

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

**AIR FORCE INSTRUCTION 51-105**

**18 SEPTEMBER 2018**



**LAW**

**LEGAL INFORMATION SERVICES**

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OPR: AFLOA/JAS

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

Supersedes: AFI 51-105, 25 September 2014

Pages: 10

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This publication implements AFD 51-1, *The Judge Advocate General's Department*, 19 November 1993; and Department of Defense (DoD) Directive 5160.64E, *Legal Information Technology*, 23 August 2005. It provides guidance and procedures on Air Force legal information technology services and systems and the law library system. This instruction applies to Air Force military and civilian personnel at all levels including Air Force Reserve and Air National Guard (ANG), except where noted otherwise. The authorities to waive wing/unit level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See Air Force Instruction (AFI) 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the requestor's commander for non-tiered compliance items. This publication requires the collection and or maintenance of information protected by Title 5 United States Code Section 552a, *The Privacy Act of 1974*, authorized by Title 10 United States Code Section 8013, *Secretary of the Air Force*; Title 10 United States Code Section 8037, *Judge Advocate General, Deputy Judge Advocate General: Appointment and duties*; Executive Order 9397 (SSN), and AFI 36-2110, *Assignments*. The applicable System of Records Notice F051 AFJA C Judge Advocate Personnel Records is available at: <https://dpcl.d.defense.gov/Privacy/SORNs/>. Refer recommended changes and questions about this publication to the OPR listed above using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847 to the OPR listed above for consideration and approval. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual 33-363, *Management of Records*, and disposed of in accordance with Air Force Records Disposition Schedule located in the Air Force Records

Information Management System. This publication may be supplemented at any level, but all supplements must be routed to the OPR for coordination prior to certification and approval.

### ***SUMMARY OF CHANGES***

This publication has been substantially revised and needs to be completely reviewed.

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## Chapter 1

### ROLES AND RESPONSIBILITIES

**1.1. The Judge Advocate General (TJAG).** TJAG controls the use of Air Force legal information technology systems and services by DoD legal activities and personnel through the Air Force Legal Operations Agency (AFLOA) Legal Information Services directorate (JAS).

**1.2. AFLOA/JAS.** AFLOA/JAS has primary responsibility within the Air Force for legal information technology for both home station and forward-deployed legal activities. AFLOA/JAS:

1.2.1. Performs Secretary of the Air Force's executive agent responsibilities for DoD in the operation, maintenance, and continuous development of the Federal Legal Information Through Electronics (FLITE) system and the Defense Emergency Authorities Retrieval and Analysis System (DEARAS) in accordance with DoDD 5160.64E.

1.2.2. Pursuant to its FLITE system responsibilities:

1.2.2.1. Creates and maintains full-text, on-line, retrievable databases of legal and related information that has research value for authorized users of the FLITE system.

1.2.2.2. Provides computer-assisted legal research capabilities and on-line interactive search capabilities to non-DoD federal government agencies on a reimbursable basis in accordance with 31 U.S.C. §1535, when practical.

1.2.2.3. Produces computer-hosted and portable media-based products in support of full-text computer-assisted legal research, Knowledge Management, and Information Management capabilities for authorized users.

1.2.2.4. Provides advisory service on computer-assisted legal research to other government agencies when resources permit.

1.2.2.5. Implements Continuity of Operations Plan (COOP) procedures to assure high availability of operations.

1.2.3. Maintains responsibility for the hosting of Internet sites for the Court of Appeals for the Armed Forces; service branch courts; administrative decisions from the Boards for Correction of Military Records; Discharge Review Boards of all services; and data repositories approved by AFLOA Commander (AFLOA/CC) for the Air Force, DoD, other government agencies, and the Congress of the United States.

1.2.4. Operates and maintains software applications for the United States Air Force Judge Advocate General's (JAG) Corps as directed by TJAG or AFLOA/CC.

1.2.5. Plans and implements legal technology initiatives for Air Force legal organizations, as directed by TJAG or AFLOA/CC.

1.2.6. Recommends to TJAG legal information services and software to facilitate and enhance legal support to home station and forward-deployed legal activities.

1.2.7. Plans, develops, evaluates, and/or acquires information technology hardware and software for use by Air Force legal activities as directed by TJAG or AFLOA/CC.

1.2.8. Provides training and other resources designed to assure the ability of legal activities and personnel to use all programs and applications operated by AFLOA/JAS.

1.2.9. Establishes policies and procedures for the operation and management of the JAG Corps Unified Law Library, which encompasses all available legal research sources, including FLITE, commercial legal research services, and JAG Corps and external Internet sites.

1.2.10. Provides guidance for all Air Force law libraries through the Unified Law Library Handbook which is available on the AFLOA/JAS Resource Allocation Management System (RAMS) website. The Handbook establishes procedures for managing centrally purchased library materials.

1.2.11. Centrally orders and tracks centrally funded law library system materials.

1.2.12. Maintains and operates a video teleconference (VTC) bridge to facilitate simultaneous multipoint virtual meetings.

1.2.13. Evaluates, plans for, and purchases end-point and centrally-operated VTC equipment for JAG Corps offices.

1.2.14. Centrally orders, purchases, and maintains warranty and software version information for all VTC equipment provided to JAG Corps offices by AFLOA/JAS.

1.2.15. Provides VTC guidance for all Air Force legal offices through the VTC Handbook, which is available on the Schedule VTC website link on FLITE. This Handbook establishes procedures for maintaining VTC equipment and for scheduling and/or using the VTC equipment or resources.

1.2.16. Supports home station and forward-deployed JAG Corps activities by providing guidance and technical support for VTC equipment owned or operated by JAG Corps offices.

### **1.3. AF/JA and AFLOA Directors, Secretary of the Air Force General Counsel (SAF/GC) and GC Deputies, Staff Judge Advocates (SJAs), and Senior Members of Each JAG Corps Activity:**

1.3.1. Ensure subordinates periodically review and keep current information in Roster and are responsive to TJAG requests for information and various certification requests and requirements.

1.3.2. Ensure Roster accurately reflects their office's current manning, organizational structure, duty titles, contact information, and any other details as required.

1.3.3. Ensure subordinates are aware of their obligations to use computer-assisted legal research search tools (asset locators, license locator, etc.) and databases, as well as AFLOA/JAS information technology systems and services, only for official and other authorized purposes.

1.3.4. Immediately inform AFLOA/JAS and the servicing privacy monitor of all incidents involving unauthorized access to data on systems or services operated or provided by AFLOA/JAS. See AFI 33-332, *Air Force Privacy and Civil Liberties Program* for information on servicing privacy monitors.

1.3.5. Immediately inform AFLOA/JAS when a subordinate AFLOA/JAS system user's security clearance is revoked or when a security information file is established on a subordinate.

1.3.6. Appoint Law Library Accountable Officers for offices that maintain a law library. Ensure appointments are updated in the RAMS to reflect the current Law Library Accountable Officer for their office.

1.3.7. Budget and request local funding for purchase of law library materials not provided by AFLOA/JAS.

1.3.8. Ensure library resources are maintained in good condition.

1.3.9. Ensure VTC equipment and resources under their control are maintained, scheduled, and used in accordance with the procedures in the VTC Handbook.

#### **1.4. Law Library Accountable Officers:**

1.4.1. Maintain records and conduct inventories as required by this instruction. Look at the Unified Law Library Handbook and local procedures for assistance.

1.4.2. Dispose of non-serviceable or obsolete publications. Look at the Unified Law Library Handbook for assistance.

1.4.3. Conduct an inventory and validation of law library materials in RAMS every two years during the month of April.

#### **1.5. Users of AFLOA/JAS Systems and Services:**

1.5.1. Comply with this instruction and other DoD, Air Force, and local computer security and operations procedures.

1.5.2. Update the data in Roster as changes occur.

1.5.3. Certify the accuracy of personal data in Roster annually and within 30 days of changing their office or position of assignment.

1.5.4. Comply with obligations to use computer-assisted legal research search tools (asset locators, license locator, etc.) and databases, as well as AFLOA/JAS information technology systems and services, only for official and other authorized purposes.

## Chapter 2

### ADMINISTRATION AND OPERATION

#### *Section 2A—Legal Information Technology Systems and Services*

##### **2.1. Protection of Privileged and Sensitive (but Unclassified) Information.**

2.1.1. Privileged and Sensitive Information. Information stored on AFLOA/JAS systems may include For Official Use Only (FOUO) information, such as Personally Identifiable Information (PII), privileged attorney-client information, or other information protected by the Privacy Act of 1974, 5 U.S.C. § 552a. Privileged and sensitive information retrieved from AFLOA/JAS systems shall be stored only on authorized devices. (T-1). Preventing unauthorized access to privileged and sensitive information is the responsibility of all who use AFLOA/JAS systems.

2.1.1.1. Protecting Privileged and Sensitive Information. All users must maintain proper configuration management and physical security of the equipment to prevent unauthorized access to and disclosure of privileged and sensitive data stored on AFLOA/JAS systems. (T-1). For further guidance, see AFMAN 33-363, *Management of Records*; AFI 16-1404, *Air Force Information Security Program*; AFI 33-332, *Air Force Privacy and Civil Liberties Program*; and DoD 5400.11-R, *DoD Privacy Program*.

2.1.1.2. Reporting PII Breaches. Users are responsible for immediately notifying their supervisor and servicing privacy monitor of all suspected breaches of AFLOA/JAS systems or data. AF/JA and AFLOA directors, SJAs, and senior members of each JAG Corps activity are responsible for ensuring suspected breaches of JAG Corps systems are reported to AFLOA/JAS. For further guidance, see AFI 33-332, *Air Force Privacy and Civil Liberties Program*, and DoD 5400.11-R, *DoD Privacy Program*.

2.1.1.3. Attorney-Client and Work-Product Privileged Information.

2.1.1.3.1. Members of the JAG Corps representing the Air Force who use government computers and communications systems to store and transmit attorney-client privileged information do so with the consent of their client, the Air Force, when done in the furtherance of official business.

2.1.1.3.2. In situations where a judge advocate or Air Force attorney is representing a client other than the Air Force, the TJAG Advisory Committee on Professional Responsibility and Standards, SAF/GC, and many state bar associations have determined the electronic transmission and storage of information does not, in and of itself, compromise the privileged nature of information between an attorney and client. In accordance with American Bar Association Formal Opinion 477, *Securing Communication of Protected Client Information*, “[a] lawyer generally may transmit information relating to the representation of a client over the Internet without violating the Model Rules of Professional Conduct where the lawyer has undertaken reasonable efforts to prevent inadvertent or unauthorized access. However, a lawyer may be required to take special security precautions to protect against the inadvertent or unauthorized disclosure of client information when required by an agreement with the client or by law, or when the nature of the information requires a higher degree of

security.” According to the same opinion, special security precautions may include encrypting and/or password-protecting client information and communications. Attorneys are responsible for understanding the ethics requirements of their respective state bars and, if there is an apparent conflict, consulting with their supervisory attorney prior to requesting guidance from the TJAG Advisory Committee on Ethics and Standards.

2.1.1.3.3. Regardless of whom their clients are, users of Air Force information systems are responsible for maintaining attorney-client privileged information, source selection sensitive information or other FOUO information in such a way that unauthorized personnel cannot access it. Users should refer to DoD 5200.01-R, *Information Security Program*, for proper marking and security of FOUO material. This is particularly problematic when the information is stored on a local area network or on a computer connected to such a network and military or contract personnel not assigned to the JAG Corps administer or have access to that system. Users are responsible for ensuring that privileged or sensitive computer information is stored in folders that are clearly labeled as such with access restricted to the appropriate users and that email messages containing such information are also clearly identified.

### ***Section 2B—Law Libraries***

**2.2. Maintaining Law Libraries.** Each Air Force legal office that receives law library materials centrally purchased through AFLOA/JAS is responsible for maintaining a law library. Law libraries can also contain locally purchased materials or materials purchased or donated by other organizations or individuals.

**2.3. Receipt of Library Materials.** Law Library Accountable Officers are responsible for updating RAMS to reflect the receipt of all centrally purchased law library materials and maintain RAMS information to reflect the current state of all centrally purchased law library materials.

#### **2.4. Reconciling Ordered Material:**

2.4.1. AFLOA/JAS is responsible for updating RAMS to indicate what publications have been centrally purchased for each law library. Law Library Accountable Officers are responsible for monitoring RAMS to stay aware of publications currently on order for their respective libraries and updating the information once the publication arrives.

2.4.2. Law Library Accountable Officers are responsible for immediately advising AFLOA/JAS, in writing, of any discrepancy between what was ordered and what was received. This notification should contain the book title, publisher of the affected material, and a description of the problem.

**2.5. The Centrally Purchased Law Library System.** This system consists of prioritized lists of basic sets of law materials designed for different types of Air Force legal offices. AFLOA/JAS is responsible for centrally purchasing these materials. Legal offices should follow the procedures in the Unified Law Library Handbook maintained on the RAMS website which can be found on FLITE.

**2.6. Termination of Law Library Accounts.** AFLOA Directors, SJAs, and senior members of each JAG Corps activity and SAF/GC seeking to terminate their law library account are responsible for notifying AFLOA/JASR and providing a complete accounting of all inventory for reconciliation. AFLOA/JASR is responsible for providing requestors instruction on disposition of materials upon termination of the account.

*Section 2C—VTC Systems*

**2.7. Permitted VTC Equipment Use.** VTC equipment provided by the JAG Corps is for official use and other authorized purposes only. Users should comply with the procedures in the VTC Handbook when scheduling/using VTC equipment. Requests to use the AFLOA/JAS bridge to facilitate non-official events should be approved by AFLOA/JAS prior to being placed on the schedule and will be considered on a case-by-case basis. Technical support and equipment availability for non-official or morale events may be limited, depending upon mission requirements.

**2.8. VTC Movement.** All JAG Corps-purchased VTC machines are to be installed and maintained within the legal offices designated by AFLOA/JAS. Anyone who moves a VTC machine to a facility controlled by another unit or office, to include another JAG Corps office, is responsible for coordinating with and obtaining the approval of the Director, AFLOA/JAS.

JEFFREY A. ROCKWELL  
Lieutenant General, USAF  
The Judge Advocate General



**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

DoD Directive 5160.64E, *Legal Information Technology*, 23 August 2005  
DoD Directive 5400.11-R, *DoD Privacy Program*, 29 October 2014  
DoD Directive 5500.7, *Standards of Conduct*, 29 November 2007  
31 U.S.C. §1535, *Agency Agreements*  
DoD 5200.01-R, *Information Security Program*, 14 January 1997  
AFPD 51-1, *The Judge Advocate General's Department*, 19 November 1993  
AFI 16-1404, *Air Force Information Security Program*, 29 May 2015  
AFI 33-332, *Air Force Privacy and Civil Liberties Program*, 12 January 2015  
AFI 33-360, *Publications and Forms Management*, 1 December 2015  
AFMAN 33-363, *Management of Records*, 1 March 2008  
American Bar Association Formal Opinion 477, *Securing Communication of Protected Client Information*, 11 May 2017

***Prescribed Forms***

None

***Adopted Forms***

AF Form 847, *Recommendation for Change of Publication*

***Abbreviations and Acronyms***

**AFI**—Air Force Instruction  
**AFLOA**—Air Force Legal Operations Agency  
**AFLOA/CC**—Air Force Legal Operations Agency Commander  
**AFPD**—Air Force Policy Directive  
**COOP**—Continuity of Operations Plan  
**DEARAS**—Defense Emergency Authorities Retrieval and Analysis System  
**DoD**—Department of Defense  
**EIM**—Enterprise Information Management  
**FLITE**—Federal Legal Information Through Electronics  
**GC**—General Counsel  
**JAG Corps**—The Judge Advocate General's Corps

**JAS**—Air Force Legal Information Services Directorate

**RAMS**—Resource Allocation Management System

**SAF/GC**—Secretary of the Air Force General Counsel

**SJA**—Staff Judge Advocate

**TJAG**—The Judge Advocate General

**VTC**—Video Teleconference