

Practicing in the Navy JAG

Michigan attorneys Paul Jones and Paul Lochner are both reservists in the Navy's Judge Advocate General's (JAG) Corps, serving our country and practicing the legal profession. Both men applied to join the Navy JAG program as law students, completed four years of active duty, and then opted to affiliate with the Naval Reserves. As part of this obligation they report back one weekend a month plus two weeks during the year when they are on active duty. The JAG provides legal and policy advice to the Secretary of the Navy in all matters that concern military justice, administrative law, environmental law, ethics, claims, admiralty, operational and international law, and litigation.

The attacks of September 11, 2001, had a profound effect on the duties of Paul Lochner, an Assistant U.S. Attorney in the Western District of Michigan. He went from reservist status to active duty after volunteering for a one-year recall. "I worked with U.S. Joint Forces Command, a combatant command that was responsible for homeland security until October of 2002, when the newly established Northern Command took over that role," Lochner said. "We grappled with the oftentimes thorny issues of where the line is drawn between traditional anti-terrorism law enforcement and national defense, and what laws apply."

Lochner was part of the government team looking at the defense pleadings and making suggestions for the government pleadings in the detainee case involving Yaser Esam Hamdi, a U.S. citizen who was captured in Afghanistan fighting for the Taliban and Al Qaeda. Hamdi was sent back to the U.S. and held without charges or access to a lawyer. A federal appeals court ruled in January 2003 that during wartime, the government could hold U.S. citizens as enemy combatants with-



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out the constitutional protections afforded citizens in criminal prosecutions.

According to the Office of the JAG in Washington, D.C., other Navy Judge Advocates are helping to fight the global war on terrorism by providing groundbreaking legal analysis on a range of issues. In the Persian

Gulf, JAG advice is sought by commanders on complex legal matters that include the rules of engagement, international and operational law, international maritime law, law of armed conflict, force protection, and criminal law. JAG officers also serve as prosecutors, judges, defense counsel, and public affairs officers for military commissions. The JAG corps is reviewing many of the procedures the commissions will use as well as the potential crimes and elements of offenses under which individuals may be prosecuted.

Lochner, who has been involved in state prosecution his entire civilian career, says being a Judge Advocate in the Navy, both active and reserve, has been a richly rewarding experience. "The issues we explore are cutting edge, current, and vibrant. The robust practice, combined with the unique camaraderie and the professional excellence of my peers makes my service very satisfying."

Paul Jones, also a Navy JAG reservist, says the Corp has enhanced his career and abilities. Jones, an Assistant Attorney General in Lansing is a Captain (select) in the JAG Naval Reserve. Although most of his JAG experience has taken him to Washington, D.C., he has also had stints in Germany, Texas, Florida, New Orleans, California, and Maryland. In all his 17 years of reserve duty, he has only been recalled once—in February 2002, when he was sent to Washington, D.C., where he served as the deputy director of the Navy's appellate division representing the government on appeals of marines' and sailors' court martial convictions. "When I was there, each one of our 10 to 14 lawyers that worked for me carried an average of 29 to 44 cases—and I was trying to work that down so that the burden would be easier... when I left there, each counsel had 29 cases on average." Although his job was strictly appellate work and did not have anything to do with the war on terrorism, the reason he



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Although life in the Navy JAG does involve some sacrifice in terms of time away from their families, both Lochner and Jones say their contributions are small compared to the sailors who go off on deployments in aircraft carriers for six months or more at a time. “They’re living on ships with 5,500 people on it and their best buddy is sleeping a foot and a half away from them. They’re working in 100-degree temperatures, sometimes in places that are hostile and under attack in conditions that I certainly didn’t experience when I was on active duty. So I consider myself fortunate to sacrifice what I

did. Those guys are the real heroes,” Jones said pointing to a Navy poster that hangs in his downtown office. The words on the poster declare: “Life, liberty, and the pursuit of all who threaten it,”—a message that resonates deeply with this lawyer, not just because of the legal twist in it, but also because at heart he’s a Navy man.

For more information about the Navy JAG, visit www.nrjag.org or www.jag.navy.mil/. ♦

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went to Washington was directly related to the attack of September 11, 2001—to replace the man who had his position because his brother-in-law was a pilot onboard one of the two planes that flew into the World Trade Center. The Navy reassigned that deputy director to Rhode Island so that his family could be closer to home.

Jones says Navy lawyers do a variety of work, from advising an admiral or general to providing legal assistance to military clients who walk in the door with problems like consumer complaints, divorce, child support, and so on. They can also be assigned to prosecute or defend those accused of wrongdoing. One of the highlights of his JAG career has been the opportunity to make an oral argument before the Court of Appeals for the Armed Forces.

“That’s something I wouldn’t have had the chance to do if I hadn’t been in the reserve,” Jones said. The son of a World War II naval pilot, he believes deeply in the core values of the Navy—honor, courage, and commitment and tries to live by them. “Public service is a big part of what drives me. I like to be able to help others and I like to be able to wear the white hat when I can, whether I’m prosecuting somebody for something we believe is a violation of the law or just in closing a case.”