



SECRETARY OF WAR
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

MAR 11 2026

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHIEFS OF THE MILITARY SERVICES
GENERAL COUNSEL OF THE DEPARTMENT OF WAR
GENERAL COUNSEL OF THE ARMY
GENERAL COUNSEL OF THE NAVY
GENERAL COUNSEL OF THE AIR FORCE
JUDGE ADVOCATES GENERAL OF THE MILITARY
DEPARTMENTS
STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE
MARINE CORPS

SUBJECT: Directed Assessment and Alignment of Legal Functions to Enhance Legal Support to Warfighters

The Department's senior civilian leaders and military commanders rely on timely, competent legal advice on a wide spectrum of complex issues. This legal advice is critical to the success of our complex operations and must be delivered in a manner that is efficient, effective, and clear. In some circumstances, the delivery of legal services across the Military Departments has become marked by duplication of effort, ambiguous lines of responsibility, uncertain reporting relationships, and inefficient allocation of legal resources that do not match the command's priorities. Additionally, in some contexts, military legal resources are being used to perform legal functions that could be, and perhaps should be, performed by civilian legal resources resulting in a shortage of critical judge advocate resources to enhance combat effectiveness.

We owe it to our Service members and commanders to ensure that we routinely and systemically review the delivery of legal services. Through such reviews, we can best ensure that the limited civilian and military legal resources throughout the Department are prioritized and focused on specific practice areas to optimize our preparation for and conduct of military operations, including large-scale combat operations, in deployed environments.

As such, we will ensure the personnel practicing under the cognizance of the Judge Advocates General and the Staff Judge Advocate to the Commandant are best positioned to enhance the war fight, and that our general counsel personnel are best positioned to execute non-operational, supporting functions of the Military Departments.

This memorandum directs immediate action to review the current allocation of legal resources and functions to identify and reduce duplicity, to provide clarity to roles and reporting relationships, and to ensure our legal practice areas are aligned with the Department's core functions and priorities. The Secretaries of the Military Departments, through their respective General Counsels and Judge Advocates General (and Staff Judge Advocate to the Commandant of the Marine Corps) shall take immediate steps to assess and, where appropriate, address these concerns.



OSD002570-26/CMD003297-26

All recommendations must preserve the statutory roles, functions, and independence of the Judge Advocates General and the Staff Judge Advocate to the Commandant, and the General Counsels' regulatory roles as the senior legal officer of each respective department.

To achieve these goals, the Secretaries of the Military Departments shall:

Assess and Align Legal Functions and Responsibilities

The Secretaries concerned shall immediately review the current allocation of legal resources and functions to identify and reduce duplicity, to provide clarity to roles and reporting relationships, and to ensure our legal practice areas are aligned with the Department's core functions and priorities. It is recognized that certain aspects of civilian legal subject matters may be performed by military personnel in a deployed setting, and that certain military legal subject matters may be augmented by civilian legal professionals in a non-deployed setting.

Table 1 contains a recommended delineation of functions and responsibilities between the Judge Advocates General (and Staff Judge Advocate to the Commandant) and General Counsels. This table was developed in coordination with the legal authorities within each of the Military Departments and should serve as a general guide to your analysis.

Recognizing that each Military Department may have unique legal equities, the Military Department General Counsels and respective Judge Advocates General (and Staff Judge Advocate to the Commandant) may, in coordination with their respective Secretary identify limited shared practice areas (such as standards of conduct, Intelligence Oversight, Freedom of Information Act, and Privacy Act) while ensuring that military legal subject matters focus on warfighting and readiness of warfighters. The Military Departments may deviate from the recommendations in Table 1 if, after coordination with their respective Judge Advocate General (and Staff Judge Advocate to the Commandant), Military Department General Counsel, and the Department of War General Counsel, the Secretary concerned determines that deviation is in the best interest of their respective Military Department.

The Secretaries will also conduct a comprehensive review of the distribution of responsibilities, functions, and legal resources across their active, reserve and, if applicable, National Guard components to determine whether the current composition, employment, and primary military education of legal practitioners is the most efficient and effective design to support the modern warfighter in competition, crisis, and large-scale combat operations. This assessment will include the Military Department's leverage of the civilian talent of reserve component practitioners.

For those Military Departments with a National Guard component, the assessment also will also include the Military Department's leverage of the National Guard's uniquely multi-service, dual membership (state and federal) construct and evaluate whether primary military legal education adequately prepares practitioners to advise the senior leadership on the full spectrum of operational authorities involving National Guard operations.

Implementation

Immediately initiate a review of the current allocation of legal resources and functions to identify and reduce duplicity, to provide clarity to roles and reporting relationships, and to ensure our legal practice areas are aligned with the Department's core functions and priorities.

Submit a detailed report to my office, through the Department of War General Counsel, no later than 45 days from the date of this memorandum. The report must outline:

- The delineation of legal functions, resources, and responsibilities between the service Judge Advocate General (and the Staff Judge Advocate to the Commandant of the Marine Corps) and the General Counsel on January 25, 2025.
- The results of the comprehensive review of the distribution of responsibilities, functions, and legal resources across their active, reserve and, if applicable, National Guard components and whether the current primary military legal education adequately prepares practitioners to advise the senior leadership on the full spectrum of operational authorities involving National Guard operations.
- Recommended actions, if any, to best reduce redundancies, clarify reporting relationships, increase efficiencies and to align legal functions consistent with this memorandum and related resourcing requirements.
- An implementation plan and proposed timeline to effectuate any necessary modifications no later than six months from the date of this memorandum.

Additional Guidance

General Counsels and Judge Advocates General (and the Staff Judge Advocate to the Commandant) shall serve as the qualifying authority for all legal personnel practicing under their cognizance.

The rating chains for civilian attorneys and judge advocates will reflect that either the General Counsels or the Judge Advocates General (or the Staff Judge Advocate to the Commandant) will provide management, oversight, direction, and control in all aspects of the execution of their legal functions.

Upon the recommendation of the Secretary concerned, a Judge Advocate General will be considered for service at the uniformed grade of O-9 and, upon the recommendation of the Chairman, the Legal Advisor to the Chairman of the Joint Chiefs of Staff for service at the uniformed grade of O-8.

Attachment:
As stated

A handwritten signature in black ink, appearing to read "P. B. H." with a long horizontal stroke extending to the right.

Attachment

Table 1 (Recommended Alignment of Legal Functions)

<p>The Judge Advocate General and/or Staff Judge Advocate to the Commandant</p>	<p>General Counsel</p>
<p>Will serve as the senior legal officer of their respective departments <u>for military legal subject matters</u> within their areas of statutory and assigned responsibilities and will issue dispositive legal opinions on these military legal subject areas in coordination with their respective Military Department General Counsel.</p>	<p>Will serve as the senior legal officer of their respective departments <u>for civilian legal subject matters</u> and will issue dispositive legal opinions on these civilian legal subject areas in coordination with their respective Judge Advocate General and/or Staff Judge Advocate to the Commandant.</p>
<p><u>Military Legal Matters:</u></p> <ul style="list-style-type: none"> • Military Justice • National security and operational law (which includes all aspects of law relative to preparation and execution of military activity/operations across the warfighting domains, including but not limited to: international and domestic military operations, Law of Armed Conflict, Law of the Sea, intelligence law, cyber law, space law, admiralty law, deployed contracting and fiscal law, and operational environmental law) • Military administrative law, including but not limited to: military investigations and inquiries; military personnel law and policy, to include promotion selection boards; military administrative boards; Council of Review Boards; boards for correction of military records; department-level Inspector General investigations involving alleged misconduct by military personnel, including senior officials; complaints of wrongs; and legislation [pertaining to military personnel and operations] • Legal Assistance • Claims against/for USG related to military activity/operations/service • Procurement and fiscal law in an operational setting and • Any other legal subject area prescribed by the respective Secretary concerned or otherwise required by law or regulation. 	<p><u>Civilian Legal Matters:</u></p> <ul style="list-style-type: none"> • Business and commercial law • Acquisition and contract law (including international matters and agreements involving the exchange of goods or services) • Procurement • Fiscal law [appropriated, working capital, non-appropriated] • Civilian personnel law and policy • Intellectual property and patent law • Real estate law • Environmental law [relative to installations, bases, and stations] • Litigation before non-military administrative boards and federal courts and coordination with the Department of Justice. • Department-level Inspector General Matters [except investigations involving alleged misconduct by military personnel] • Legislation [pertaining to civilian/non-operational matters] • Education law • Medical and health affairs law; and • Any other legal subject area prescribed by the respective Secretary concerned or otherwise required by law or regulation.