monthan 50, the base business auxiliary leadership organization, and then as a legislative aide for the U.S. Congressman who represented the base and surrounding area. Glassman even played on the DM recreational ice hockey team.

While completing law school, he received his Ph.D. in Arid Land Resource Sciences and was elected to the city council of Arizona’s second-largest city at the age of 29. Committed to identifying and then achieving his goals, he developed a unique type of legal practice in External Affairs and Government Relations, where he could assist business leaders, philanthropists, and governmental agencies by building relationships, driving relevancy, and delivering resources through community engagement. Now practicing at Arizona’s fifth-largest law firm, his client list includes global public companies like Mobile Mini, Inc., powerful advocacy groups like the Professional Firefighters of Arizona and Arizona School Administrators, and prominent business leaders such as Phil Francis, the former CEO of Petsmart.

A “direct commission” with no prior military or legal experience, during his first seven years in the Air Force JAG Corps Reserves, he has litigated 11 courts martial, served as legal adviser (administrative judge) for more than a dozen discharge boards, spent more than a cumulative six months at Maxwell Air Force Base in Montgomery, Alabama, attending Commissioned Officer Training, the Judge Advocate Staff Officer Course, Squadron Officer School in Residence (a military developmental educational course for Captains), and the Air Force’s Accident Investigation Board course. He also has served duty at Fort Lewis–McCord, Washington; Andrews Air Force Base, Maryland; Karup Air Base, Denmark; Ramstein Air Force Base, Germany, and Sofia, Bulgaria. He has published multiple articles in TJAG’s Reporter (the legal journal for the Air Force JAG Corps); been elected by peer company grade officers as Vice Chair of the Junior Officer’s Council, which advises JAG Corps leadership on issues impacting company-grade officers, and was recognized as the 12th Air Force JAG Reservist of the Year for 2012 and 2013 and the 19th Air Force JAG Reservist of the Year for 2014.

Glassman lives in Phoenix with his wife, who is an elected school board member and in-house counsel for a global manufacturing firm, and their two young daughters, Rose and Ruth. He considers his commitment to the Air Force JAG Corps Reserves his proudest contribution to the community, apart from his family.

“I consider having the opportunity to serve alongside the dedicated active-component men and women of the United States Air Force to be a tremendous privilege and honor and feel blessed to participate every time I put on my uniform.”

