

JAG PRIMARY RESERVE STUDY
INTERIM REPORT

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- I. CANFORGEN 172/11 CDS 025/11 211449Z SEP 11
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- K. JAG Primary Reserve Legal Officers' Manual issued 1 October 2002
- L. JAG Policy Directive 033/04 (Protection of electronic information subject to solicitor-client privilege) (JAG)
- M. 1901-1 DESIGNATION OF COMMANDING OFFICER – LEGAL BRANCH
PRIMARY RESERVE LIST (JAG/COS) 12 May 2008

AIM

1. This report will discuss and analyze the findings of the JAG Primary Reserve Study (JPRS) which was ordered to be conducted pursuant to Ref A, and will make recommendations for the more effective structuring and employment of the JAG Primary Reserve List (JAG PRL) of the Office of the Judge Advocate General (OJAG).

BACKGROUND

Overview

2. In accordance with Ref A, the JPRS Team (Team) was ordered to conduct a comprehensive examination of how the JAG PRL presently operates, identify the strengths and weaknesses of the present model, and make recommendations for change, in order to better align the OJAG Reserve component with the goals set out at Ref B.

3. Ref A ordered that the Team be comprised of the following members:

- a. Team Leader – LCol R.A. Mitchell, ADJAG/Reserves;
- b. Team 2iC – Cdr L.C. Markert, DAJAG Atlantic Region;
- c. Member – Maj P.T. Crocco, DJA Central 8; and
- d. Member – Capt D. Austin, COS JAG MMO.

4. In order to meet the JAG Intent at Ref A, the Team was required to:

- a. read and familiarize itself with Ref B, and interpret the Terms of Reference at Ref A (TOR) using the principles set out in Ref B as institutional guidance;
- b. identify, consult and study all pertinent legislation, regulations, orders, directives and other key documents establishing and governing the JAG PRL; and
- c. identify and interview a representative sampling of Reserve Force (Res F), Regular Force (Reg F), and civilian OJAG personnel as required, to better understand current JAG PRL processes and issues, to clarify how JAG Reg F and Res F tasks interact, and to assist in the formulation of relevant recommendations.

Methodology

5. In fulfilling its mandate, the Team:
 - a. familiarized itself with the TOR;
 - b. gathered and familiarized itself with the relevant legislation, regulations, orders, directives and key documents;
 - c. identified a representative sampling of Res F, Reg F and civilian OJAG personnel to be interviewed as part of the JPRS. The Team determined that interviews would be conducted of:
 - i. all members of the JAG PRL if possible but, in any event, no less than 40 of its members, including members in each of the Assistant Judge Advocate General (AJAG) regional offices across Canada, Special Projects (SP), Directorate of Military Prosecutions (CMPS) and Directorate of Defence Counsel Services (DCS);
 - ii. at least 20 members of the Reg F focussing on members serving within the Directorate of Regional Services;
 - iii. all Legal Officers acting as AJAGs;
 - iv. all Legal Officers acting as Deputy Assistant Judge Advocate Generals (DAJAGs);
 - v. all CWOs/CPO1s serving with the OJAG;
 - vi. senior leaders within the Directorate of Regional Services;
 - vii. senior leaders within the CMPS; and
 - viii. senior leaders within the DCS.
 - d. formulated standard interview questions for members serving in the following positions:
 - i. AJAG;
 - ii. DAJAG;
 - iii. Deputy Director Military Prosecutions/Reserve (DCMPS/Res)
 - iv. Deputy Directory Defence Counsel Services (DDCS)
 - v. SP Legal Officers;
 - vi. Res F Deputy Judge Advocate (Res DJA);
 - vii. Reg F Deputy Judge Advocate (Reg DJA);
 - viii. Res F Military Prosecutor (Res RMP);
 - ix. Reg F Military Prosecutor (Reg RMP);

- x. Res F Defence Counsel (Res DC); and
- xi. Reg F Defence Counsel (Reg DC).

- e. conducted both face-to-face and telephone interviews;
- f. consulted with key members of the OJAG as necessary ;
- g. reviewed and synthesized the information obtained through the JPRS; and
- h. considered findings and made recommendations.

6. Attached as Annex A is a list of all 83 members of the OJAG who were interviewed or consulted as part of the JPRS. Including Team members, senior JAG leadership, members of the office of the JAG COS and interviewees, a total of 88 members of the OJAG were involved in the process of the JPRS.

Scope of Review

7. In accordance with Ref A, the Team was required to review the following aspects of the JAG PRL and make appropriate recommendations on each of the following points:

- a. Role and Mandate
 - i. Identify the present role of the JAG PRL, and make recommendations as to whether this role should be modified.
 - ii. Identify the present mandate assigned to the JAG PRL, and make recommendations as to whether this mandate should be modified.
- b. Command and Control
 - i. Identify the present roles and functions of the following strategic level positions, and make recommendations as to whether any changes should be made:
 - a. DJAG/Reserve (DJAG/Res); and
 - b. ADJAG/Reserve (ADJAG/Res).

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- ii. Identify the present roles and functions of the following operational level positions, and make recommendations as to whether any changes should be made:
 - a. DAJAG;
 - b. DCMPS/Res;
 - c. DDCS;
 - d. Res DJA;
 - e. Res RMP; and
 - f. Res DC.
- iii. Review how JAG PRL positions report to the following chains of command, bearing in mind the special independence requirements of prosecution and defence personnel, and make recommendations as to whether any changes should be made:
 - a. Regional Services (Reg Svcs);
 - b. CMPS; and
 - c. DCS.
- iv. Review the existing chain of command structure for JAG PRL members, and make recommendations
- v. Review the current JAG PRL establishment and organizational structure, and assess whether it is sufficient to fill the current role/mandate (key considerations to include establishment size, composition, right distribution, and geographic distribution).
- vi. Review the "Special Projects List" (SP List) concept and assess

c. Career Management

- i. Review of the current organizational approach to the following JAG PRL career management issues, make recommendations as to whether any changes should be made:
 - a. recruiting;

- b. training;
- c. employment/deployment;
- d. progression/retention; and
- e. release.

d. Administration

- i. Review the current organizational approach to the following aspects of JAG PRL administrative support, and make recommendations as to whether any changes should be made to:

- a. JAG PRL Orderly Room (JAG PRL OR) staff and reporting relationships;
- b. regional office support;
- c. office space and facilities;
- d. communications and technology;
- e. pay sheets/pay administration; and
- f. terms of service and route letters.

e. Additional Points

- i. After seeking and receiving consent of COS JAG and DJAG/Res, review and make recommendations with respect to additional relevant aspects of the structure or operation of the JAG PRL.

FINDINGS

History of Reserve Legal Officers in the Canadian Forces

8. In order to better situate the findings and recommendations of this report, the Team examined the history of Reserve Legal Officers serving in the Canadian Forces (CF). This history provides a reference point for the current structuring and employment of OJAG Reserve resources.

9. Unfortunately, there is little information available regarding the history of the JAG Reserve. Excerpts from pages 114-115 and 134-135 at Ref C were the best available source for an overview of the history of the JAG Reserve:

The Creation of the JAG Reserve

At times, the resources of the Regular Force Legal Officers were stretched to the limit. They needed help. However, from the Second World War up to the 1970s, the JAG Reserve was virtually non-existent. The Forces had a system of Reserves, which included the Primary Reserve, the Supplementary Holding List, the Cadet Instructors List and the Canadian Rangers. The Primary Reserve had its own units and regular training. The Supplementary Holding List, on the other hand, consisted of personnel who had special expertise that might be used by the Forces. For the most part this meant retired military members, including retired military lawyers. If there was a need for a legally qualified military officer that could not be filled by those in the Regular Force, a lawyer in the Supplementary Holding List or one in the Primary Reserves who was serving in a non-legal capacity might be requested to provide his services. Despite the availability of this source of assistance, it was seldom exploited.

In the late sixties and early seventies things began to change somewhat. A Reserve naval officer, Lieutenant-Commander René Marin, was a Provincial Court Judge in Ontario at a time when drugs were becoming a serious problem in Canada and the Forces. He had presided over the trial of a Cadet from Royal Military College in Kingston on charges relating to possession of a narcotic for the purpose of trafficking. Lieutenant-Commander Marin had also given a series of lectures to his fellow judges on the trial of drug cases. The JAG, Brigadier-General McLearn, asked him to give a similar presentation to the annual conference of the Legal Branch. This led to the JAG asking Lieutenant-Commander Marin for a plan as to how legally trained Reserve officers might augment the Legal Officers in the Regular Force. The result was the birth of the JAG Reserve.

By contacting lawyers already in the Reserves but serving in non-legal capacities, Marin managed to find enough who were willing to join the JAG Branch to create a network across Canada. For the most part they were naval officers, but a few army and air force officers were also recruited. He also raided the Federal Department of Justice after finding out which of their lawyers had previous military experience of some sort. Retired members of the Legal Branch filled out the empty slots.

Lieutenant-Commander Marin himself also switched from naval operations at H.M.C.S. Carleton in Ottawa to the JAG Reserve. He was promoted to Commander and later Captain(N). He ultimately became the first Deputy Judge Advocate General/Reserves. He and Commander (later Captain(N)) Walter Goodfellow were the first Reserve Legal Officers from the new organization to preside as military judges at a court martial. In the late seventies, Major-General Richard Rhomer, the head of the Reserve Force, asked for a Reserve Legal Officer to be appointed as an adviser to the Reserve Council. Marin's name was at the top of the list and he took on the title of Senior Reserve Adviser (Legal) as well. The Branch now had the nucleus of an effective and enthusiastic corps of

part-time Legal Officers who were able to advise Reserve units, as well as augment Regular Force Legal Officers when needed.

[...]

Updated Reserves

The Jag Reserve also changed in the eighties. Up until the early part of that decade, the JAG Reserve was still an ad hoc type of organization even though it had improved considerably in the seventies. It was top heavy with 1 Colonel (or equivalent), 9 Lieutenant-Colonels and 10 Majors. Furthermore, as indicated by the rank distribution, it was mainly composed of more-senior, and older, Legal Officers and lacked the age distribution necessary to fill in behind retiring officers. As a result, the organisation and administration of the Reserve would have been unlikely to have met the Forces' requirements for a rapid expansion in a time of crisis. In 1982 a concerted effort was made to reorganize the JAG along more functional lines. It took until the end of October, 1983, to finalize the new structure and obtain NDHQ approval [1901-1 TD 1254 (DCDS), October 21, 1983].

The role of the revitalized JAG Reserve followed that of the Reserve Force generally. It was stated as follows:

The role of the Res F is to enhance the war deterrence capability of the Canadian Forces and to support the Regular Force (Reg F) in ongoing peacetime tasks and activities [NDHQ Policy Directive P26, para. 11].

The JAG Reserve had both wartime and peacetime missions specified. In war it was to augment Regular Force legal resources and provide a base for further mobilization. In peacetime it was to prepare for war missions and provide legal advice to Primary Reserve commanders, commanding officers and staff. Its members were also to provide assistance in the training of Primary Reserve personnel in military law and the law of armed conflict. Another of its major tasks was to provide a pool of trained Legal Officers to augment Regular Force legal resources in peacetime (primarily in the area of courts martial). As a further advantage of having Legal Officers with one foot in the military camp and the other in the civilian legal community, JAG Reserve officers helped maintain contact with each Provincial Bar and the various legal associations such as the Canadian Bar Association.

To meet its mission, the Legal Branch Reserve was organized on a regional basis similar to the Regular Force Legal Officer organization. In addition, the establishment was increased from 20 to 42 with provision for 1 Colonel, 6 Lieutenant-Colonels, 22 Majors, and 13 Captains. The 6 Lieutenant-Colonels were to be "Area Legal Advisers" in the six regions [Atlantic, Eastern, Central, Prairie, Western, and Pacific]. For matters relating to the performance of their

duties in providing legal services they were to be responsible to the local Assistant Judge Advocate General while they reported directly to the JAG in other areas such as recruiting and training. The "District Legal Advisers" were under the command of these Area Legal Advisers.

A considerable number of new officers were recruited into the JAG Reserve and they made their presence felt. Some were relatively young and new to the military experience or the law while others had years of practice in both areas. There was a mix of members with private practices and others who worked for federal or provincial governments. Both male and female lawyers responded to the call.

In 1987 Captain(N) Marin left the JAG Reserves and returned to naval operations as a senior adviser with a promotion to Commodore. Commander Walter Goodfellow deservedly put up his fourth stripe and settled into the Deputy Judge Advocate General/Reserve's chair.

10. Throughout the early history of the JAG Reserve, Res F Legal Officers were carried on the strength of the National Defence Headquarters/Primary Reserve List (NDHQ/PRL) but were assigned to and organized as part of the OJAG. The significant changes to the OJAG prompted by the Report of the Somalia Inquiry and the two Dickson Reports in 1997-1998 necessarily impacted the JAG Reserve. In particular, QR&O 4.081, which came into force in 1997, required that all Legal Officers, including Res F Legal Officers, be under the command and control of the JAG. As such, the JAG Reserve was restructured a second time by BGen Pitzul in 1999 IAW Ref D. The restructuring of the JAG Reserve involved an internal reorganization of the titles and distribution of Res F Legal Officers as well as a strategic reorganization of the JAG Reserve within the CF.

11. The 1999 restructuring saw the JAG Reserve establishment expand from 42 to 60 Res F Legal Officers, consisting of one Colonel, 13 Lieutenant-Colonels, and 46 Majors. The 1999 reorganization also resulted in the renaming of positions within the JAG Reserve. The position of Senior Reserve Advisor (Legal) (SRA(L)), held by the lone Res F Colonel, was renamed DJAG/Res. The six Res F Lieutenant-Colonels known as "Area Legal Advisers", with one advisor allocated to each of the six regions, became known as DAJAG. The position of "District Legal Adviser", held by Reserve Majors and Captains, was renamed DJA.

12. The most significant changes to the JAG Reserve, however, resulted from institutional changes that saw the creation of the CMPS and DCS within the OJAG. The restructuring resulted in the allocation of one Res F Lieutenant-Colonel as DDMP/Res and eight Majors as Res RMP within the CMPS. Similarly, within the DCS, one Lieutenant-Colonel was allocated as DDCS and six Majors as Res DC.

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13. The 1999 reorganization also resulted in the creation of the SP List which comprised Res F Lieutenant-Colonels not otherwise appointed as DCMPS, DDCS or as a DAJAG within the OJAG. In accordance with Ref D, the SP list was created in order to provide the OJAG with "flexibility and surge [capacity] in the provision of legal advice and services" and was controlled through Ottawa, regardless of the geographical location of the Res F member.

14. Despite the enactment of QR&O 4.081 in 1997, the process of making the JAG Reserve completely independent from the NDHQ/PRL was characterised by steady progress, not sudden change. The JAG Reserve transformation was complete on 14 Jun 2001 when all Res F Legal Officers were taken on strength of the JAG PRL under its own Unit Identification Code (3993), all of which was set out at Ref E. It is the 1999 reorganization of the JAG Reserve and the 2001 creation of the JAG PRL as a CF unit which, at the time of writing, currently serves as the structure for the JAG PRL and which is the subject of the JPRS.

15. Senior Reserve leadership to date has been as follows:

| Name | Time period as DJAG/Res |
|----------------------------------|-------------------------|
| Captain (Navy) René Marin | 1973 (?) – 1987 |
| Captain (Navy) Walter Goodfellow | 1987 – 1991 |
| Captain (Navy) Gerry McCracken | 1991 – 1994 |
| Colonel D.A. (Sandy) Fairbanks | 1994 – 2001* |
| Colonel Wolf Riedel | 2001 – 2009 |
| Colonel Robert Lesperance | 2009 – present |

* transition of position title from SRA(L) to DJAG/Res

JAG PRL Establishment and Organizational Structure

16. As depicted at Annex K, the current JAG PRL establishment consists of 65 Legal Officer positions of which 53 are currently filled. JAG PRL Legal Officers serve in one of five groups: Strategic Level Positions (DJAG/Res and ADJAG/Res), CMPS, DCS, Reg Svcs and SP.

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Directorate of Military Prosecutions Establishment

17. The CMPS has an establishment of nine JAG PRL Legal Officers, one of which is allocated to the position of DDMP/Res and the remaining eight to Res RMPs. The CMPS currently has a DDMP/Res and eight Res RMP on strength. The DDMP/Res is currently located in Ontario while the eight Res RMPs are geographically distributed as follows:

- a. British Columbia - 1;
- b. Alberta - 1;
- c. Saskatchewan - 1;
- d. Ontario - 3;
- e. Quebec - 1; and
- f. Nova Scotia - 1

18. The general consensus from the responses received during interviews with members of CMPS :

Directorate of Defence Counsel Services

19. DDCS has an establishment of nine JAG PRL Legal Officers, two of which are allocated to the two DDDCS positions and the remaining seven to Res DC. DCS currently has five Res DC on strength. The incumbent DDDCS has just received a judicial appointment and thus is in the process of releasing from the CF, and the second DDDCS position is not filled. The five Res DC are geographically distributed as follows:

- a. British Columbia - 1;
- b. Ontario - 2; and
- c. Quebec - 2.

20. The general consensus from the responses received during interviews with members of DCS :

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Directorate of Law / Regional Services

21. Reg Svcs has an establishment of 38 JAG PRL Legal Officers and currently has 32 JAG PRL Legal Officers on strength in the positions of DAJAG and Res DJA. These Res F officers are assigned to one of the six geographic regions. In each geographic region, a Res F Legal Officer at the rank of Lieutenant-Colonel or Commander serves as DAJAG. At the time of this report, there is currently no DAJAG for Pacific Region and the duties are being carried out by the AJAG and a Reg F Major. As well, Eastern Region has an Acting DAJAG at the rank of Major.

A review of the establishment and organizational structure and its sufficiency to fulfill the current role and mandate of the JAG PRL for those reserve Legal Officers serving within Regional Services :

Pacific Region

22. Pacific Region has an establishment of two Res DJA positions as well as a position allocated for a DAJAG. The DAJAG position is currently on loan to DJAG/Res and is being used for the position of ADJAG/Res. There are currently four Res DJAs in Pacific region (one located in Victoria and three in or near Vancouver), filling both establishment positions and positions on loan from Western and Prairie regions.

23. The general consensus from responses received during interviews with Res F and Reg F members of the OJAG :

Western Region

24. Western Region has an establishment of five positions, one DAJAG position and four Res F DJA positions. Two positions are currently filled by Res DJAs located in Calgary, one position is vacant and one position is on loan to Pacific Region.

25. The general consensus from responses received during interviews with Res F and Reg F members of the OJAG :

26. The general consensus suggests

A vacant establishment position is currently being filled to provide legal services to units in Edmonton. As previously indicated, one of the four establishment positions is currently on loan to Pacific Region.

Prairie Region

27. Prairie Region has an establishment of five positions, one DAJAG position and four Res DJA positions. Currently, only one Reserve DJA position is being filled by a Reserve Legal Officer located in Regina. One position is on loan to Pacific Region and the remaining two are vacant.

28. The general consensus from the responses received during interviews of Res and Reg F members of the OJAG

29. The current establishment for Prairie Region has two unfilled positions and one position on loan to Pacific Region. The general consensus of interviewees in this region was that

Central Region

30. Central Region has an establishment of 11 positions, one DAJAG and ten Res F DJA positions. Currently, the DAJAG position is filled and nine of the ten Res DJA positions are filled in the region, with Res DJAs geographically located as follows:

- a. Windsor - 1;
- b. London - 2;
- c. Hamilton - 1;

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- d. Newmarket - 1; and
- e. Ottawa - 4

31. The only vacant establishment position in Central Region, which is allocated to Toronto, is currently in the process of being filled.

Eastern Region

32. Eastern Region has an establishment of seven positions, one DAJAG position and six Res F DJA positions. Currently, the DAJAG position is being filled by a Res F Major as Acting DAJAG and five of the six Res DJA positions are filled in the region, with Res DJAs geographically located as follows:

- a. Montreal - 3;
- b. Trois-Rivières - 1; and
- c. Toronto - 1.

33. A majority of responses received during interviews with Res F and Reg F members of the OJAG indicates that,

Atlantic Region

34. Atlantic Region has an establishment of seven positions, one DAJAG position and six Res DJAs positions. The DAJAG position has recently been filled and five of six positions are filled in the region, with Res DJAs geographically located as follows:

- a. St John, NB – 2;
- b. Halifax, NS – 1;
- c. Sydney, NS – 1; and
- d. St. John's, NL – 1.

35. The general consensus from responses received during interviews with Res F and Reg F members of the OJAG indicates that,

36.

JAG PRL Orderly Room

37. The JAG PRL Orderly Room provides administrative support to the JAG PRL. It is co-located with the JAG OR in Ottawa. It currently has three positions: a Chief Clerk and a RMS Clerk both employed on Class B engagements, and a civilian Pay Clerk. All positions are currently staffed.

38. The Chief Clerk supervises the two clerks, and reports to ACOS Trg.

Role and Mandate

39. For the purposes of identifying the present role of the JAG PRL, and making the appropriate recommendations, the Team defines "role" as the function or part performed by the JAG PRL specifically by reference to the OJAG. While definitions of "mandate"

indicate that this term relates to more specific functions, the Team has determined that it is not necessary to make a distinction between these terms when using them in this report.

40. The JAG PRL consists of officers who are part of the Reserve Force (Res F) component of the CF. Subsection 15(3) of National Defence Act (NDA) defines the fundamental nature of Res F members, which includes JAG PRL officers, as members of the CF who, except when placed on active service, have enrolled for "other than continuing, full-time military service".

41. The primary role of the Res F, as defined at Ref F, is the augmentation, sustainment and support of deployed forces. As part of the Res F, JAG PRL officers share this role.

42. The JAG PRL is part of the Primary Reserve sub-component of the Reserve Force. The restructuring of the CF Res in 1995 led to the findings at Ref G which mandated that the Primary Reserve was to perform three distinct roles:

- a. serve as the basis for augmenting the Reg F in the first and second phases of mobilization;
- b. form the basis for full-scale mobilization; and
- c. constitute the link between the military and the community at large.

43. Most recently, and in light of the nature of the global engagements in which the CF has been involved, the role of Primary Reserve has been subject to closer examination. In 1995, the Standing Senate Committee on National Security and Defence at Ref H recommended that "[g]iven that 21st century warfare will not require mass mobilization, the Government of Canada should restate the roles and missions of the CF Primary Reserve[.]".

44. The CDS defined his view of the role of the Primary Reserve at Ref I as follows:

My vision for the Primary Reserve is a force that consists predominantly of part-time professional CF members, located throughout Canada, ready with reasonable notice to conduct or contribute to domestic and international operations to safeguard the defence and security of Canada. This force is fully integrated into the CF chain of command.

45. Consistent with Ref J, para 4 at Ref D defines the role of the JAG PRL as follows:

- a. to effect the mandate of the JAG:
 - i. the provision of legal advice to the Governor General, the Minister, the Department and the Canadian Forces in matters relating to military law (s.9.1 NDA);
 - ii. the superintendence of the administration of military justice in the CF (s.9.2(1) NDA); and
 - iii. the conduct of regular reviews of the administration of military justice (s.9.2(2) NDA);
 - b. to enhance the war deterrence capability of the CF; and
 - c. to support the CF in ongoing peacetime tasks and activities.
46. Ref D provides that in support of this role, JAG PRL officers provide legal support to:
- a. the operational activities of the CF;
 - b. a reformed military justice system;
 - c. training; and
 - d. general military law issues.
47. The current substantive mandate of Res DJAs is to:
- a. serve as the unit legal advisor to units assigned by the AJAG;
 - b. under the supervision of the DAJAG, provide training in military law and military justice to units and personnel assigned to the DJA; and
 - c. to augment the Reg F as needed.
48. The current substantive mandate of Res RMPs is:
- a. to serve as the legal advisor to CF NIS units in their region, in concert with the RMP;

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- b. as directed by DMP, to prepare for and prosecute at courts martial on behalf of CMPS;
- c. as directed by DMP, to appear as counsel before the Court Martial Appeal Court on behalf of CMPS; and
- d. as directed by CMPS, DMP or DDMP/Res, to provide training in military and criminal law to CF National Investigation Service personnel and other members.

49. The current substantive mandate of Res DC, under the direction of DCS and DDCS, is:

- a. to provide the legal services set out at QR&O 101.20(2);
- b. to prepare and update defence-related materials in the form of opinions and jurisprudence;
- c. to develop, prepare and present lectures on defence-related subjects; and
- d. to maintain expertise in all areas of the law touching upon military justice.

50. The current substantive mandate of the SP List is to perform such duties as may be assigned including duties to further the good administration, training and governance of JAG PRL Legal Officers and the delivery of legal services by JAG PRL Legal Officers.

51. As part of the OJAG, the role and mandate carried out by the JAG PRL must be aligned with the goals established by the JAG Mission and Vision at Ref B. The Team made specific reference to Ref B during the conduct of interviews with both Reg F and Res F members of the OJAG.

a.

b.

c.

d.

e.

f.

g.

52.

a.

b.

c.

53. The Team consulted with senior Legal Officers on the merit of several specific roles being assigned to the JAG PRL.

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54. During the course of the interviews and consultations conducted, a commonly identified issue was

Command and Control

Introduction

55. This section of the report will examine the current command and control structure of the JAG PRL in light of information received during the JPRS. Firstly, the roles and functions of both strategic and operational level positions will be identified. Secondly, the existing chain of command as well as the manner in which JAG PRL positions report to the chains of command for Reg Svcs, CMPS and DCS will be reviewed to determine if any changes to the current reporting mechanisms are necessary. The Team will also review whether the chain of command structure for the JAG PRL

Finally, the concept of the SP List will be examined in order to determine if

56. The terms of reference for each of the strategic and operational level positions within the JAG PRL have been set out in Annexes B through J. The positions of DJAG/Res, ADJAG/Res, DDDCS and Res DC currently have interim terms of reference found at Annexes B through E. The source for these roles and functions is Annex C at Ref K. The purpose of Ref K is as follows:

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This manual is issued under the authority of the JAG for the governance of P Res Leg Os in the Office of the JAG. It is a compilation of information in the various orders, directives and policies that affect P Res Leg Os, and provides explanation, amplification and additional direction.

Since Ref K provides a compilation of information regarding the fundamental organization of the structure for the JAG PRL, Ref K will necessarily need to be revised to reflect any recommendations made and accepted pursuant to this report. The Team is aware that Ref K is currently under revision and will not be finalized until after the submission of this report depending on if, and how, the recommendations made by the Team are implemented.

Strategic Level Positions – Roles and Functions**Deputy Judge Advocate General/Reserves**

57. The DJAG/Res is the position currently held by the senior serving Res F Legal Officer. During the approximate period 1983 – 1999, when the JAG Reserve was part of the NDHQ PRL, the SRA(L), as it was then known, was responsible for the leadership and administration of the organization. Subsequent to the reorganization of the JAG PRL in 1999, the role of DJAG/Res shifted from one that was command oriented to one that was more advisory in nature.

58.

59. During the JPRS, the Team found

60. Given that the DJAG/Res position does not have command of the JAG PRL but rather serves more as an advisory function that connects it structurally only to the very

senior leadership of the OJAG, regarding the role of the DJAG/Res. Since the 1999 restructuring, the chain of command for the majority of the JAG PRL is through the Directorate of Regional Services. This structure sees Reservists in regional offices reporting through a DAJAG to the AJAG. The AJAG reports to the DJAG/Regional Services (DJAG/Reg Svcs), who in turn reports to the JAG. Similarly, Reservists who serve in the CMPS, or in DCS, report through the respective chains of command of their organizations. Whatever the chain of command of these Reservists, it does not structurally or functionally involve the DJAG/Res.

61. The DJAG/Res does provide an important strategic advisory role to the JAG. However, in order to fulfill this mandate, it is critical that the DJAG/Res have situational awareness of the employment and deployment of Reservists throughout the OJAG.

62. Similarly, the senior leadership of the Branch looks to the DJAG/Res for the administration of the JAG PRL including superintending the training and career progression of Reserve Legal Officers. Yet, in the current model, the DJAG/Res is separate from the chain of command and has no positional authority to compel members to parade or undertake training.

63. The Team has studied several courses of action concerning the role of the DJAG/Res.

64. Based on the information obtained, the Team considered three courses of action. They are:

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de la Loi sur l'accès à l'information**

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68. The current structure that has the JAG COS designated as the CO of members of the JAG PRL

69.

70.

71.

Assistant Deputy Judge Advocate General/ Reserve

72. The position of ADJAG/Res was established at the time of the 1999 restructuring. The role of this position, stated in terms of reference drafted in 1999, and confirmed by interim terms of reference published in late 2011 and found at Annex C, is that of senior staff officer to assist the DJAG/Res in carrying out his mandate. Although the position has existed since 1999, no officer was assigned the duties of this position until December 15, 2011.

73.

74.

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Operational Level Positions – Roles and Functions

Deputy Assistant Judge Advocate General

75. As indicated earlier in this report under the heading entitled “History of Reserve Legal Officers in the Canadian Forces”, the position of DAJAG (formerly known as Area Legal Adviser) was established at the time of the 1983 restructuring when the JAG Reserve became organized on a regional basis similar to the Reg F Legal Officer organization. The role and functions of this position are set out at Annex F and reflect terms of reference mandated at Ref D.

76. The responses obtained through the JPRS have been instrumental in clarifying how the role of the DAJAG is being carried out in practice across the regions.

77. The role and functions of the DAJAG at Annex F largely reflect the role and functions actually being carried out by DAJAGs. The most notable exception is the role of the DAJAG to lead and supervise Res DJAs. It should be noted that the degree to which the role and functions of the DAJAG are carried out is individually driven and depends, among other things, on whether the individual is engaged in full time military work, such as Class “B” employment, or carries on a civilian practice, and also the relationship between the AJAG and the DAJAG.

78. The responses to questions pertaining to the degree to which the leadership and supervisory role of the DAJAG was carried out :

79. It is the understanding of the Team, while no formal terms of reference exist for the position of AJAG, it is generally understood that the AJAG has the overall responsibility for the provision of legal services to all units in the region (Res and Reg) by both Res DJAs and Reg DJAs. All Res DJAs responded that financial approval for their activity was provided by the AJAG and that Performance Evaluation Reports (PER) were written by DAJAG (with the obvious exception of Pacific region). Res DJAs in most regions described the chain of command as flowing from them to the DAJAG (or a senior Major in the case of Pacific region and, in some other regions, a senior Major who acted as an intermediary between the DJA and the DAJAG) to the AJAG, and some traced the chain beyond to include DJAG/Reg Svcs and/or DJAG/Res. Generally, however, the majority of Res DJAs described the DAJAG as someone who largely performed the administrative tasks indicated above.

80. Another point which was raised during certain interviews related to the policy followed by an AJAG regarding the appointment of an Acting AJAG during his or her absence. Based on the responses of the four DAJAGs interviewed, several views were expressed:

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81.

82.

Deputy Director Military Prosecutions /Reserves

83. The position of DCMPS/Res was established at the time of the 1999 restructuring. The role and functions of this position are found at Annex H. The responses received from Res F and Reg F members of CMPS :

A

noteworthy difference, however, between the role and functions of a DAJAG versus those of the DCMPS/Res, is that the supervisory function of DCMPS/Res is qualified by the words “as directed by CMPS”. Accordingly, the DCMPS/Res carries out this role only when directed by CMPS whereas a DAJAG is expected to carry out this role as a matter of course.

Deputy Director Defence Counsel Services

84. The position of DDCS was established at the time of the 1999 restructuring. DDCS was unavailable to be interviewed and thus has made all findings and

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recommendations based on the responses received from the DCS and Res and Reg DC.

85. One of the specific functions of the DDCS is to supervise the provision of legal services by Res DC at the direction of the DCS. The responses received indicate that,

86. As a result of interviews and consultation with DCS members and leadership,

Reserve Deputy Judge Advocate

87. As indicated earlier in the report under the heading "History of Reserve Legal Officers in the Canadian Forces", the position of Res DJA (formerly known as District Legal Adviser) was established at the time of the 1983 restructuring when the JAG Reserve became organized on a regional basis similar to the Reg F Legal Officer organization. The role and functions of this position are set out at Annex G. Based on the interview responses obtained during the course of the JPRS, the role and functions presently being carried out by Res DJAs

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Reserve Military Prosecutor

88. The position of Res RMP was established at the time of the 1999 restructuring. The role and functions of this position are found at Annex I. On the basis of responses received during the JPRS, the role and functions presently being carried out by Res RMPs

Reserve Defence Counsel

89. The position of Res DC was established at the time of the 1999 restructuring. The interim terms of reference of this position are found at Annex E. On the basis of responses received during the JPRS, the role and functions presently carried out by Res DC

Chains of Command – Reporting Relationships

Reporting of JAG PRL to Regional Services

90. The current chain of command structure for JAG PRL members is depicted at Annex K as a chain of command fully integrated with that of the OJAG. While reference is often made to a “Reg F chain of command” or a “Res F chain of command”, in fact, there is only one integrated chain of command within the OJAG. The existing chain of command requires Res DJAs to report to the DAJAG who in turn reports to the regional AJAG, with all regional AJAGs, in turn, reporting to DJAG/Reg Svcs.

91. In practice, the majority of Res DJAs use the “Res F chain of command” through the DAJAG to deal with those administrative matters related to recruitment, career

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management and performance evaluation. All Res DJAs reported that administrative matters related to such things as pay, Temporary Duty, and Class "B" employment opportunities were directed to the regional AJAG. This accurately reflects the financial authority granted to AJAGs by virtue of sections 32 and 34 of the Financial Administration Act. For substantive legal issues Res DJAs usually reported to the AJAG directly. Noteworthy is the fact that the DJAG/Res is not in the chain of command for Res DJAs, and as previously noted, the CO for all members of the JAG PRL is the JAG COS.

Reporting of JAG PRL to Director Military Prosecutions

92. As previously discussed, and consistent with the prevailing views obtained through interviews of CMPS members, Res RMPs report to CMPS through DCMPS West and East (depending on the Res RMP position held) who in turn report to the CMPS on all substantive matters relating to the assignment and conduct of a prosecution file. With respect to administrative matters related to recruitment, career management and performance evaluation, the general consensus was that these administrative matters typically flowed through the DCMPS/Res to CMPS or DJAG/Res depending on the nature of the issue.

Reporting of JAG PRL Members to the Director of Defence Counsel Services

93. As previously discussed, Res DC report to DCS for all matters, whether substantive or administrative. The Team applies the same reasoning to Res DC as it does to Res RMPs.

Chain of Command - JAG PRL

94. A chain of command structure, which is understood and applied by all involved, is critical to any military organization, and the OJAG is no exception. The JAG PRL chain of command depicted at Annex K is

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95. While much of the discussion surrounding the chain of command structure for JAG PRL members has already occurred in the preceding sections of this report, it is worth highlighting certain unique aspects of the JAG PRL which have a direct bearing on the manner in which the chain of command of the JAG PRL is structured and utilized. As with the rest of OJAG, the JAG PRL consists of four distinct groups: Res DJAs, the Special Projects List, Res RMPs, and Res DC. Two of these groups, Res RMPs and Res DC, share certain similarities in that these members carry out a specialized role as well as having civilian practices which mirror their military practices. By contrast, Res DJAs consist of a group of civilian lawyers whose civilian practices bear little resemblance to their military practices and they do not perform a specialized task.

96. In response to questions regarding the degree of supervision carried out by a superior over JAG PRL members, the response from both Reg F or Res F Majors and Captains, was that :

97. Of those Res F and Reg F members canvassed (which included AJAGs, DAJAGs and JAG/AJAG CWOs/CPO1s) regarding the nature of the chain of command that should exist for JAG PRL, the were of the view that a chain of command

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Special Projects

98. SP has an establishment of six JAG PRL Legal Officers. SP is a unique part of the JAG PRL establishment as it does not have a discrete mission, structure or geographic distribution.

99. The Team gained important insights into the functioning and utility of the SP List. Unlike the other positions which have been discussed in this report, the Legal Officers in SP do not have clearly stated standing roles and functions as evidenced at Annex J.

100.

101. In accordance with Annex J, the DJAG/Res is responsible for the direction of the officers assigned to the SP List and for the assignment of their duties. This means that DJAG/Res is responsible for ensuring that members of the SP List are provided with projects to work on.

102.

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103. Members of the SP List are expected “to consult with any member of the Branch, Reg or Res, as duties require”. Consultation does not indicate a change in the reporting relationship. Accordingly, even when a member of the SP List is directed to work on a project with other members of the OJAG, the reporting relationship remains with the DJAG/Res.

104.

105.

106. Under the current structure, the employment of the members of the SP List is the responsibility of the DJAG/Res. The DJAG/Res is a Class A position. The DJAG/Res is not required to be collocated with the OJAG, and it is more likely that collocation would not exist. Currently, all SP members are located in Ontario, in reasonable proximity to Ottawa. The current DJAG/Res resides in British Columbia.

107. For the reasons noted, the Team recommends that two courses of action be considered:

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a.

b.

108.

Career Management

Recruiting

109. While there are some differences regionally, in general, the OJAG has no difficulty attracting lawyers to serve as Reserve Legal Officers. The OJAG has been successful in attracting highly desirable candidates. This is no doubt attributable to the success of the OJAG in achieving and maintaining an excellent reputation within Canada's legal community and the broader public. A career as a CF Legal Officer is seen

as a highly desirable, challenging, and rewarding, whether on a full-time or a part-time basis.

110.

111.

112.

Training

113. Since 1999, there has been one uniform standard of training within the OJAG. All Legal Officers must first complete a basic officer training course. Basic officer training is made up of two components: the Basic Military Qualification and the Basic Officer Military Qualification. Upon completion of this basic officer training, a Legal Officer must then undertake a program of training known as Legal Officer Basic Training (LOBT). LOBT involves completing the Presiding Officer Certification Training, and

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self-study packages in operations law, the law of armed conflict, military administrative law and general military knowledge. Upon completion of LOBT, a Legal Officer achieves what is referred to as "67A" status, meaning the member is a trained Legal Officer and can provide legal advice.

114. After LOBT, a Legal Officer must complete Legal Officer Intermediate Training (LOIT). LOIT requires an individual to undertake five formal training courses. These courses include as training subjects, the law of armed conflict, military justice, military administrative law, boards of inquiry and operational law. These courses currently involve a total of five weeks of training. As well, Legal Officers, must undertake several on-the-job training experiences that include participating in an operational exercise, participating in a court martial, drafting a written legal opinion and delivering military law training, all of which is done under supervision. Upon completion of LOIT and LOIT, a Legal Officer has met the training requirements for promotion to the rank of Major/Lieutenant Commander.

115.

116.

117. After a Reserve Legal Officer has gained experience in the rank of Major, a critical career course is the Joint Command and Staff Program (JCSP) offered in two phases (DL1 and DL2) as a distance learning course through the Canadian Forces College.

Focused on joint operations, leadership and the operational planning process, it provides an opportunity for JAG PRL Legal Officers to gain valuable knowledge of the needs of military clients in an operational setting. This course truly rounds out the formal training a JAG PRL Legal Officer, and provides preparation for operational deployment. This training is critical for the development of senior JAG PRL

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Employment/Deployment

118.

119.

Progression/Retention

120.

121.

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Release

122.

123. JAG PRL members were asked their opinions about how aggressively the chain of command should be in releasing, or taking other administrative action, against JAG PRL members who fail to meet the minimum training requirement of 14 days in a given year.

Administration

Introduction

124. This section of the report will address

JAG PRL Staff & Reporting Relationships

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125. As noted earlier in this report, the Chief Clerk of the JAG PRL OR was interviewed with regard to staffing and reporting relationships. The JAG PRL OR is currently staffed by three members: the Chief Clerk, one RMS Clerk, and one Pay Clerk. Other than the Pay Clerk who is a civilian, the other members are Reservists employed on Class "B" service. The information gathered during the course of the JPRS

126. Currently, the ACOS Trg is responsible for the day-to-day supervision of the JAG PRL OR staff. The JAG PRL OR staff is independent of the JAG OR staff and thus it is necessary that there be day-to-day supervision of the JAG PRL OR staff. The results of the JPRS

127.

Regional Office Support

128. In order for JAG PRL members to effectively carry out their duties, they require administrative/clerical support and must be able to tap into the corporate knowledge of the OJAG through their full-time Reg F counterparts. In addition to carrying out their specific duties as a Legal Officer, JAG PRL members must also maintain proficiency in those basic military skills required by all members of the CF under the terms of service. The degree of support provided by regional offices to JAG PRL members varies from region to region and often depends on the proximity of the JAG PRL member to that office.

129.

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130.

Office Space and Facilities

131. The availability or use of office space is

132.

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Communications and Technology

133. Communications and the technologies used to facilitate those communications are

Laptops, DWAN access & DVPNI

134. The majority of Res F members interviewed indicated that they had a DWAN laptop with remote DWAN access through DVPNI.

135.

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BlackBerry Telephones

139. While there is no policy regarding the issuance of BlackBerry telephones to JAG PRL members,

some JAG PRL Legal Officers have been issued CF BlackBerry devices, either through the regional office with which they are associated or through their Reserve client units.

The most common justification given for the issuance of BlackBerries was the ability of JAG PRL members to access their DWAN email (encrypted email excluded) so that they could quickly respond to the needs of clients and the OJAG, and maintain good working relationships with both their clients and the remainder of the OJAG.

140.

JAG Net

141.

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IT Support

142.

Those interviewed indicated that they were provided IT support by either the regional or local DND base IT service desks nearest to them. However, it was also noted that some IT service desks are not manned during typical reserve hours of work. For instance, the National Capital Region service desk is open Monday to Friday 0700-1900 hrs. Many JAG PRL Legal Officers, however, may not conduct their JAG duties until 1900 hrs on weeknights or sometimes only on weekends.

Pay Sheets/Pay Administration

143.

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144.

Terms of Service and Route Letters

145. The NDA provides that all Primary Reservists must parade a minimum of 14 days in a calendar year, with at least one day each month from 1 September to 31 May. In the conduct of the JPRS, JAG PRL members were asked to comment on this requirement.

146. In addition to the above, all JAG PRL members interviewed were asked what percentage of their time was spent providing legal services or fulfilling their legal duties, and what percentage of their time was spent in conducting administration (timesheets, updating laptops, etc.) and military training (maintaining military qualifications on C7, first aid, CF Express Test, etc.). The average response from JAG PRL members was that

147. No questions specifically directed at the issue of route letters, or their administration, were asked during the course of the JPRS. Accordingly, there is insufficient information for the Team to make an accurate assessment on the administration of route letters.

RECOMMENDATIONS

Role and Mandate

148. The Team makes the following recommendations regarding the role and mandate of the JAG PRL:

a.

b.

c.

d.

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Command and Control

149. In accordance with the definitions at Annex M, the Team makes the following recommendations

a.

b.

c.

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d.

e.

f.

g.

h.

i.

j.

k.

l.

150. The Team makes the following recommendations to c

m.

n.

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h.

152. The Team makes the following recommendations regarding

a.

Career Management

153. The Team makes the following recommendations with respect to the career management of JAG PRL members:

a.

b.

c.

d.

e.

f.

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g.

Administration

154. The Team makes the following recommendations regarding the administrative support of the JAG PRL:

a.

b.

c.

d.

e.

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| Annex C | Interim Terms of Reference: Assistant Deputy Judge Advocate General/Reserve (ADJAG/Res) |
| Annex D | Interim Terms of Reference: Deputy Director Defence Counsel Services (DDDCS) |
| Annex E | Interim Terms of Reference: DCS Reserve (Res DC) Majors and Captains |
| Annex F | Terms of Reference: Deputy Assistant Judge Advocate General (DAJAG) |
| Annex G | Terms of Reference: Deputy Judge Advocate Reserve (DJA/Res) |
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LIST OF ACRONYMS

| Acronym | Description |
|---------------|--|
| AJAG | Assistant Judge Advocate General |
| ADJAG/Res | Assistant Deputy Judge Advocate General/Reserve |
| CF | Canadian Forces |
| DAJAG | Deputy Assistant Judge Advocate General |
| DJAG/Reg Svcs | Deputy Judge Advocate General/Regional Services |
| DJAG/Res | Deputy Judge Advocate General/Reserve |
| DCS | Defence Counsel Services |
| DDDCS | Deputy Director Defence Counsel Services |
| DCMPS/Res | Deputy Director Military Prosecutions/Reserve |
| CMPS | Canadian Military Prosecution Service |
| JAG PRL | JAG Primary Reserve List |
| JAG PRL OR | JAG PRL Orderly Room |
| JCSP | Joint Command and Staff Program |
| JPRS | JAG Primary Reserve Study |
| LOBT | Legal Officer Basic Training |
| LOIT | Legal Officer Intermediate Training |
| NDA | National Defence Act |
| NDHQ/PRL | National Defence Headquarters/Primary Reserve List |
| OJAG | Office of the Judge Advocate General |
| PDR | Periodic Development Report |
| PER | Performance Evaluation Report |
| Reg F | Regular Force |
| Res F | Reserve Force |
| Reg DC | Reg F Defence Counsel |
| Res DC | Res F Defence Counsel |
| Reg DJA | Reg F Deputy Judge Advocate |
| Res DJA | Res F Deputy Judge Advocate |
| Reg RMP | Reg F Regional Military Prosecutor |
| Res RMP | Res F Regional Military Prosecutor |
| Reg Svcs | Regional Services |
| SP | Special Projects |
| SP List | Special Projects List |
| SRA(L) | Senior Reserve Adviser (Legal) |
| Team | JPRS Team |
| TOR | Terms of Reference at Ref A |

| | | Subject | Position | Res or Reg F | Date Interviewed | Location/Method of Interview | Interviewed By |
|---------------------------------|----|--------------------------|----------------------|--------------|------------------|------------------------------|-------------------|
| CWOs | | | | | | | |
| | 1 | CPO1 Pierre Auger | CPO1 AJAG Atlantic | Reg | 26-Mar-12 | Halifax, NS | Cdr Lyse Markert |
| | 2 | CWO Brad Biggar | CWO DJA Gagetown | Reg | 27-Mar-12 | Telecon | Cdr Lyse Markert |
| | 3 | CWO Daniel Montplaisir | CWO AJAG Eastern | Reg | 05-Apr-12 | Telecon | Cdr Lyse Markert |
| | 4 | CWO Richard Gaudreau | JAG CWO | Reg | 29-Mar-12 | Ottawa, ON | Capt David Austin |
| | 5 | CPO1 Malcom Conlon | CWO AJAG Pacific | Reg | 29-Mar-12 | Telecon | Capt David Austin |
| | 6 | CWO Richard Carleton | CWO AJAG Prairie | Reg | 03-Apr-12 | Winnipeg, MB | Capt David Austin |
| | 7 | CWO Yves Beaudoin | Borden | Reg | 27-Apr-12 | Telecon | Capt David Austin |
| | 8 | CPO1 Martial Côté | JAG CWO NAVRES HQ | Reg | 05-Apr-12 | Telecon | Capt David Austin |
| | 9 | CWO Arthur Chase | CWO AJAG Western | Reg | 22-Apr-12 | Edmonton, AB | Capt David Austin |
| | | | | | | | |
| DJAG / Regional Services | | | | | | | |
| | 10 | Col Bruce Wakeham | DJAG/RS | Reg | 11-Apr-12 | Ottawa, ON | LCol Ray Mitchell |
| | 11 | LCol Joe Holland | A/DJAG/RS | Reg | 11-Apr-12 | Ottawa, ON | LCol Ray Mitchell |
| | | | | | | | |
| | | AJAG Atlantic | | | | | |
| | 12 | LCol Randy Callan | Former AJAG Atlantic | Reg | 15-Jan-12 | Halifax, NS | LCol Ray Mitchell |
| | 13 | Maj Sonya Vichnevetskaia | A/AJAG Atlantic | Reg | 06-Mar-12 | Halifax, NS | Cdr Lyse Markert |
| | 14 | Maj Darya Eastlake | DJA Gagetown | Reg | 12-Mar-12 | Telecon | Cdr Lyse Markert |
| | 15 | LCdr Karen Saweckzo | DJA Atlantic | Reserves | 17-Mar-12 | Halifax, NS | Cdr Lyse Markert |
| | 16 | Maj Kathryn Pentz | DJA Atlantic | Reserves | 11-Mar-12 | Telecon | Cdr Lyse Markert |
| | 17 | Capt Mike McGovern | DJA Atlantic | Reserves | 18-Mar-12 | Saint John, NB | Cdr Lyse Markert |
| | 18 | Capt Mel Norton | DJA Atlantic | Reserves | 18-Mar-12 | Saint John, NB | Cdr Lyse Markert |
| | 19 | Lt(N) Brian Wentzell | DJA Atlantic | Reserves | 24-Mar-12 | Telecon | Cdr Lyse Markert |
| | | | | | | | |
| | | AJAG Eastern | | | | | |
| | 20 | LCol Isabelle Veilleux | AJAG Eastern | Reg | 19-Mar-12 | Montreal, QC | Cdr Lyse Markert |
| | 21 | Maj Marie Eve Tremblay | DJA Eastern | Reg | 19-Mar-12 | Montreal, QC | Cdr Lyse Markert |
| | 22 | Maj Robert Bergeron | A/DAJAG Eastern | Reserves | 30-Mar-12 | Telecon | Cdr Lyse Markert |

| | | | | | | | |
|--|----|-----------------------------------|---------------|----------|-----------|---------------|---------------------|
| | 23 | Lt(N) Mario Prieur | DJA Eastern | Reserves | 18-Mar-12 | Montreal, QC | Cdr Lyse Markert |
| | 24 | Capt Gabriel Granatstein | DJA Eastern | Reserves | 23-Mar-12 | Telecon | Cdr Lyse Markert |
| | 25 | Lt(N) Antoine Lippe | DJA Eastern | Reserves | 06-Apr-12 | Montreal, QC | Cdr Lyse Markert |
| | | | | | | | |
| | | AJAG Central | | | | | |
| | 26 | Cdr Bonita Thornton | AJAG Central | Reserves | 11-Apr-12 | Telecon | Capt Patrick Crocco |
| | 27 | LCol Diane Kruger | DAJAG Central | Reserves | 13-Apr-12 | Telecon | Capt Patrick Crocco |
| | 28 | Maj Denys Morel | DJA Central | Reserves | 14-Apr-12 | Ottawa, ON | Capt Patrick Crocco |
| | 29 | Maj Sean Raleigh | DJA Central | Reserves | 31-Mar-12 | Stratford, ON | Capt Patrick Crocco |
| | 30 | Maj Craig Bryson | DJA Central | Reserves | 31-Mar-12 | London, ON | Capt Patrick Crocco |
| | 31 | Maj Robert Brain | DJA Central | Reserves | 12-Mar-12 | Newmarket, ON | Capt Patrick Crocco |
| | 32 | Maj Robert Gauvin | DJA Central | Reserves | 16-Mar-12 | Hamilton, ON | Capt Patrick Crocco |
| | 33 | Lt(N) Richard Warman | DJA Central | Reserves | 11-Apr-12 | Ottawa, ON | Capt Patrick Crocco |
| | 34 | Lt(N) Bryce Chandler | DJA Central | Reserves | 01-Apr-12 | Windsor, ON | Capt Patrick Crocco |
| | 35 | Capt Mike Smith | DJA Central | Reg | 12-Mar-12 | Toronto, ON | Capt Patrick Crocco |
| | | | | | | | |
| | | AJAG Prairie | | | | | |
| | 36 | LCol Albert Troisfontaines | AJAG Prairie | Reg | 03-Apr-12 | Winnipeg, MB | Capt David Austin |
| | 37 | Cdr Michele Geiger-Wolf | DAJAG Prairie | Reserves | 03-Apr-12 | Winnipeg, MB | Capt David Austin |
| | 38 | LCdr Magda Siepka | DJA Prairie | Reg | 03-Apr-12 | Winnipeg, MB | Capt David Austin |
| | 39 | Lt(N) Mitch Crumley | DJA Prairie | Reserves | 04-Apr-12 | Telecon | Capt David Austin |
| | | | | | | | |
| | | AJAG Western | | | | | |
| | 40 | Cdr Thomas Flavin | AJAG Western | Reg | 19-Mar-12 | Edmonton, AB | Capt David Austin |
| | 41 | LCol Bruce King | DAJAG Western | Reserves | 21-Mar-12 | Edmonton, AB | Capt David Austin |
| | 42 | LCdr Pierre Comeau | DJA Western | Reg | 22-Mar-12 | Edmonton, AB | Capt David Austin |
| | 43 | Maj Rob Rooney | DJA Western | Reg | 10-Apr-12 | Telecon | Capt David Austin |
| | 44 | Lt(N) Jay Headrick | DJA Western | Reserves | 20-Apr-12 | Calgary, AB | Capt David Austin |
| | 45 | Lt(N) Chris Knight | DJA Western | Reserves | 20-Apr-12 | Calgary, AB | Capt David Austin |
| | | | | | | | |
| | | AJAG Pacific | | | | | |
| | 46 | Cdr Sheila Archer | AJAG Pacific | Reg | 26-Apr-12 | Telecon | Cdr Lyse Markert |
| | 47 | Capt Jill Swanston | DJA Pacific | Reserves | 24-Mar-12 | Vancouver, BC | Capt Patrick Crocco |
| | 48 | Capt Mike Koppang | DJA Pacific | Reserves | 24-Mar-12 | Vancouver, BC | Capt Patrick Crocco |
| | 49 | Capt Robert Carnegie de Balinhard | DJA Pacific | Reserves | 24-Mar-12 | Vancouver, BC | Capt Patrick Crocco |
| | 50 | Lt(N) Ivan Elieff | DJA Pacific | Reserves | 25-Mar-12 | Victoria, BC | Capt Patrick Crocco |
| | | | | | | | |

| | | | | | | | |
|-------------------------|----|--------------------------|-------------------------|----------|-----------|--------------|-------------------|
| DMP | | | | | | | |
| | 51 | Cdr Rob Fetterly | DDMP/Res | Reserves | 16-Apr-12 | Telecon | Cdr Lyse Markert |
| | 52 | Maj Doug Curliss | RMP (DMP 4-2 - Appeals) | Reserves | 31-Mar-12 | Telecon | Cdr Lyse Markert |
| | 53 | Lcdr Shaina Leonard | RMP (RMP Edm 3) | Reserves | 22-Mar-12 | Telecon | Cdr Lyse Markert |
| | 54 | LT(N) Christa MacKinnon | RMP (RMP Atl 3) | Reserves | 30-Mar-12 | Telecon | Cdr Lyse Markert |
| | 55 | Capt Maureen Pecknold | RMP (RMP Cen 3) | Reserves | 24-Mar-12 | Telecon | Cdr Lyse Markert |
| | 56 | Capt Thomas Fitzgerald | RMP (DMP Pol 3-2) | Reserves | 28-Mar-12 | Telecon | Cdr Lyse Markert |
| | 57 | Capt Antoine Desaulniers | RMP (RMP Est 3) | Reserves | 23-Mar-12 | Telecon | Cdr Lyse Markert |
| | 58 | Capt Paula Craig | RMP (Pac 3) | Reserves | 14-Apr-12 | Telecon | Cdr Lyse Markert |
| | 59 | Maj Prem Rawal | RMP | Reg | 27-Mar-12 | Halifax, NS | Cdr Lyse Markert |
| | 60 | Maj Anthony Tamburro | RMP (DMP 3 - Appeals) | Reg | 23-Mar-12 | Telecon | Cdr Lyse Markert |
| | | | | | | | |
| DDCS | | | | | | | |
| | 61 | Col Del Fullerton | DDCS | Reg | 12-Apr-12 | Gatineau, QC | LCol Ray Mitchell |
| | 62 | LCol J.B. Cloutier | DDDCS | Reserves | 12-Apr-12 | Gatineau, QC | LCol Ray Mitchell |
| | 63 | Maj David Hodson | DDCS 10 (Atl) | Reserves | 20-Mar-12 | Telecon | Cdr Lyse Markert |
| | 64 | Maj Denis Bernsten | DDCS 11 (Pac) | Reserves | 03-Apr-12 | Telecon | Cdr Lyse Markert |
| | 65 | Capt Henri Bernatchez | DDCS 9 (Est) | Reserves | 30-Mar-12 | Telecon | Cdr Lyse Markert |
| | 66 | Maj Edmund Thomas | DDCS | Reg | 30-Mar-12 | Telecon | Cdr Lyse Markert |
| | 67 | Maj Sara Collins | DDCS | Reg | 02-Apr-12 | Telecon | Cdr Lyse Markert |
| | 68 | LCdr Brent Walden | DDCS | Reg | 02-Apr-12 | Telecon | Cdr Lyse Markert |
| | | | | | | | |
| Special Projects | | | | | | | |
| | 69 | LCol Chris Penny | Special Projects 2 | Reserves | 05-Apr-12 | Ottawa, ON | Capt David Austin |
| | 70 | Cdr Guy Phillips | Special Projects 3 | Reserves | 26-Mar-12 | Kingston, ON | Capt David Austin |
| | 71 | LCol James MacMillan | Special Projects 4 | Reserves | 28-Mar-12 | Toronto, ON | Capt David Austin |
| | 72 | LCdr Paul Rutkus | Special Projects 5 | Reserves | 06-Mar-12 | Ottawa, ON | Capt David Austin |
| | 73 | Maj Sara Siebert | Special Projects 6 | Reserves | 26-Mar-12 | Kingston, ON | Capt David Austin |
| | | | | | | | |
| Consultated | | | | | | | |
| | 74 | LCol Bruce McGregor | DLAW/MJS | Reg | 13-Apr-12 | Ottawa, ON | LCol Ray Mitchell |
| | 75 | LCol Martin Kenny | JAG DCOS | Reg | 12-Apr-12 | Ottawa, ON | LCol Ray Mitchell |
| | 76 | Col Mario Leveille | DMP | Reg | 23-Jul-12 | Telecon | LCol Ray Mitchell |
| | 77 | LCol Dave Antonyshyn | DLAW/ DI&OL | Reg | 12-Mar-12 | Ottawa, ON | LCol Ray Mitchell |
| | 78 | Radm Jennifer Bennett | Chief of Res & Cadets | Res | 05-Mar-12 | Ottawa, ON | LCol Ray Mitchell |
| History | | | | | | | |
| | 79 | Cmdre Rene Marin | Former DJAG/Res | Retired | 07-Mar-12 | Ottawa, ON | Capt David Austin |

| | | | | | | | |
|-------------------|-------------------|---------------------------|---------------------|----------|-----------|------------|-------------------|
| | 80 | Capt(N) Walter Goodfellow | Former DJAG/Res | Retired | 16-Apr-12 | Telecon | Capt David Austin |
| | 81 | Col Sandy Fairbanks | Former DJAG/Res | Retired | 29-Mar-12 | Telecon | Capt David Austin |
| | | | | | | | |
| PRL Clerks | | | | | | | |
| | 82 | Sgt Sophie Picard | JAG PRL Chief Clerk | Reserves | 12-Mar-12 | Ottawa, ON | LCol Ray Mitchell |
| | | | | | | | |
| | | | | | | | |
| Statistics | | | | | | | |
| Interviews c | onducted: | 82 | | | | | |
| | | | | | | | |
| Interviews d | one in person: | 49 | | | | | |
| Interviews d | one by telecon: | 33 | | | | | |
| | | | | | | | |
| Res F mem | bers Interviewed: | 45 | | | | | |
| Reg F mem | bers interviewd: | 34 | | | | | |
| Retired men | bers interviewd: | 3 | | | | | |
| | | | | | | | |
| | | | | | | | |

[illegible]

Interviewed as Reg F DJA given short time in position as A/AJAG

Interviewed as AJAG given length of time in position, despite being on Org Chart as Special Projects

Interviewed as DAJAG, but also provided many comments as fulltime DJA (member on longterm Class B)

Interviewed as Reg F RMP given short time in position as Res F RMP



**Pages 66 to / à 73
are withheld pursuant to section
sont retenues en vertu de l'article**

21(1)(d)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Annex F
JAG Primary Reserve Study Report
8 June 2012

**TERMS OF REF: DEPUTY ASSISTANT JUDGE ADVOCATE
GENERAL (DAJAG)**

1. A DAJAG shall act as a deputy to the regional AJAG in Res matters and as such shall:
 - a. advise the AJAG on Res matters in the region;
 - b. lead and supervise DJAs/Res in the region;
 - c. not less than quarterly, meet with the AJAG and report on legal services provided by DJAs/Res, the state of training of DJAs/Res in the region, legal issues affecting reservists in the region in general, and make recommendations to improve or strengthen legal services within the region;
 - d. ensure appropriate contacts are made and maintained with key personnel in reserve units and headquarters in the region;
 - e. maintain and foster amicable working relationships with Reg F Leg Os and clients in the region;
 - f. in consultation with DJAG/Res, advise the AJAG, and participate as the AJAG may direct, in the recruitment, career development and assignment of duties to DJAs/Res;
 - g. as directed by the AJAG, prepare the Performance Development Review (PDR) form and Personnel Evaluation Report (PER) of DJAs/Res, and participate in their performance evaluation;
 - h. travel in the performance of duties, in accordance with applicable QR&O and TB policies and directives, and report these activities to the AJAG;
 - i. consult with any members of the Legal Branch, Reg or Res, or any other CF member within the region, as duties require;
 - j. participate in the business planning activities of the region, particularly as they affect the DJAs/Res and Res F budgetary matters in the region;
 - k. under the supervision of the AJAG, serve as the senior Res F legal advisor to Reg F and Res F commanders in the region;

- l. be responsible to the AJAG for the supervision and conduct of training in military law and military justice for Res F members in the region; and
 - m. perform such other duties as the AJAG may direct.
2. A DAJAG shall provide legal advice on military law and military justice, including:
 - a. the laying of charges, summary trials, courts martial and other Code of Service Discipline matters;
 - b. international law, LOAC, domestic operations, use of force and ROE;
 - c. personnel administration and policy matters, including Recorded Warning, C&P, harassment, releases, redresses of grievance, etc; and
 - d. other military legal matters, including service legal aid.
3. A DAJAG shall participate in Op related preparations.

Annex G
JAG Primary Reserve Study Report
8 June 2012

**TERMS OF REF: DEPUTYJUDGE ADVOCATE RESERVE
(DJA/Res)**

A DJA/Res shall support the regional AJAG in providing legal services within a region and as such shall:

- a. report to the DAJAG in the region;
- b. consult with the DAJAG, AJAG, other members of the Legal Branch, Res or Reg, and other CF members within the region, as duties require;
- c. undergo basic military training and military legal training as required;
- d. serve as the unit legal advisor to units so assigned by the AJAG;
- e. under the supervision of the DAJAG, provide training in military law and military justice to units and personnel assigned to the DJA;
- f. train on Reserve Service at least 14 days per calendar year;
- g. as directed by the DAJAG, travel in the performance of duties, in accordance with applicable QR&O and TB policies and directives, and report these activities to the DAJAG; and

perform such other duties as the DAJAG or AJAG may direct.

Annex H
JAG Primary Reserve Study Report
8 June 2012

**TERMS OF REF: DEPUTY DIRECTOR MILITARY
PROSECUTIONS/RESERVE (DDMP/Res)**

DDMP/Res shall:

- a. act as a deputy to DMP;
- b. meet with DMP not less than quarterly and report on the state of legal services provided by the P Res Leg O's assigned to DMP and legal issues affecting reservists in general;
- c. make recommendations to DMP to improve and strengthen the provision of legal services by P Res Leg O's within DMP;
- d. in consultation with DJAG/Res, advise DMP and participate as DMP may direct, in recruitment, career development and assignment of duties in respect of P Res Leg O's within DMP;
- e. in consultation with DJAG/Res, advise DMP at least once per year respecting performance evaluation of P Res Leg O's within DMP, as well as any circumstances that may affect merit or performance pay boards;
- f. as directed by DMP, prepare the Performance Development Review (PDR) form and Personnel Evaluation Report (PER) of P Res Leg O's within DMP, and participate in their performance evaluation;
- g. travel in the performance of duties, in accordance with applicable QR&O and TB policies and directives, and report these activities to the DMP;
- h. consult with any members of the Legal Branch, Reg or Res, as duties require;
- i. participate in the business planning activities of DMP, particularly as they affect P Res Leg O's and Res Force budgetary matters within DMP;
- j. as directed by DMP, supervise the provision of legal services by P Res Leg O's in DMP;
- k. in consultation with DMP, act as military counsel at the trial and appellate levels as may be required from time to time;
- l. provide advice to DMP on case specific issues, as may be required from time to time; and

m. perform such other duties as DMP may direct.

Annex I
JAG Primary Reserve Study Report
8 June 2012

**TERMS OF REF: REGIONAL MILITARY PROSECUTORS/ RESERVE
(RMPs/Res)**

RMPs/Res shall:

- a. liaise with the RMP in the region;
- b. support the RMP in the region by providing military legal services and advice;
- c. consult with DDMP/Res, DDMP, other members of the Legal Branch, Reg or Res, Military Prosecution Service, the NIS and other CF members within the region, as duties require;
- d. undergo basic military training and military legal training as required;
- e. in concert with the RMP, serve as the legal advisor to NIS units within the region;
- f. as directed by DDMP or DMP, prepare for and prosecute at courts martial on behalf of DMP;
- g. as directed by DDMP or DMP, appear as counsel before the CMAC on behalf of DMP;
- h. as directed by DMP, DDMP or DDMP/Res, provide training in military and criminal law to NIS personnel and other members;
- i. train on Reserve Service at least 14 days per calendar year unless issued a waiver by DMP;
- j. in consultation with DMP, DDMP or DDMP/Res, travel in the performance of duties, in accordance with applicable QR&O and TB policies and directives, and report these activities to the DDMP/DDMP/Res; and
- k. perform such other duties as the DMP, DDMP or DDMP/Res may direct.

Annex J
JAG Primary Reserve Study Report
8 June 2012

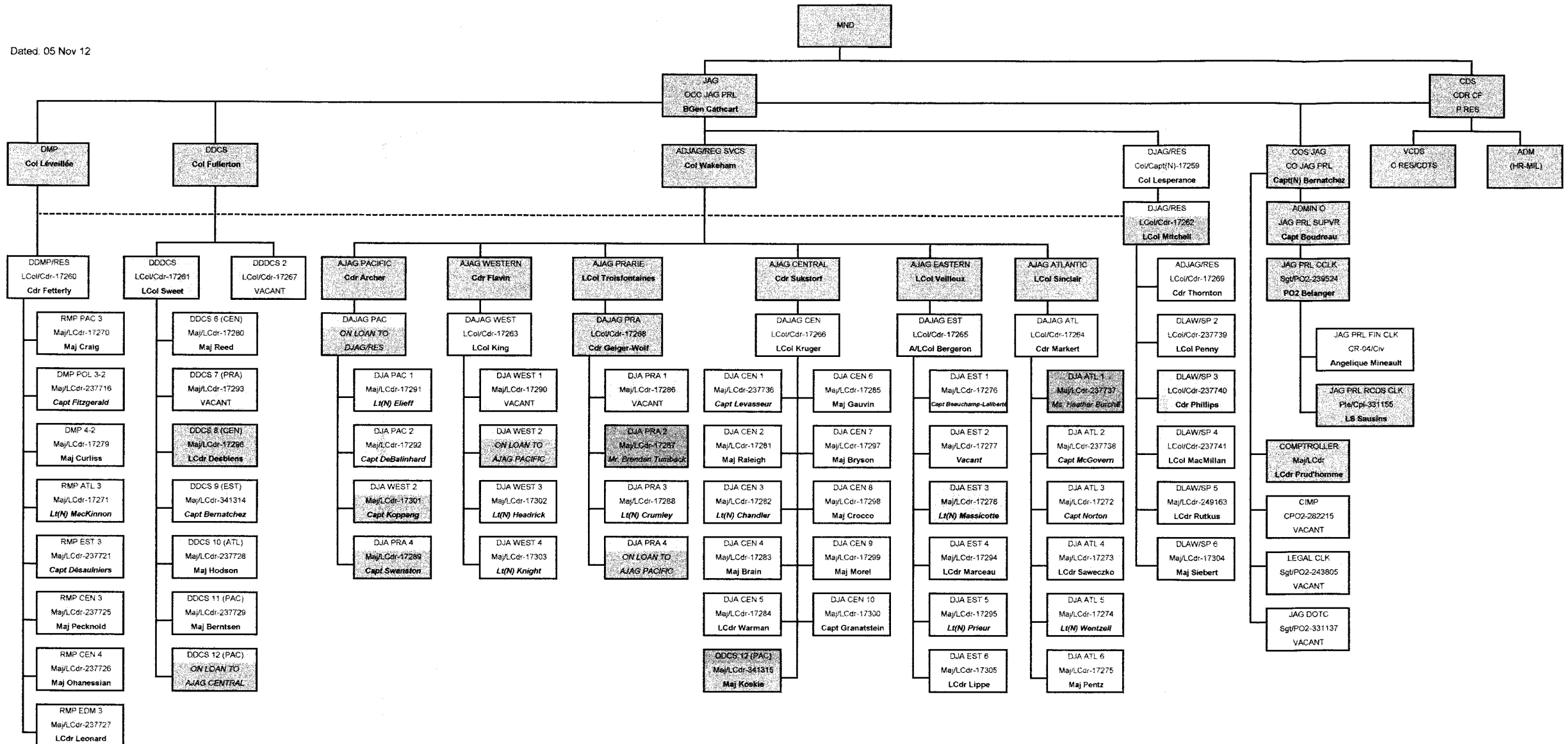
TERMS OF REF: DIRECTOR LAW/SPECIAL PROJECTS

Under the direction of DJAG/Res, all D Law/SP officers shall:

- a. perform such duties as may be assigned, including duties to further the good administration, training and governance of P Res Leg O's and the delivery of legal services by P Res Leg O's;
- b. consult with any member of the Legal Branch, Reg or Res, as duties require;
- c. train on Reserve Service at least 14 days per calendar year unless issued a waiver by DJAG/Res; and
- d. as directed by DJAG/Res or ADJAG/Res, travel in the performance of duties, in accordance with applicable QR&O and TB policies and directives, and report these activities to DJAG/Res.

OFFICE OF THE JUDGE ADVOCATE GENERAL PRIMARY RESERVE LIST (JAG PRL)

Dated: 05 Nov 12

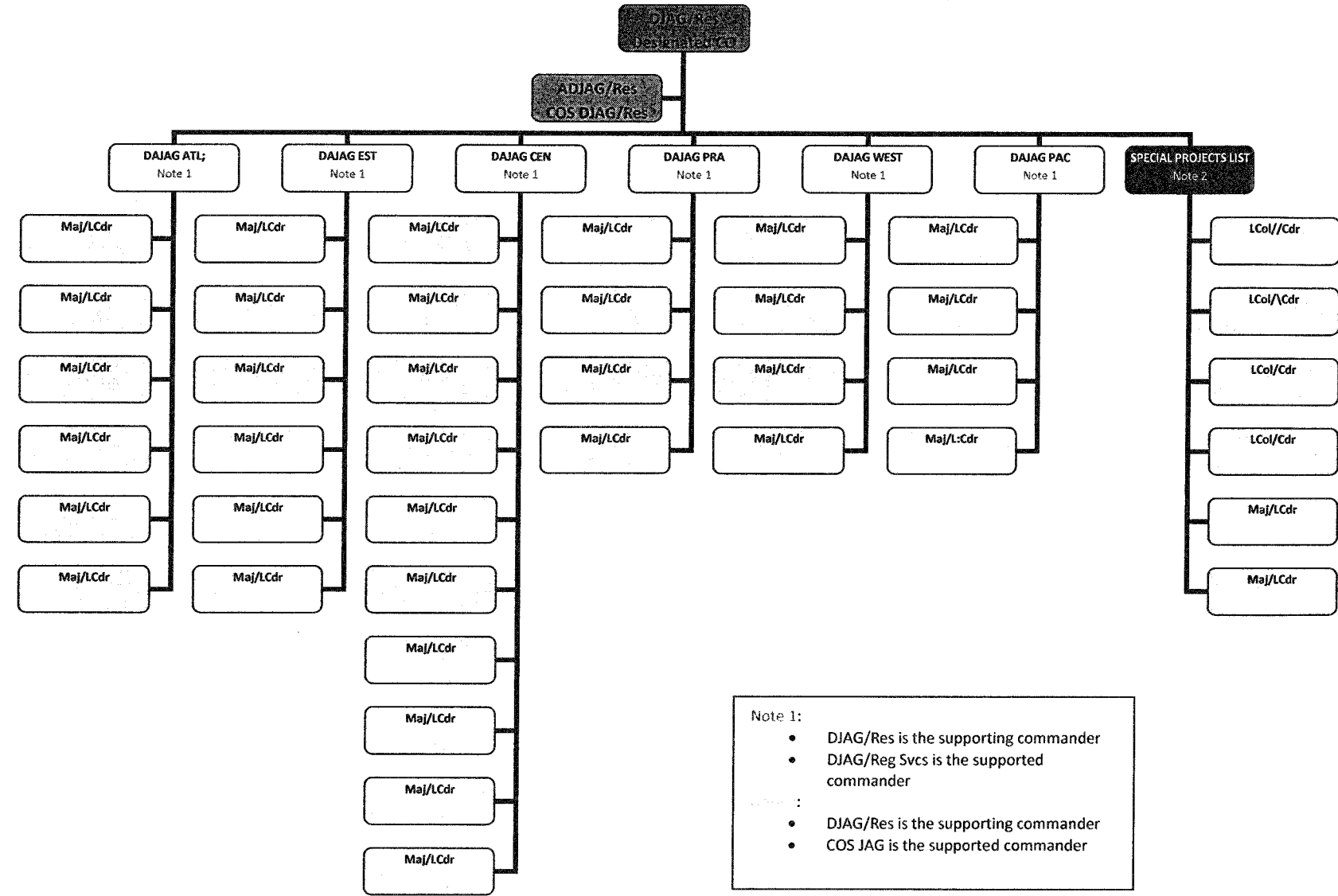


- LEGEND**
- WHITE: Reserve Force members
 - ORANGE: Personnel being Recruited
 - YELLOW: Vacant positions
 - GREEN: ResF members Releasing or Transferring
 - GREY: Class B over 180 days
 - BLUE: Reg F Positions
 - PINK: Positions on Loan
 - ITALICS: Under-Ranked incumbents

DMP & DDCS are under the general supervision of the JAG by virtue of NDA sections 165.17 & 249.2 respectively

A-2013-01407--0081

Annex L
JAG Primary Reserve Study Report
8 June 2012



s.21(1)(d)

Annex M
JAG Primary Reserve Study Report
8 June 2012

Supporting and Supported Commanders

Annex N
JAG Primary Reserve Study Report
8 June 2012

