

CLAMO Report

Center for Law and Military Operations (CLAMO)
The Judge Advocate General's School

Preparation Tips for the Deployment of a Brigade Operational Law Team (BOLT)

This is the second in a series of CLAMO notes discussing tactics, techniques, and procedures (TTP) for a Brigade Operational Law Team (BOLT) preparing to deploy to the Joint Readiness Training Center (JRTC). These TTPs are based on the observations and experiences of Operational Law (OPLAW) Observer-Controllers (OCs) at the JRTC. The JRTC OPLAW OC Team suggests a four-stage “battle-focused training” approach to BOLT preparation for a JRTC rotation. This training first prepares the individual BOLT member, transitions to prepare the BOLT as a whole, then prepares the brigade staff, and finally focuses on the entire brigade task force. These training steps should prove useful to BOLTs preparing for a JRTC rotation.

A deployment to one of the combat training centers (CTC) provides a BOLT with a rare opportunity to train with the brigade task force. All too often, the concept of teamwork within the BOLT takes a backseat as the judge advocate (JA) struggles to stay on top of the ever-increasing number of legal issues. The JA dispatches his senior legal non-commissioned officer (SLNCO) to find food and transportation, and to “take the night shift” in the Tactical Operations Center (TOC). Lacking guidance from the JA and SLNCO, the one legal specialist who accompanies the team achieves the top seven “Minesweeper” scores on the Rucksack Deployable Law Office and Library (RDL) laptop computer before being pulled by the brigade S-1 to work in the Administration & Logistics Center (ALOC). After fourteen days of exhaustion and frustration, the BOLT returns to home station having “survived” a training rotation, but never coming together as a team to solve the challenges of identifying, confronting, and quickly resolving the host of legal issues that overwhelmed them.

Brigade JAs often overlook that doctrine calls for an Operational Law Team at the brigade level,¹ and that effective coordination, training, and use of the team members can increase the BOLT's effectiveness (and thereby reduce the JA's stress) by an order of magnitude. This note explores the development of a BOLT training plan designed to build an effective team poised for a successful rotation at the JRTC.

To create a BOLT training plan, the JA and SLNCO should begin by analyzing the BOLT's mission and gain an understanding of all the tasks they must be able to accomplish (a Mission Essential Task Lists, or METL).² Next, the BOLT leadership must identify BOLT personnel and assess their proficiency at METL and individual tasks.³ Finally, the team must be organized, trained, and resourced to accomplish the BOLT's mission and METL. Throughout this process, the JA and SLNCO must have the guidance and approval of the Office of the Staff Judge Advocate (OSJA) leadership—the SJA, DSJA, CLNCO, and Legal Administrator. The input and endorsement of the OSJA leadership is critical to the training plan's soundness and execution.

BOLT Mission and METL

The BOLT's mission is to provide professional legal services within the brigade throughout the range of military operations.⁴ With this mission, a BOLT develops its METL—those tasks a BOLT must be able to accomplish to provide effective legal services to the brigade. A BOLT's METL relevant to a contingency deployment may contain some of the following tasks:

- (1) Provide Command Legal Advice and Services;
- (2) Plan and Provide Legal Services to Soldiers;
- (3) Plan and Conduct International Law Operations; and
- (4) Deploy and Sustain Operational Readiness.⁵

Each METL task contains a number of subtasks defining how the BOLT will accomplish the METL task. For instance, “Plan and Provide Legal Services to Soldiers” may include the following subtasks for a BOLT:

- (1) Provide legal advice and services on trusts and estates;
- (2) Provide legal advice and services on family law;

1. U.S. DEP'T OF ARMY, FIELD MANUAL 27-100, LEGAL SUPPORT TO OPERATIONS 5-21 (1 Mar. 2000) [hereinafter FM 27-100].

2. *Id.* at 4-32. See also U.S. DEP'T OF ARMY, FIELD MANUAL 25-100, TRAIN THE FORCE 3-1 (15 Nov. 1988) [hereinafter FM 25-100].

3. FM 27-100, *supra* note 1, at 4-32.

4. *Id.* at vii.

5. *Id.* at 4-34.

- (3) Provide legal advice and services on civilian criminal matters; and
- (4) Understand and implement a preventive law program.

Subtasks are drawn from the Judge Advocate General's Corps (JAGC) doctrine, higher OSJA requirements, and brigade plans and standing operating procedures (SOP).⁶ The team should also examine the specific mission to anticipate operation-specific tasks.⁷

With a thorough understanding of the BOLT METL and constituent subtasks, the JA and SLNCO can best determine what personnel they will need, how to task-organize them, and what training the team requires. The METL tasks should drive the training plan, forcing the JA and SLNCO to envision how METL tasks will be performed in the field, who will perform them, and what training is needed to achieve proficiency.

BOLT Composition

A BOLT is typically comprised of a JA, a SLNCO, and three to five legal specialists, depending on the number of battalions within the brigade combat team.⁸ The JA is the chief of the BOLT, assisted by the SLNCO.⁹ In garrison, the JA and SLNCO normally interact with only those legal specialists assigned to the brigade's organic maneuver battalions. The legal specialists assigned to battalions providing slice elements to the BCT (such as artillery, engineer, and support battalions) often work in their corresponding consolidated legal centers (such as division artillery and division support command) or in the main OSJA. Without an existing habitual relationship with these other legal specialists, the JA and SLNCO must organize and train the entire team well in advance of the rotation to function effectively on deployment. This may prove challenging due to other work requirements. Uniting these legal specialists from different legal centers for team-building and collective training is virtually impossible without strong support from the OSJA leadership.

When possible, BOLTs should deploy the entire team assigned to the task force, rather than only one or two legal specialists. As any JA who has been through a CTC rotation will attest, there is more than enough work to challenge a JA in a few days—the challenge lies in using all assets to their full potential. Unfortunately, many units leave some legal specialists behind in garrison legal centers, depriving both the BOLT of their service and the soldiers of a rare and valuable training opportunity. This also denies the battalion an opportunity to exercise its own systems in a deployed environment and downplays the importance of legal support. Finally, failure to deploy legal specialists assigned to the battalions signals to the battalion and brigade leaders that legal support may be unnecessary in operations at that level.

BOLT Organization and Employment

Once METL tasks are understood and deploying personnel identified, the training plan should explain the employment and necessary resourcing of BOLT personnel. These decisions are driven by METT-T¹⁰ and the JA's & SLNCO's coordination with the legal specialists' parent units.

The BOLT should plan to occupy a location as close as possible to the nerve center of current and future operations to participate in mission planning and react with timely advice to legal issues as they arise. The BOLT should be present in the TOC, with the commander and primary staff.¹¹ Depending on the mission, the JA may need to move with the brigade TAC (forward command post) or even the Command & Control vehicle or aircraft.¹² In any case, the JA should be positioned to provide legal advice to the command at all times.¹³

Failure to effectively locate, organize, and appropriately employ legal specialists causes significant challenges in delivering effective legal services during a brigade deployment. Judge advocates and SLNCOs must evaluate several variables before task organizing legal specialists to maximize their value to the BOLT and the brigade. These concerns include the strength, training, and experience of the legal specialists, the

6. U.S. DEP'T OF ARMY, FIELD MANUAL 25-101, BATTLE FOCUSED TRAINING 2-3 (30 Sept. 1990) [hereinafter FM 25-101].

7. For an example of a systematic approach to anticipate legal issues, see TJAGSA Note, International and Operational Law Division, *A Problem Solving Model for Developing Operational Law Proficiency: An Analytical Tool for Managing the Complex*, ARMY LAW., Sept. 1998, at 36 (describing "Legal Preparation of the Battlefield").

8. FM 27-100, *supra* note 1, at 5-21.

9. *Id.*

10. METT-T stands for: Mission, Enemy, Terrain, Troops, and Time available—an acronym for the various factors considered during operation planning and execution. U.S. DEP'T OF ARMY, FIELD MANUAL 101-5-1, OPERATIONAL TERMS AND GRAPHICS 1-102 (30 Sept. 1997).

11. FM 27-100, *supra* note 1, at 5-22.

12. *Id.* at 5-23.

13. *Id.* at 5-22 through 5-24.

nature of the mission, the brigade's operational methods, and the understanding and willingness of the brigade and battalion staffs to use legal personnel in their doctrinal roles.

The SLNCO is normally at his most effective when co-located with the JA in the TOC. Being in the TOC allows the SLNCO to rotate shifts with the JA to provide twenty-four-hour legal coverage, to monitor all incoming information, and to communicate with any subordinate unit and legal specialist. Though not authorized to provide legal advice, the SLNCO generally has the training and experience to recognize legal issues arising during operational planning and execution.¹⁴ Finally, locating the SLNCO at the TOC provides continuity in the event that the JA conducts battlefield circulation or becomes a casualty.

Legal specialists should augment the team at the TOC, assisting the JA and SLNCO with the many procedural aspects of operational law, including preparation of investigations, military justice, and claims actions. These legal specialists log the legal actions and communicate with both higher and subordinate units to deliver legal support. The TOC legal specialists benefit from their close coordination with the JA and SLNCO and gain perspective and training on the full range of operational legal issues affecting the task force. In turn, the JA and SLNCO owe their personnel at the TOC full training value for their work by including them in the military decision making process and introducing them to the legal issues the JA cell must spot during operations.

Other legal specialists may be detailed to provide legal support to subordinate headquarters such as maneuver battalions (for example, investigations of fratricides, law of war violations, and other serious incidents) and the support battalion (enemy prisoner of war (EPW) treatment, contracting, civilian requests for food, and supplies). Placing legal specialists at subordinate battalions provides the battalions with legal support at their level and facilitates communication with the JA when necessary. A legal specialist operating independently at the subordinate level carries significant responsibility as he is the BOLT's sole representative at a headquarters where a significant amount of legal work may occur. These legal specialists must have the trust and support of the JA and the officers and NCOs at their location and be well trained in both military occupational specialty (MOS) and soldier skills. Tasks that battalion legal specialists may be expected to perform include:

- (1) Providing procedural advice and administrative support to investigating officers;
- (2) Preparing military justice procedural matters through a completed Article 32 investigation;

- (3) Conducting "Team Village" outreach visits;
- (4) Investigating and processing claims for submission to a claims commission;
- (5) Battle-tracking in the battalion TOC to spot legal issues;
- (6) Monitoring battalion combat trains for EPWs and fratricide reports; and
- (7) Disseminating and training rules of engagement (ROE).

A significant concern the BOLT training plan must address is the use of legal specialists by other senior NCOs and officers to perform non-legal functions. At times, legal specialists become the S-1's driver or perform permanent TOC security detail and are no longer under the BOLT's control. This can occur at both the brigade and battalion level, though the latter is more likely as the JA and SLNCO are not present to protect the legal specialist from performing non-legal duties.

As members of the brigade, BOLT personnel should contribute to the same extent as other headquarters personnel. This means that everyone may pull their share of guard duty, may courier documents, or may perform other duties common to TOC personnel. However, do not confuse helping the overall team with abdicating MOS-specific work. The JA and SLNCO must ensure the unit S-1 and S-3 understand that legal personnel work for the BOLT and deploy to perform MOS-specific training and work. If a battalion staff tasks a BOLT asset with non-legal functions to the point where he cannot fulfill his primary mission, the JA and SLNCO should coordinate with the battalion staff to resolve the problem. If that fails, the BOLT should bring the problem to the attention of the brigade executive officer and command sergeant major or the SJA for resolution.

BOLT Training

With the BOLT personnel identified, their roles in units secured, and a defined mission and METL, the JA and SLNCO must ensure that the team members are trained to accomplish their tasks. The JA and SLNCO are the team's chief trainers, with the JA ultimately responsible for training the team and the SLNCO ensuring each soldier is proficient at individual and collective tasks.¹⁵ The BOLT training goals must focus on mission accomplishment, soldier readiness, and the six core legal disciplines (military justice, international law, administrative law, civil law, claims, and legal assistance).¹⁶

Individual training includes fieldcraft and any special training required of all soldiers in the unit (such as airborne, air

14. See U.S. DEP'T OF ARMY, SOLDIER TRAINING PUB. 12-71D15-SM-TG, LEGAL SPECIALIST (Oct. 1997) [hereinafter LEGAL SPECIALIST].

15. FM 25-101, *supra* note 6, at 1-2.

16. FM 27-100, *supra* note 1, at viii.

assault, and similar training). All personnel should be able to perform tasks common to all soldiers. All legal specialists should also be able to process military justice documents, intake claims, and perform all other MOS-specific tasks.¹⁷ The JA and SLNCO should also know about special capabilities and limitations within the team, such as special weapons qualification, jumpmaster certification, foreign language fluency, and others. Awareness of these types of skills gives the BOLT flexibility to pursue its own mission as well as other brigade missions as circumstances arise.

Collective training synchronizes team members' individual efforts while accomplishing METL tasks. For example, analyzing a mission operations order (OPORD) in a time-constrained environment is often a collective task, requiring a team effort. At the JRTC, the BOLT must conduct mission analysis within a few hours after receipt of a new OPORD. As the JA attends the division briefing and studies the base order to gain an understanding of the overall mission and any specified and implied tasks impacting the BOLT, the SLNCO and legal specialists may analyze the order for ROE. The SLNCO distills the ROE annex for mission-specific ROE and details the legal specialists to comb through other annexes for ROE hidden in battlefield operating systems (BOS)-specific coordinating instructions. One specialist may check the fire support annex, another the close air support annex, a third the civil-military operations annex, and so on. Each specialist lists particular ROE accompanied by a citation to annex and paragraph. Meanwhile, the JA identifies ROE dissemination and certification of 100% ROE training to the division as tasks for the BOLT. The SLNCO compiles the ROE lists and reviews them with the JA to determine the extent of ROE dissemination and additional training required.

The BOLT's collective task is to analyze a division OPORD. To accomplish this collective task in a time-constrained environment, each BOLT member must be trained to perform the following individual tasks:

- (1) Identify basic principles of the *Chairman of the Joint Chiefs of Staff (JCS) Standing Rules of Engagement (SROE)*;
- (2) Know baseline ROE applicable to the brigade prior to OPORD receipt (from prior OPORDs, tactical SOPs, or home-station ROE training);
- (3) Identify BOS-specific ROE; and
- (4) Understand how to read an OPORD.

Additionally, the JA and SLNCO must be able to identify those OPORD paragraphs containing implied tasks for the BOLT.

A training plan addresses these requirements by scheduling a series of classes and practical exercises. One class focuses on the JCS SROE and an understanding of the brigade's baseline ROE, while another class describes how to read an OPORD. Each class concludes with a practical exercise to ensure that the BOLT members understand what ROE and OPORDs look like. A final session reviews the BOLT members' responsibilities upon OPORD receipt, with a practical exercise requiring a complete OPORD analysis, to prepare the JA for a mission analysis brief. By training these and other METL tasks with the team, the JA and SLNCO ensure that the BOLT can handle everything it may face while deployed with the brigade.

Accomplishing collective BOLT training is often difficult and usually hindered by a variety of training distracters. These distracters typically come in the form of personnel ownership issues and garrison mission requirements. Judge advocates must address these distracters, as they erode deployment effectiveness and degrade readiness. A well thought-out and approved training plan will mitigate these distracters. The BOLT should create a training plan, present the plan to the JAGC leadership, gain their support, make necessary changes, implement the plan, and protect training time.

BOLT Resourcing

Preparing the team not only includes training team members, but also preparing the team's resources. The BOLT should inventory the team's assets and prepare resource kits to deliver to each team location. Each kit should be stocked with the materials needed to perform those mission-essential tasks contemplated at each location.

At the brigade TOC, the BOLT should have a full copy of every necessary resource, to include all forms and publications, preferably in both electronic and hardcopy formats. Good packing lists can be found in chapter 32 of the 2001 edition of the *Operational Law Handbook*,¹⁸ and on the CLAMO Web site at <http://www.jagcnet.army.mil/CLAMO-Training>. Prepared BOLTs also arrive at the JRTC with multiple copies of pre-packaged claims and *Army Regulation (AR) 15-6*¹⁹ investigation packets, ready for distribution to the claimant or investigating officer. The RDLs should be pre-loaded with all software, and the JA and SLNCO should *personally* check to ensure that all necessary programs and hardware (printers, scanners, cameras) work with the laptop before deploying.

Unit legal specialists should have copies of frequently used regulations and forms. For example, all battalion legal clerks should have *Department of the Army Form 2627 (Article 15)*,²⁰ copies of *AR 27-10 (Military Justice)*²¹ and *AR 15-6 (Investiga-*

17. See LEGAL SPECIALIST, *supra* note 14, for a list of legal specialist tasks.

18. INT'L & OPERATIONAL L. DEP'T., THE JUDGE ADVOCATE GENERAL'S SCHOOL, U.S. ARMY, OPERATIONAL LAW HANDBOOK (2001).

19. U.S. DEP'T OF ARMY, REG. 15-6, PROCEDURE FOR INVESTIGATING OFFICERS AND BOARDS OF OFFICERS (30 Sept. 1996).

tions), and the *Manual for Courts-Martial*. Maneuver battalion legal specialists should have copies of *AR 15-6* packets in the event of a fratricide or serious incident involving civilians. Legal personnel at the brigade support area (BSA) should stock claims packets, an EPW inspection checklist, a copy of *AR 735-5*,²² and all other references necessary to support the legal mission at the BSA. When the JA determines that a given unit is likely to face sufficient legal issues to require dedication of a legal specialist, he should pre-position the resources that specialist will need to support that unit.

The BOLT should be able to identify and resolve legal issues as they arise within the brigade. To accomplish this, the team must be appropriately staffed, effectively organized, well trained, and appropriately supplied. Thorough BOLT preparation through the use of a coordinated training plan positions the

team to succeed during a CTC rotation, maximizes the training value for the team members, and eases the friction legal issues pose for the brigade commander.

Having prepared the BOLT to accomplish its mission within the task force, the team must now integrate with the brigade staff to better receive information and influence operations to reduce the commander's legal exposure. The next note in this series will address TTPs to facilitate the BOLT's staff integration in operations.

For more information on JRTC, or to contact the OCs, see CLAMO's "Combat Training Centers" database at <http://www.jagcnet.army.mil/CLAMO-CTCs>. The JRTC Observer-Controller Team.

20. U.S. Dep't of Army, DA Form 2627, Record of Proceedings Under Article 15, UCMJ (Aug. 1984).

21. U.S. DEP'T OF ARMY, REG. 27-10, LEGAL SERVICES: MILITARY JUSTICE (20 Aug. 1999).

22. U.S. DEP'T OF ARMY, REG. 735-5, POLICIES AND PROCEDURES FOR PROPERTY ACCOUNTABILITY (31 Jan. 1999).