

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

AIR FORCE MANUAL 51-204



18 JANUARY 2008
Incorporating Through Change 2,
9 October 2014

Law

**UNITED STATES AIR FORCE JUDICIARY
AND AIR FORCE TRIAL JUDICIARY**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

ACCESSIBILITY: Publications and forms are available for downloading or ordering on the on the e-Publishing website at <http://www.e-publishing.af.mil>

RELEASABILITY: There are no releasability restrictions on this publication.

OPR: AFLOA/JAJM

Certified by: AF/JAA (Mr. Gregory Girard)

Supersedes: AFMAN51-204, 1 July 1995

Pages: 8

This manual describes the organization, function, and operation of the United States Air Force Judiciary (AFLOA/JAJ) and the Air Force Trial Judiciary (AF/JAT). It also enumerates certain duties of key USAF Judiciary and AF Trial Judiciary personnel, but the list of duties is not exclusive. Refer to AFI 51-201, *Administration of Military Justice*, for guidance on detailing personnel to courts-martial. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF IMT 847, Recommendation for Change of Publication; route AF IMT 847s from the field through the appropriate functional's chain of command.

SUMMARY OF CHANGES

This interim change deletes the Office of Airman's Counsel (OAC) in the Trial Defense Division and the additional positions that were added because of this new office.

A bar (|) indicates revision from the previous edition.

1. Organization and Personnel:

1.1. **The Judge Advocate General (TJAG).** TJAG exercises overall responsibility for the USAF Judiciary through the Commander, Air Force Legal Operations Agency (AFLOA), and exercises overall responsibility for the AF Trial Judiciary through the Chief Trial Judge.

Unless otherwise stated, all personnel mentioned hereafter are judge advocates appointed and assigned by TJAG.

1.2. The Director, USAF Judiciary (AFLOA/JAJ). A judge advocate designated to exercise supervisory responsibility for the USAF Judiciary, including all members assigned to AFLOA who are detailed to perform full-time duties as chief senior trial counsel (CSTC), senior trial counsel (STC), chief senior defense counsel (CSDC), senior defense counsel (SDC), area defense counsel (ADC), defense paralegal manager (DPM), and defense paralegal (DP). In addition, the AFLOA/JAJ director has supervisory responsibility over personnel assigned to AFLOA/JAJA, AFLOA/JAJM, AFLOA/JAJG and AFLOA/JAJR.

1.3. Chief Trial Judge (AF/JAT). The military judge designated by TJAG under Article 26(c), Uniform Code of Military Justice (UCMJ), whose duties include supervising military judges, detailing judges to all Air Force General and Special courts-martial, supervising the Central Docketing Office (CDO), and supervising the docketing of all General and Special courts-martial within the Air Force. The Chief Trial Judge (CTJ) may delegate the authority to docket courts-martial and detail military judges OCONUS to the Chief Regional Military Judge in the OCONUS region. The CTJ identifies and aligns judges to preside over courts-martial and hearings in an expeditionary environment. The CTJ (or delegee) also details military judges to administrative hearings, as appropriate. AF/JAT reports to TJAG and is not in the AFLOA chain of command.

1.4. Chief, Government Trial and Appellate Counsel Division (AFLOA/JAJG). A judge advocate designated to supervise the CSTC and all STCs. This individual may detail the CSTC and STCs to courts-martial and supervises all Air Force appeals before the Air Force Court of Criminal Appeals (AFCCA), the U.S. Court of Appeals for the Armed Forces (USCAAF), and the U.S. Supreme Court. This individual may delegate authority to the CSTC to detail himself/herself to courts-martial.

1.5. Chief, Trial Defense Division (AFLOA/JAJD). A judge advocate designated to supervise the division's CSDCs, DPMs, SDCs, ADCs, and DPs. Duties also include detailing defense counsel to courts-martial and serving as the appellate authority on individual military defense counsel requests for CSDCs, SDCs, and ADCs. This individual may delegate detailing authority to CSDCs and SDCs within their own areas of responsibility.

1.6. Chief, Appellate Defense Division (AFLOA/JAJA). A judge advocate designated to supervise all appeals before the AFCCA, USCAAF, and the U.S. Supreme Court filed by assigned personnel on behalf of active duty Air Force members after their court-martial conviction.

1.7. Chief, Military Justice Division (AFLOA/JAJM). A judge advocate responsible for providing field support on ongoing cases, development and dissemination of Air Force military justice instructions and policy, and supervision of reviews and other UCMJ actions required of the Office of The Judge Advocate General. For all purposes under the UCMJ, AFLOA/JAJM is considered a component of the Office of The Judge Advocate General.

1.8. Chief, Clemency, Corrections and Officer Review Division (AFLOA/JAJR). The JAJR Chief recommends Secretary of the Air Force (SECAF) action on affirmed sentences to dismissal and action by SECAF or TJAG on all court-martial sentences in which clemency

may be appropriate. AFLOA/JAJR also represents TJAG on the SECAF Clemency and Parole Board, advises the Pardon Attorney on applications for executive clemency, and is counsel to the Director of the Air Force Corrections on matters relating to corrections and rehabilitation of prisoners.

2. Responsibilities:

2.1. **Central Docketing Office (CDO).** The CDO is responsible directly to the Chief Trial Judge (CTJ). The CDO's primary function is to implement the CTJ's (or the CTJ's delegee's) decisions regarding the docketing of courts and detailing of military judges.

2.2. **Military Judge.** A judge advocate designated as a military judge according to Article 26(b) or (c), UCMJ, and assigned to a designated region or to the Chief Trial Judge. Military judges may detail themselves to courts-martial, if delegated such authority. In addition to their duties in courts-martial, judges may perform the following duties, in an installation or expeditionary environment, subject to availability as determined by the CTJ:

2.2.1. Serve as legal advisors for administrative boards convened under AFI 36-3206, *Administrative Discharge Procedures*; AFI 36-3207, *Administrative Separation of Commissioned Officers*; and AFI 36-3208, *Administrative Separation of Airmen*.

2.2.2. Serve as Article 32, UCMJ, investigating officers. Courts-martial and administrative boards under AFI 36-3206 take precedence.

2.2.3. Serve as legal advisors on other administrative discharge boards. Courts-martial, boards under AFI 36-3206 and Article 32 investigations take precedence.

2.2.4. Serve as hearing officers for contingent confinement hearings as provided for in AFI 51-201, *Administration of Military Justice*.

2.2.5. Upon the request of a convening authority, serve as pretrial confinement hearing officers.

2.2.6. With the consent of the Chief Trial Judge, conduct other investigations.

2.2.7. With the approval of the Chief Trial Judge, perform administrative law functions, such as presiding officer at draft environmental impact statement hearings, Superfund Amendment and Reauthorization Act hearings, and other administrative actions.

2.3. **Chief Senior Trial Counsel.** The CSTC supervises the STCs. The CSTC's duties are to perform STC duties and to detail STCs to courts-martial. The CSTC may detail herself/himself to courts-martial if delegated that authority.

2.4. **Senior Trial Counsel.** A judge advocate certified under Article 27(b)(2), UCMJ, whose primary duties include the following in order of priority:

2.4.1. Serve as trial counsel in general courts-martial (GCM) and administrative boards convened under AFIs 36-3206 and 36-3207 when requested and deemed available by the CSTC.

2.4.2. Serve as the government representative in Article 32, UCMJ, investigations when requested by a staff judge advocate (SJA) as other duties permit and when made available by the CSTC.

2.4.3. Serve as trial counsel in special courts-martial (SPCM) when requested as other duties permit and when made available by the CSTC.

2.4.4. Train, advise, and assist other personnel involved in the prosecution of courts-martial as other duties permit.

2.4.5. Serve as recorder for administrative boards convened under AFI 36-3208, as other duties permit and when made available by the CSTC.

2.4.6. In the absence of the CSTC, and when delegated the authority to do so by the CSTC, shall detail other STCs as trial counsel for courts-martial.

2.4.7. SJAs will use the expertise and services of the CSTC and the STCs to the maximum extent possible. SJAs have overall responsibility for each court-martial. Trial counsel (TC) represents the SJA in fulfilling that responsibility on particular cases to which the TC is detailed.

2.5. **Chief Senior Defense Counsel.** A CSDC is a judge advocate certified under Article 27(b)(2), UCMJ, who assists the Chief, Trial Defense Division, in the operation and management of JAJD and is responsible for the provision of defense services and supervision of all defense personnel across a geographical area of responsibility. Duties include serving as defense counsel in selected courts-martial and other adverse actions, supervising a DPM, detailing SDCs to courts-martial and other adverse actions, oversight of SDCs' detailing of ADCs, and acting on individual military defense counsel requests for SDCs and ADCs.

2.6. An SDC is a judge advocate certified under Article 27(b)(2), UCMJ, who supervises all defense personnel and details ADCs within that SDC's geographical region to courts-martial. An SDC is subject to oversight of a CSDC. Ordinarily, the SDC office will be collocated with an ADC office. In addition, SDC duties include the following:

2.6.1. Serve as defense counsel in courts-martial.

2.6.2. Train, advise, and assist other defense personnel in the region.

2.6.3. Serve as respondent's counsel in administrative boards convened under AFIs 36-3206, 36-3207, or 36-3208.

2.6.4. Act on IDMC requests for ADCs.

2.7. **Area Defense Counsel.** A judge advocate certified under Article 27(b)(2), UCMJ, and assigned to a designated ADC office. An ADC is responsible for providing all defense services at the base where assigned, unless disqualified or another counsel is detailed to represent a particular individual. The senior ADC is also responsible for the administration of the office. ADC duties include the following in order of priority:

2.7.1. Serve as counsel in all actions under the UCMJ, such as:

2.7.1.1. General courts-martial;

2.7.1.2. Special courts-martial;

2.7.1.3. Article 32, UCMJ, investigations;

2.7.1.4. Nonjudicial punishment actions under Article 15, UCMJ.

2.7.2. When requested, serve as counsel during Article 31, UCMJ, interrogation.

2.7.3. Serve as counsel in administrative discharge actions, such as:

2.7.3.1. Administrative discharge boards convened under AFIs 36-3206, 36-3207, or 36-3208.

2.7.3.2. Administrative discharge notification actions.

2.7.4. Serve as military legal advisor in foreign criminal jurisdiction cases.

2.7.5. Pursuant to AFI 44-109, *Mental Health, Confidentiality and Military Law*, providing advice to members referred for mental health evaluations under paragraph 4.

2.7.6. Represent Air Force members in other adverse actions, such as reports of survey, administrative demotions and flying evaluation boards in which counsel for an individual is required or authorized.

2.7.7. (DELETED)

2.8. **Defense Paralegal Manager (DPM).** A senior noncommissioned officer assigned to AFLOA/ JAJD whose primary duty is to assist the Chief, Trial Defense Division concerning manpower issues, training, and utilization of the defense paralegals assigned to the Division, and who provides DPs with guidance and training concerning the provision of defense services and office management. A DPM will also provide training and guidance to SDCs and ADCs on enlisted personnel issues.

2.9. **Defense Paralegal (DP).** An airman, noncommissioned officer, or civilian employee assigned to the ADC office, whose primary duty is to support the ADC in the management and operation of the ADC office. DPs shall stay current in all training requirements as described in TJAG policy memorandum Per-03, Defense Paralegal Program.

2.10. DELETED

2.11. **Disability Counsel.** A judge advocate or civilian attorney certified by TJAG and assigned to the OAC. A disability counsel is responsible for providing legal advice and representation to Airmen entered into the USAF disability evaluation system (DES), unless the Airman is represented by civilian counsel. Disability counsel duties include the following:

2.11.1. Providing advice following an adverse decision of a medical evaluation board (MEB);

2.11.2. Providing advice following any decision of the informal physical evaluation board (IPEB);

2.11.3. Providing advice and representation at the formal physical evaluation board (FPEB);

2.11.4. Providing advice throughout the process of appealing to the Secretary of the Air Force Personnel Counsel.

2.12. DELETED

2.13. DELETED

3. Administrative and Logistical Support:

3.1. Commanders of installations where USAF Judiciary or AF Trial Judiciary personnel are assigned or TDY are responsible for their administrative and logistical support. Host commanders will provide support to the USAF Judiciary and AF Trial Judiciary personnel as set forth in AFI 25-201, *Support Agreement Procedures*.

3.1.1. Support of assigned military judges, STCs, and ADCs offices will be no less than the support of other units assigned to the host command. This support includes, but is not limited to, the following:

3.1.1.1. Private office space, including necessary furniture and supplies and access to electronic law library facilities, clearly designated as an AF/JAT, military judge, AFLOA STC, or ADC office, for each function area—judiciary, prosecution, and defense. ADC offices shall be physically separated from the offices of the SJA and the convening authority. AFI 32-1024, *Standard Facility Requirements*, sets forth minimum space requirements.

3.1.1.2. Communications equipment, to include: Class A telephone services; E-mail capability; and a cellular phone with service for emergency/on-call purposes.

3.1.1.3. Military family housing on the same basis as other personnel of like grade, rank, and responsibility.

3.1.1.4. Civilian personnel services normally provided by the Civilian Personnel Office (CPO).

3.1.1.5. Publications support normally furnished tenant units.

3.1.1.6. Funding for necessary supplies.

3.1.2. Support of USAF Judiciary and AF Trial Judiciary personnel on temporary duty (TDY) to an installation should include providing suitable office space, administrative assistance, private billeting and military transportation support, to include providing a government owned vehicle (GOV) for their use while TDY. Military transportation support is a “mission essential“ function. SJAs assist in obtaining appropriate support for personnel performing TDY at their bases by arranging appropriate billeting, messing, and transportation in advance to ensure TDY personnel may devote full attention to duties.

3.2. AFLOA furnishes travel costs and per diem.

4. Coordination. Although the USAF Judiciary and AF Trial Judiciary functions are separate and distinct, each must coordinate administrative activities with the other to manage the mission effectively and economically.

CHRISTOPHER F. BURNE
Lieutenant General, USAF
The Judge Advocate General

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

AFI 25-201, *Support Agreement Procedures*

AFI 36-3206, *Administrative Discharge Procedures*

AFI 36-3207, *Administrative Separation of Commissioned Officers*

AFI 36-3208, *Administrative Separation of Airmen*

AFI 51-201, *Administration of Military Justice*

TJAG Policy Memorandum Per-O3, *Defense Paralegal Program* (Deleted)

Abbreviations and Acronyms

ADC—Area Defense Counsel

AFCCA—Air Force Court of Criminal Appeals

AF/JAT—Air Force Trial Judiciary

AFLOA—Air Force Legal Operations Agency

CDO—Central Docketing Office

CPO—Civilian Personnel Office

CSDC—Chief Senior Defense Counsel

CSTC—Chief Senior Trial Counsel

CTJ—Chief Trial Judge

DP—Defense Paralegal

DPM—Defense Paralegal Manager

GCM—General Court-Martial

GOV—Government Owned Vehicle

JAJ—Judiciary Directorate

JAJA—Appellate Defense Division

JAJD—Trial Defense Division

JAJG—Government Trial and Appellate Counsel Division

JAJM—Military Justice Division

JAJR—Clemency, Corrections and Officer Review Division

JAT—Air Force Trial Judiciary

OCONUS—Outside the Continental United States

SDC—Senior Defense Counsel

SECAF—Secretary of the Air Force

SJA—Staff Judge Advocate

SPCM—Special Courts-Martial

STC—Senior Trial Counsel

TC—Trial Counsel

TDY—Temporary Duty

TJAG—The Judge Advocate General

UCMJ—Uniform Code of Military Justice

USCAAF—United States Court of Appeals for the Armed Forces