



During a recess, Staff Sgt. Karla Campbell-Starling, the court reporter at the U.S. Army Trial Judiciary's Fourth Judicial Circuit courtroom at Fort Bliss, Texas, discusses the intricacies of her job with Sgt. Whitney "Whit" Farrow, a paralegal who will begin his court reporting training this spring. (Photo by Michael L. Lewis)

The Army's legal eagles

Paralegal NCOs help train judge advocates and work to keep Soldiers out of trouble

By Michael L. Lewis

NCO Journal

Every Soldier has heard the pontifications of the "barracks lawyers." Despite their inexhaustible stores of anecdotes concerning what seems to be every article of the Uniform Code of Military Justice, their advice is rarely if ever correct, and their "knowledge" of military law is anything but competent.

On the other hand, there is a corps of NCOs whose knowledge of the legal intricacies of the Army is above reproach. True legal professionals, Judge Advocate General's

Corps paralegals assist the Army's attorneys, or judge advocates, in everything but what barracks lawyers do most: giving legal advice. Nonetheless, they are indispensable members of the Army's law firm, which is like none other, said Brig. Gen. Flora D. Darpino, the commandant of The Judge Advocate General's Legal Center and School on the campus of the University of Virginia in Charlottesville.

"The teamwork that you have between a lawyer and a paralegal in the military is very, very different than in the

civilian sector,” she said. “In the civilian sector, you would typically have the senior lawyer in a law firm, and then you’d have associates who basically churn away at stuff that the partner then signs.

Our ‘law firm’ doesn’t really have that model. Our lawyers provide the legal advice, and the folks who do the background and who prepare those legal documents and all the things that an associate in a law firm would do is what our NCOs assist our younger paralegals in learning how to do. While [enlisted paralegals] don’t practice law, they are in the practice of law with us.”

The Army’s judge advocates are taught the military justice system at TJAGLCS after graduating law school and being admitted to a state’s bar. Though well-versed in legal matters, they are usually not familiar with military customs and courtesies that Soldiers have come to know instinctively. That’s where paralegals’ subject-matter expertise comes in, said Command Sgt. Maj. Joseph Lister, the command sergeant major of TJAGLCS and the commandant of the school’s NCO academy.

“Judge advocates provide legal advice to our commanders, and to give their legal advice credibility with their commanders, they have to have Soldier skills,” he said. “They’re the legal professionals. We’re the bridge between the two professions they’re expected to serve — the profession of arms and the legal profession.”

NCOs are well-suited to fill the newly minted officers’ knowledge gap, said Command Sgt. Maj. Troy Tyler, the JAG Corps’ regimental sergeant major.

“Paralegal NCOs provide a source of information that the judge advocates don’t have,” he said. “It adds to the attorney’s ability to operate more effectively because you have somebody who has gone through what the client has gone through. ... So you have to coach, mentor and train that officer; teach them about the Army; help them with the military side of practicing law; open their eyes

to what some of their clients have gone through; teach them about some of the issues you’ve dealt with. I think it comes together as a really good team, because you have

some very smart attorneys and some very smart paralegals who are also very good Soldiers.”

The arrangement frees judge advocates to be the lawyers they’ve trained for years to do, Lister said.

“If it doesn’t require a law degree, paralegals are supposed to do it so that the judge advocates can focus on the practice of law,” he said. “Practicing law is hard; it requires deep thought. So paralegals become a force multiplier so [judge advocates] can spend the time, invest the time in those thoughts because we’ve removed everything else.”

But what paralegals are prohibited from doing is giving legal advice, Tyler said.

“That’s the only thing that separates us from the judge advocates,” he said. “The judge advocates have been to law school, have passed the bar and are authorized to give that advice. But they are also held accountable for the advice they give. [Paralegals] can

tell folks all day long what’s in the regulation, what the right and left limits are. But if someone asks whether he or she should court-martial somebody or if they are authorized to conduct a search somewhere, that’s when we have to get the attorneys involved.”

That limitation can often cause friction with those seeking the NCOs’ counsel, said attendees of the TJAGLCS’s command paralegal course in October, which trains the seniormost legal NCOs in divisions and above.

“As paralegals, we don’t give advice. But we share what we know in the regulations,” said Sgt. Maj. Mark Cook, the command paralegal for the 4th Infantry Division at Fort Carson, Colo. “We get the bad rap for telling somebody the regulation says you can’t do that. But we’re just telling what’s there.”



Senior Leader Course students at The Judge Advocate General’s Legal Center and School in Charlottesville, Va., confer during a lesson in October. (Photo by Michael L. Lewis)



Sgt. 1st Class Buford Willie (right), the pay agent for 2nd Brigade Combat Team, 4th Infantry Division, and Spc. Angela Felder, a paralegal with 385th Military Police Battalion, which is attached to the brigade, sign paperwork Jan. 25, 2012, authorizing a compensation payment. (Photo by Sgt. Ruth Pagan)

“A lot of times they don’t want to hear the right thing,” said Master Sgt. Stephen Pickerin, the command paralegal of the 10th Mountain Division at Fort Drum, N.Y. “But, we’re only there to help them out; we’re going to give them the right answer. If they go to those barracks lawyers, most of the time they’re wrong. If they come to us, they’re going to know we’re giving them the right answer. They may not like the answer, but we’re going to give it to them.”

Because of their own legal training, paralegals are among the most-learned NCOs in the force, Tyler said.

“We looked a few years ago and, per capita as far as bachelor’s degrees are concerned, we were the most-educated [military occupational specialty] across the Army,” he said. “We do have high education requirements. We have some enlisted Soldiers who actually have their law degrees, but because the way the Army is set up, they come in and serve their enlisted time to pay off their loans, then they access to the officer corps as a judge advocate.”

Enlisted paralegals’ military education is similarly intense. And thanks to an arrangement with the University of Great Falls in Montana, Soldiers begin earning credits toward an American Bar Association-accredited associate’s or bachelor’s degree while in Advanced Individual Training at Fort Lee, Va., Lister said.

“To progress in our MOS, at different stages you’re going to have to have a degree. There’s just no doubt

about it,” he said. “Just by completing our AIT, you will get 10 semester hours toward your associate’s or bachelor’s degree from there. Then, you’ll come to [the Advanced Leader Course] and get more credits toward that degree; you’ll come to [the Senior Leader Course] and get more credits.”

The credits are well-earned in the NCO Education Courses, Lister said, because ALC and SLC are designed to be pressure cookers.

“We overload them with work,” he said. “We throw a lot at them, and what we try to do is evaluate their demeanor. You’re going to be placed in things you wouldn’t normally do as an NCO; how does your demeanor as a leader change? With what we deal with in law, you can’t lose your cool. The more you get overloaded, the more you might be hasty to give a decision that might not be right. And if you do something that’s not right, there are several echelons of consequences from that. You really do have to think, because what comes out of your mouth to somebody could really have a significant impact if it’s wrong.”

“With an Article 15, you’re affecting somebody’s pay, their career, their freedom,” Tyler said. “With a court-martial, you could be sending somebody away for a very long time. You could even help end somebody’s life, depending on the severity of the crime and whether the death penalty is on the table.”

Indeed, paralegals are often relied upon after accidental deaths downrange, as they are frequently used as



Staff Sgt. Steve Kalfman, a paralegal with 3rd Battalion, 25th Aviation Regiment, 25th Combat Aviation Brigade, 25th Infantry Division, assists an Afghan junior captain and lieutenant colonel from the Kandahar Air Wing to locate basic terrain features on a map Nov. 21 during a class on understanding basic land navigation. (Photo by Sgt. Daniel Schroeder)

pay officers to compensate foreign residents for damaged property, injuries or loss of life caused by American service members, Tyler explained.

“A lot of people don’t realize that when paralegals go outside the wire, we may not be kicking in doors on a regular basis, but we’re going out and dealing face-to-face with families when they believe a U.S. Soldier has killed a family member. We sit and talk with judges and lawyers and hurt family members.

“In one incident, there was a young lady whom I was making a payment to as the paying officer the first time I deployed. I paid this lady, and all I could see were the eyes through her burqa. The way this lady looked at me — after U.S. forces had killed her husband and brother — the look that she gave me I will never forget for the rest of my life. I tried to hand her the money, but she didn’t flinch. She didn’t blink. She didn’t look at the money. She didn’t look at the walls. And as her father reached around and took the money, she just continued to stare at me, like if she was staring through my soul. Those types of things, people don’t realize we often deal face-to-face with the public.”

Paralegals working in the Army’s courtrooms must remain especially neutral in demeanor, even when case content is repugnant, said Sgt. 1st Class Angel Sims, the chief of court reporter training at TJAGLCS.

“The hardest cases for me involve child pornography. And that was my first case as a court reporter,” she said. “As the court reporter, here I am now with all these images, and I’m stamping them and I’m labeling them, and I’m getting more and more mad. That became an issue for me, because the senior court reporter was sitting in

the gallery and, at the very first break, came over and said, ‘See how the judge is stone-faced? You have to be just like that. You cannot show that you are mad. I can see it all over your face, and so can everyone else in this courtroom.’ That I had to work on.”

Ultimately, senior JAG Corps leaders hope that the Army’s paralegals and judge advocates will be viewed more as helpful resources rather than people to be feared.

“Most Soldiers, when they hear you’re going to JAG, it’s a negative thing. But we’re a service organization,” Lister said. “What I’d like them to think is that we help them to stay out of trouble.”

“We have a huge role in preventive law,” Tyler said. “As NCOs and paralegals, we’re down there in the unit. You’re assigned to a battalion or a brigade, and you give legal classes to the people who you work with. That goes a long way, compared to having a judge advocate come down. You’re in a room full of sergeants ... these are your peers, the guys you do PT with. You’ve done the same things these guys have done. So you can tell them what the common violations are — this is what can get you into trouble.”

“An NCO can sit down with another NCO and guide how to get that FLIPL (Financial Liability Investigations of Property Loss) processed quickly,” Darpino said. “Administrative separations — the criminal law section can help that NCO get together that chapter packet so it doesn’t get kicked back. If NCOs out there would leverage the value that, not only our legal NCOs but our JAG office as a whole, can bring to them when it comes to a variety of issues, I think they would benefit greatly.” ■

Tips from the Army's legal pros

“When you say you’re ‘going to JAG,’ it’s always perceived as a bad thing. But we do so many other services that help Soldiers,” said Command Sgt. Maj. Joseph Lister, the command sergeant major of The Judge Advocate General’s Legal Center and School in Charlottesville, Va. To help keep Soldiers from getting into legal trouble, members of the Judge Advocate General’s Corps offer these helpful tips:

- **Reach out to JAG to prevent something bad happening to you or your family.** Go to legal assistance and get advice on the car you want to buy. Use those other services we do other than military justice. — *Command Sgt. Maj. Joseph Lister, command sergeant major of The Judge Advocate General’s Legal Center and School in Charlottesville, Va.*
- **You should be talking with the NCOs who work in your legal office,** just like you would if you were taking your vehicle in for maintenance. You talk to the motor sergeant about what you can do about preventive maintenance and what you can do to make sure you get through that inspection. It’s the same thing with legal paperwork: Talk to us; let us help you so that things go smoothly. — *Brig. Gen. Flora D. Darpino, commandant of The Judge Advocate General’s Legal Center and School*
- **The “barracks lawyer” is one of our worst enemies,** because they will tell Soldiers what they think they know, or what they remember happened to their friend, or what somebody once said. They think because they can crack open the UCMJ, they’re a

paralegal now, and they start advising guys on what they can and cannot do. But they have no clue what they’re doing. — *Command Sgt. Maj. Troy Tyler, JAG Corps regimental command sergeant major*

- **Sergeants major, first sergeants and commanders are our clients. But if the squad leaders and the platoon leaders, if they started talking to the paralegals in their unit,** we can help them understand how to build the packets once they do need to initiate an action, or how to prevent situations that they keep seeing their Soldiers getting into. They want to take care of their Soldiers, and we can help them in the legal arena. — *Sgt. Maj. Barbara Rubio, command paralegal, 25th Infantry Division*
- **Predatory lending is one of the things that upsets me the most,** because they take advantage of our junior Soldiers. It sounds cliché, but Soldiers need to run through the second- and third-order effects of what they’re going to do before they do it. But they often act at the spur of the moment — that car looks good! — and they have money burning a hole in their pocket. — *Command Sgt. Maj. Troy Tyler*
- **It’s too easy: Follow the Army Values.** If you follow that, that’s it. For some reason, that’s too hard for some people. But discipline and standards are what it’s all about. If you have to think too hard about what you’re about to do, you probably shouldn’t do it. If it doesn’t feel right, it probably isn’t. — *Sgt. 1st Class Angel Sims, chief of court reporter training, The Judge Advocate General’s Legal Center and School*



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