



| 223rd Officer Basic Course student 1st Lt. Kimberly Finnegan is pictured in front of The Judge Advocate General's Legal Center and School. (Photo by Billie Suttles)

Empowering Army Leaders:

A New Approach to Legal Training for Future Large Scale Combat Operations

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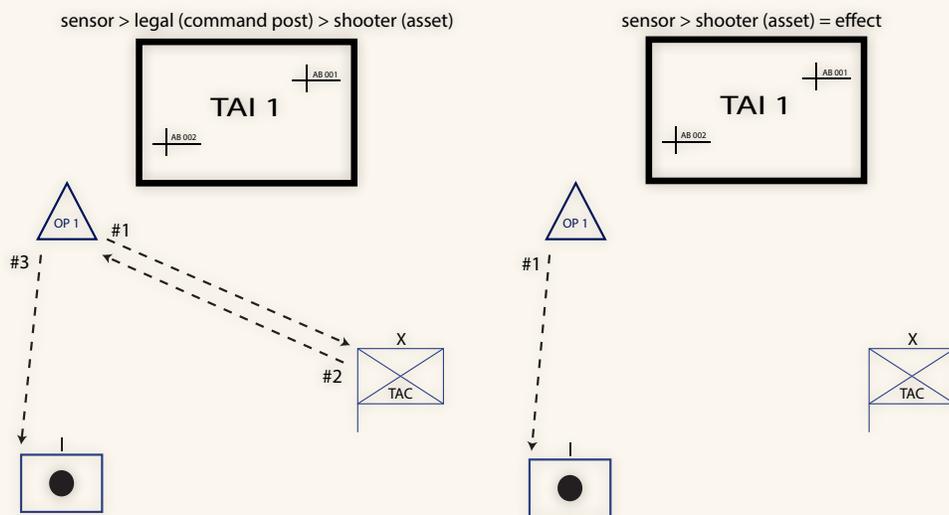
The future of warfare, as envisioned in the 2030 Large Scale Combat Operations (LSCO) landscape, presents a complex and dynamic environment rife with multifaceted legal challenges. These challenges arise from the integration of multi-domain operations (MDO), encompassing land, air, maritime, space, and cyberspace domains, coupled with the rapid evolution of technology such as AI and autonomous systems. Operations will likely occur in austere and highly contested environments, where communication and staff integration in decision making will be limited and unpredictable as the survivability of command posts and nodes is a concern. This limitation will also affect the legal support that judge advocates (JAs) will be able to provide for their units.

To navigate this complex battlespace effectively, the Judge Advocate General's (JAG) Corps must transition from a model of direct legal support to one that empowers Army leaders at all levels to operate independently within legal boundaries. This goal is to eliminate the radio (EF) transmission from [sensor → legal (command post) → shooter (asset) = effect] to [sensor shooter (asset) = effect], thus improving survivability, as illustrated in Figure 1. This shift is critical to ensure operational effectiveness, ethical conduct, and the preservation of public trust, thereby guaranteeing mission success. This imperative is underscored by a recent Military Review article highlighting that "the lethality and speed of the peer LSCO fight will require an ROE that is permissive to successfully accomplish the mission."^[1] There is no guarantee the servicing JA will be located where they can impact decisions

effectively. As survivability and signature considerations change command post structures, recent National Training Center (NTC) trends show that Brigade Judge Advocates (BJAs) location during the LSCO fight varies. BJAs are rarely included in brigade tactical command posts, which control many acts of the fight, and are often found in the brigade's main command post, or even the rear.^[2] In order to ensure success, the challenge lies in preparing leaders to operate effectively within such permissive parameters while maintaining appropriate safeguards.

Identifying the Problem: A Critical Gap in Legal Preparedness

The current legal training provided to Army leaders is insufficient to equip them for the complexities of future LSCO in the absence of readily available legal advice from servicing JAs. Existing training is often limited in scope, focusing primarily



| Figure 1: Model of Support

on the Military Justice System and the limited aspects of the Law of War. This approach fails to adequately address the nuances of international law, the Rules of Engagement (ROE), and the ethical considerations inherent in multi-domain operations, particularly in the "gray zone" between peace and war. This preparedness gap is particularly concerning given that today's generation of Army senior leaders "grew up with, were trained on, and will therefore default to ROE that explicitly—and in great detail—told them when a commander had to be involved in a decision to use lethal force that had any potential collateral effects on civilians or civilian structures."^[3] This counterinsurgency (COIN)-era conditioning must be overcome through deliberate training and education to prepare for LSCO environments.

- **Risk of Law of Armed Conflict (LOAC) and ROE**

Violations: Inadequate understanding of legal frameworks increases the likelihood of violations, jeopardizing mission success and damaging the Army's credibility.

- **Erosion of Public Trust:** Legal and ethical missteps, especially in high-profile operations, can severely undermine public confidence and support for military interventions.

- **Operational Ineffectiveness:** Delays in decision making due to limited legal understanding can hinder operational tempo and agility, particularly in time-sensitive situations. For instance, in the fast-paced and austere environments anticipated in future LSCO, the availability of timely legal advice may be limited. This necessitates a greater degree of legal proficiency among non-JAG officers, especially those at the company level.

This gap in legal preparedness stems from a system established to ensure the success of Army units during the modularity construct and the execution of COIN operations, mainly in the U.S. Central Command (CENTCOM) area of operations. The current approach prioritizes legal support at higher echelons, neglecting the need to equip junior leaders with the necessary legal acumen to navigate complex situations independently. Although this approach stands in contrast to the requirement of the Geneva Conventions for legal advice to be "reasonably accessible," it is not intended to eradicate the JAG roles. This approach prepares and empowers leaders to succeed through enhanced legal training to meet the demands of future LSCO when legal advice is unavailable.

Proposed DOTMLPF-P Solution: Empowering Leaders through Enhanced Legal Training

A paradigm shift within the JAG Corps is required to address these challenges. This shift should prioritize developing comprehensive legal training programs designed to empower Army leaders across all ranks. Recent analysis emphasizes that "commanders must be confident in their ability to conduct a LOAC analysis without a JA and have confidence that their subordinates can do the same."^[4] This reinforces the necessity of a systematic approach to legal training and education across all echelons.

Implementing this new approach can be achieved through a multifaceted strategy, utilizing the DOTMLPF-P (Doctrine, Organization, Training, Materiel, Leadership & Education, Personnel, Facilities, and Policy) framework.



Cmdr. Kevin Messer (left) talks to Lt. Gen. Dana Chipman, U.S. Army's judge advocate general, and Vice Adm. Nanette Derenzi, U.S. Navy's judge advocate general, about the layout and operations at the JCIP. (DoW photo by U.S. Army Sgt. Katie D. Summerhill)

- **Doctrine (D):** Current Army doctrine, particularly FM 3-84 (Legal Support to Operations), focuses primarily on JAG personnel providing direct legal support. A revision of FM 3-84 and related doctrinal publications is necessary to empower leaders. This revision should explicitly mandate attorney involvement in LOAC training for officers at all levels, including developing and delivering specialized training modules, practical exercises, and ongoing guidance and mentorship.
- **Organization (O):** The existing organizational structure of the JAG Corps, which primarily focuses on providing legal support at higher echelons, limits officers' access to legal expertise at lower echelons. To enhance accessibility, dedicated legal training teams should be established within major commands and installations. These teams would be responsible for developing and delivering legal training to Soldiers across all subordinate units. Additionally, embedding JAG officers within training units or institutions responsible for officer professional military education (PME) could further integrate legal instruction into existing training structures.
- **Training (T):** While LOAC training is incorporated into various PME courses, its depth and practicality are limited. The limited time allocated for legal instruction and the reliance on JAG officers with additional duties as instructors can hinder the effectiveness of the training. Therefore, specialized LOAC training programs specifically designed for officers should be developed. These programs should move beyond theoretical concepts and incorporate practical exercises, simulations, and real-world case studies, leveraging the expertise of JAG officers with operational experience to deliver engaging and relevant instruction.
- **Personnel (P):** The current staffing of the JAG Corps may be insufficient to support a significant increase in LOAC training responsibilities. To ensure adequate staffing without compromising other critical legal support functions, an increase in the number of JAG personnel assigned to training and education roles is needed. This can be achieved through targeted recruitment efforts, creating specialized career paths within the JAG Corps focused on training and doctrinal development, and utilizing reserve component JAG officers



Cmdr. Kevin Messer shows Lt. Gen. Dana Chipman, U.S. Army's judge advocate general, and Vice Adm. Nanette Derenzi, U.S. Navy's judge advocate general, a printed PowerPoint presentation on progress and operations at the JCIP. (DoW photo by U.S. Army Sgt. Katie D. Summerhill)

with specialized expertise to support LOAC training during large-scale exercises or mobilizations.

Aligning New Legal Training with Army Leader Development Outcomes

The proposed shift in legal training aligns directly with the Army's Professional Leadership Outcomes (PLOs) and Terminal Learning Objectives (TLOs) for field-grade officers established by the Command and General Staff College. By enhancing legal education, the Army JAG Corps can assist the Army in cultivating leaders who are:

- **Strategic Thinkers:** Capable of analyzing the legal implications of military actions, anticipating and mitigating potential legal risks, and communicating these considerations effectively to superiors, subordinates, and interagency partners.
- **Ethical Decision-Makers:** Equipped with a deep understanding of legal principles and ethical frameworks, enabling them to make sound judgments that uphold the

Endnotes

- ¹ Beagle Jr., Berger III, and Einhorn, "Lethal Force, Risk, and LSCO," *Military Review* (January 2025).
- ² Telephone Interview with MAJ Derek Carlson, Judge Advocate Observer Controller, National Training Center, U.S. Army (Nov. 13, 2024).

values of the Profession of Arms and maintain the legitimacy of military operations.

- **Adaptive and Agile Leaders:** Prepared to apply legal principles across the spectrum of conflict, including the "gray zone" and multi-domain operations, understanding how LOAC, ROE, and other legal frameworks apply differently in various contexts and domains.

Conclusion: A Necessary Transformation for Future Success

Empowering Army leaders with robust legal understanding is not merely a matter of compliance; it is imperative for operational success, ethical conduct, and the preservation of public trust in the LSCO of 2030. It was best stated by a brigade commander when discussing the lack of legal presence in his command post: "if you (JA) do your job, I can't think of a single LOAC question I'll have for you during force on force."⁵ The enhanced legal training approach proposed here provides the foundation for such empowered execution while maintaining appropriate legal and ethical boundaries.

The JAG Corps must adapt to the evolving character of warfare by championing a new approach to legal training that equips leaders to navigate the complexities of future LSCO with confidence and integrity. By embracing this transformation, the Army can ensure its continued ability to operate effectively and ethically in an increasingly challenging global landscape.

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- ³ Beagle Jr., Berger III, and Einhorn, "Lethal Force, Risk, and LSCO," *Military Review* (January 2025).
- ⁴ Ibid.
- ⁵ Kerwin, Rockow, "Judge Advocate on the Loop," *National Security Law Quarterly* (January 2025).