

PERSONNEL PROCUREMENT

VOLUNTARY DUTY WITH THE JUDGE ADVOCATE GENERAL'S CORPS

Effective 1 November 1976

Local supplementation of this regulation is prohibited, except upon approval of The Judge Advocate General.

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1. General. *a.* This regulation announces a program for the procurement of judge advocates to meet the active duty requirements of the Army. Under this program, qualified individuals with or without military status may be considered for active duty with the Judge Advocate General's Corps. Qualified officers may be transferred to the Judge Advocate General's Corps with concurrent active duty or be voluntarily ordered to active duty with the Judge Advocate General's Corps under this program. This program does not alter the necessity that specific action to appoint, re-order or transfer, be taken under the authority of or in conjunction with other regulations. The short title, "JAGC, Active Duty, AR 601-102" will be used in referring to this program in applications, letters, messages and other communications.

b. Army regulations which are the authority for actions to be taken to effectuate this program are as follows:

- (1) Appointment. US Army Reserve--AR 135-100.
- (2) Transfer.
 - (a) Active duty--AR 614-100.
 - (b) Reserve--AR 140-10.
- (3) Voluntary Active duty--AR 135-210.

c. This regulation does not apply to applicants for appointment or branch transfer without concurrent active duty (see AR 135 100 and AR 140-10).

d. This regulation is applicable to the Army National Guard and the US Army Reserve.

2. Eligibility. The requirements for appointment, and/or order to active duty under this program are as indicated below.

a. Temporary grade of captain. JAGC officers are appointed in the permanent grade of first lieutenant (USAR), and ordered to active duty in the temporary grade of captain (AUS). Applicants with prior active or Reserve commissioned service or substantial legal experience may qualify for higher permanent grade under AR 135-100 and temporary grade under AR 600-20.

b. Permanent grade of first lieutenant. The requirements for appointment in the USAR with assignment to JAGC in the grade of first lieutenant are in AR 135-100. Applicants must--

- (1) Be at least 21 years of age and not have reached their 33d birthday. Be able to qualify for retirement under Title 10, U.S.C. Section 3911 (20 years' active Federal Service including 10 years' commissioned officer service) before attaining 28 years' service as computed under the provisions of Title 10, U.S.C. Section 3853. Under this program the retirement eligibility requirement may be waived by The Judge Advocate General if, in his determination, the applicant possesses outstanding qualifications.
- (2) Be a citizen of the United States or have made a declaration of intention to become a citizen, except that a noncitizen who has previously served in the Armed Forces of the United States is eligible for appointment if presently residing in the United States and has been lawfully

*This regulation supersedes AR 601-102, 2 July 1974.

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admitted to the United States for permanent residence.

(3) Be of high moral character.

(4) Have qualifications for potential leadership and ability to deal with people.

(5) Be medically fit in accordance with AR 40-501.

(6) Receive a favorable result from a National Agency Investigation.

(7) Unless applying under (8) below—

(a) Have received a J.D. or LL.B. degree from a law school approved by the American Bar Association.

(b) Have been admitted to practice and have membership in good standing of the bar of the highest court of a State of the United States or a Federal Court.

(c) Be engaged in the practice of law, teaching of law, hold a judicial office, or be recently admitted to practice law.

(8) Applicants enrolled in their last year of law school may apply for a commission before graduation from law school or admission to the bar. The requirements in (7) above do not initially apply to these applicants but must be satisfied before appointment or transfer can be made.

3. Service commitment. Selected applicants must agree to serve on active duty for a period of 3 years. Applicants who are recipients of an ROTC scholarship must serve for a period of 4 years. A selection board meets annually to consider officers who volunteer for integration into the career force. Those selected will be permitted to serve beyond the 3 year obligation.

4. Submission of application. a. DA Form 3175, (Preliminary Application for Judge Advocate General's Corps (Active Duty)) will be utilized and submitted as follows:

(1) *Army officers on active duty.* The application of officers serving on active duty in another branch will be submitted along with a request for branch transfer under the provisions of AR 614-100 through channels, including the appropriate career branch, to HQDA (DAJA-PT), WASH, DC 20310.

(2) *Officers serving in another Armed Force.* Officers serving on active duty in another Armed Force must submit their application through channels concurrent with a request for an inter-

service transfer in accordance with their service regulations.

(3) *Reserve and National Guard officers.* Applicants holding Reserve commissions must request branch transfer concurrent with the basic application and forward through appropriate channels. National Guard officers and enlisted personnel must request a release from their National Guard status. This does not apply to ROTC graduates who hold Reserve commissions and have been granted an educational delay from order to active duty to pursue a law degree. Such individuals may apply under paragraph 2b(8) above.

(4) *Enlisted persons on active duty and civilians.* Applications by enlisted persons on active duty and civilians will be submitted directly to HQDA (DAJA-PT), WASH, DC 20310.

b. The following must be submitted with the application form:

(1) A consolidated transcript of all college or university work prepared by the school at which such work was completed. This transcript should show, if possible, the general-class standing of the applicant.

(2) Certificate or statement from the clerk of the highest court of a State or Federal Court showing admission to practice and standing before the bar; a statement by the applicant that he or she has taken a bar examination and the date thereof; a statement of intent to take a bar examination, if one is required for admission to practice, as soon as the applicant becomes eligible.

(3) A statement covering applicant's full-time or part-time legal experience. Legal experience includes private practice, governmental, judicial, teaching, military legal experience, and legal clerkships. If there has been governmental or military legal experience, a description of the position and grade or rating should be provided; if the applicant has held judicial office, the extent of jurisdiction of the court; if the applicant has taught law, a list of the subjects taught; and, if engaged in private practice, a list of the more important cases handled.

c. Letters based on personal acquaintance from not less than three disinterested judges, lawyers, law school professors, or Army Officers concerning the applicant's reputation and professional



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standing. These letters must be sent directly to HQDA (DAJA-PT), WASH, DC 20310, by the person who writes the recommendation.

d. Complete applications received by 1 December will be reviewed by the January Selection Board with results available in February. Applications received after 1 December and before 15 April will be considered by the May Selection Board with results available in June.

5. Selection. All applications will be considered

by a selection board convened by The Judge Advocate General. The board will make recommendations to The Judge Advocate General who will make the final selections. All selections are tentative and depend upon the actual number of positions available in the particular fiscal year.

6. Application forms. Further information and the necessary application form (DA Form 3175) may be obtained by writing HQDA (DAJA-PT), WASH, DC 20310.

The proponent agency of this regulation is the Office of The Judge Advocate General. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) direct to HQDA (DAJA-PT) WASH DC 20310.

By Order of the Secretary of the Army:

Official:

PAUL T. SMITH

Major General, United States Army

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General, United States Army

Chief of Staff

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