

# Military Law

## 1. What is *military law*? What does it cover?

Military law is a body of law that encompasses the rules, regulations and laws concerning punishment and discipline in the armed forces. This is a very narrow definition because today military law has expanded to include the specialties practiced by civilian attorneys. Their practice now covers the whole gamut, including specialties like environmental law, estate planning, labor law, family law, and government contract law. Very few JAGs practice international and operational law which covers the laws of armed conflict, because it is reserved to the expertise of senior military officials. For the most part, most military JAGs practice civilian law within their particular department of the military.

## 2. What does an attorney do who works in *military law*?

Attorneys who practice military law primarily do general counsel for the department they work in. For example, JAG officers at Hill Air Force base practice labor law, criminal law, contract law and torts law, so a JAG officer's practice covers a full range of things. JAG officers also advise regarding accidents, personnel misconducts and criminal investigations within the military. For example, when an aircraft crashes, attorneys have an investigation board to check that out. In Afghanistan U.S. pilots had dropped bombs and there was claim that in pursuit of hitting their target, they also hit a civilian wedding; therefore a thorough investigation was done. Higher ranked officials are those who work primarily with policy matters related to the laws of war and they are frequently deployed to units anywhere in the world to work on war crimes and rules of armed conflict. Most of these officials have been working for the military for nearly twenty years and have a lot of experience. They mostly advise commanders and help draft policies, procedures and treaties concerning rules of war.

## 3. What is an average day like for an attorney who practices *military law*?

Normally, all starting attorneys have at least one or two cases they are working on to prepare for trial. Also, they offer legal assistance which means that they offer free legal help to all members of the military department they work for. Attorneys will see clients at least three to four times a week. Some of the work they do includes drafting medical powers of attorney, divorce legal help, drafting wills, adoptions, etc., but they are restricted from going into civilian court. The unique part about being a military attorney is that there are special instructors in JAG school who instruct all entering students regardless if they are in uniform or not. In JAG school, attorneys do a lot of Continuing Legal Education courses and basic introduction to military law courses. Students are also required to exercise three times a week and fulfill other military obligations. These requirements and the environment are what make military law a very unique field to work in. For example, in the mid-nineties some attorneys practiced law in Bosnia during the Serb-Muslim conflict. They lived in tents surrounded by barbed wire and they frequently attended trials in the same tent or trailer.

## 4. What is the average salary for an attorney who practices *military law*?

The average salary for a military law attorney goes up with the attorney's rank and how much experience he or she has. JAG officers receive a lot of tax free money while they serve in the military. For example, an attorney who has been practicing law for three and half years may receive a salary equivalent to a civilian's salary ranging from \$65,000 to \$70,000. It is important to also take into account that aside from this, all health care is free and JAGs will also receive a tax-free housing allowance. The amount of allowance depends on where the officer is stationed since housing costs differ across the nation. For someone with no prior military experience who comes in as a brand new JAG, their starting salary will be a little over \$32,392 a year. That will go up to \$37,500 after six months. If the attorney has been in the ROTC, then his or her starting salary would be around \$42,500 a year, and again, those numbers do not include the housing allowance, food allowance and full medical benefits. If JAGs live on base, their living is free and all purchases on base are tax free including gas, food and even purchases made at the on-base Wal-Mart.

## 5. Is there currently a demand for *military law* attorneys?

There is not necessarily a demand for JAG officers in the military since they are only accepting one out of eight applicants. Everything in the military is about downsizing. Thus, working for the military is more competitive since there are more applicants due to less job opportunities in the civilian world.

**6. Is there more of a demand for *military law* attorneys in one area of the country over another?** No, there is not since each of the different services has different needs. For example, the Navy may need more JAGs than the Army, but there is not necessarily more of a demand in one area over another because JAG officers can be sent anywhere in the country.

## 7. How difficult is it for students right out of law school to get a job in *military law*?

Typically, students will apply to four or five different agencies and one out of eight applicants will be accepted into that agency's JAG corps. There is also a separate body called the Secretary for General Counsel Office for each of the agencies in the Pentagon. Civilian attorneys usually work for this department and most of these people are Ivy League graduates. This position is primarily reserved for students who are at the top of their class at these higher ranked law schools. Most of the people the military hires become JAG officers right out of law school.

## 8. In what type of a work situation can an attorney practice *military law*? Big firm? Small firm? Government work?

An attorney can only practice military law within the government. There are some private firms that take on criminal defense cases, but those are few and far between. Some ex-JAG officers advertise doing criminal defense work after they leave the military to start

their own practices. Most of these attorneys work in the D.C. area and either represent military officials or clients fighting against the government. Many former JAGs will do the latter because clients will offer them a lot more money since they have a better understanding of how the government works and thus their “insider” understanding gives them an edge compared to civilian attorneys.

**9. What are the most rewarding things about practicing *military law*?**

The most rewarding thing about practicing military law is working for a cause bigger than yourself. No one gets rich working as a JAG, but it feels good to be serving America and freedom. Serving is rewarding. Some JAGs have been working at the U.S. embassy in Baghdad and will be working with the central criminal court liaison in Iraq. Others have been preparing cases against captured insurgents with the Iraqi government. Also, working for the military is a much more civil practice because the leadership stresses professional courtesy along with duty, honor and integrity. Therefore, most JAGs don’t fight against each other because ultimately they are on the same team and they will see each other later in their careers. Other rewarding factors about military law are the travel, benefits and diversity of the job. There are even intramural leagues, like flag football, so it’s a fun atmosphere as well. JAGs don’t have to pay malpractice insurance, they don’t need to keep up with billable hours or paying secretaries and medical benefits, and best of all, they don’t need to worry about taxes.

**10. What are the most difficult things about practicing *military law*?**

One difficult thing about practicing this type of law is that there is a good chance a JAG will be deployed and required to spend some time away from his or her family to go into a danger zone. The second difficult part is the nomadic lifestyle, which can be hard on the family and makes it more difficult for a JAG to specialize.

**11. For students who are interested in practicing *military law*, are there certain undergraduate classes they should take? Majors that are better? Minors that are better?**

There are not any undergraduate classes that are necessarily better for military law. Any writing classes or majors that stress writing, like journalism, are helpful. The ROTC program is awesome for students interested in this type of law because it gives them a good background and leadership experience that will be required later on.

**12. For students who are interested in practicing *military law*, would it be better to go to a school that holds itself out as having a specialty in *military law* or just the best ranked law school the student can get into?**

It is better for students to get into the best ranked law school they can get into because they are required to go to JAG school anyway if they want to practice military law. There are three different JAG schools in the U.S.: the Naval Justice in Rhode Island teaches the Marines and Navy officers, and then there is also the Army JAG school and the Air force JAG school. The JAG program is nine weeks long, although there is some additional training required for people who have no prior military experience. The JAG schools also have frequent CLE courses (Continuing Legal Education), which are required by almost every state. This requirement is waived for active military duty. The Army JAG also offers LLM (Masters of Law) programs.

**13. For students who are interested in practicing *military law*, are there certain law school classes they should take?**

Some recommended classes include international law, criminal procedure and wills and estates. There is so much within military law that a broad background in many specialties is best, but those classes are extremely helpful.

**14. For students who are interested in practicing *military law* is there anything else they should do to prepare themselves for that field of law?** Students should make sure they stay in good physical shape because this is required in the military and fitness tests are administered periodically to assure this. Also, it is good to have a general understanding of the military in order to be prepared to help future clients. Learn about the organization of the military and learn about the weapon systems because those are issues that frequently affect clients.

**15. Other Comments**

The bottom line is that the practice of law within the military is extremely broad and varied. Attorneys could be working in NATO or at the U.S. embassy in Singapore; the possibilities are endless since this job will take JAGs to many different places to practice many different types of law. For many JAG officers in the LDS community, the military has been a great lifestyle because of the good quality of life and endless opportunities to share the gospel. Since everyone is so mobile in the military, the Lord uses the military to move people around to serve in callings in different nations. Many LDS JAGs feel that the military is a tool the Lord uses to get His work done.

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