As a corporate and securities lawyer deployed to Iraq with the U.S. Army Reserve, I am frequently asked, “What kind of law do you practice in Iraq?” That is a great question. Clearly, the Army is not undertaking an IPO, and we are not contemplating acquiring the British Royal Navy (as fun as both transactions might be). Most people are familiar with the existence of courts-martial, if only because they’ve seen “A Few Good Men.” In reality, officers in the JAG Corps practice in more than 10 legal disciplines. In my brigade, we have three attorneys. Our jobs are divided by core legal discipline, but we assist in all areas when needed.

My roommate, Capt. Brian Azevedo, is trial counsel and is an operational law attorney. As trial counsel, he serves as the brigade’s prosecutor. He counsels commanders regarding the Uniform Code of Military Justice, drafts criminal and administrative charges, and tries soldiers at courts-martial for serious misconduct. He has led courts-martial, Article 15 Non-Judicial Punishment, and administrative separation actions for a wide range of misconduct.

As an operational law attorney, Azevedo is the brigade’s expert regarding the Rules of Engagement, the U.S./Iraq Security Agreement, and the treaties that govern our operations in Iraq. We are occasionally pulled out of bed and brought to the Tactical Operations Center (TOC) to advise the commander regarding the legal implications of proposed military operations.

Before I joined the Army, I had no knowledge of military terminology. I had to learn the different types of military units. For example: a platoon has about 40 soldiers, a company has about 120, a battalion about 500, a brigade about 4,000, and a division about 15,000. The TOC is the nerve center of every battalion-sized or larger unit.

Typically, TOCs look like a version of NASA mission control. A battalion TOC might have two tiers of workstations, each with multiple computers, phones, and radios. Our brigade TOC has four tiers of workstations. The Joint Operations Center in Baghdad (which oversees about 48,000 troops now, down from 150,000 troops at the height of the surge) looks like an auditorium with 20 or more rows of workstations. In front are multiple big screen displays that can show information ranging from CNN to classified intelligence.

I serve as deputy brigade judge advocate and chief of fiscal law and client services. Fiscal law addresses the issues relating to the appropriation and expenditure of taxpayer money. As you can imagine, feeding, housing, arming, protecting, and caring for 4,000 troops spread out over four forward operating bases requires millions of dollars of goods and services. The U.S. Constitution provides, “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.” Consequently, every time the Army wants to spend money, it needs specific Congressional authorization. It is my job to make sure that such authority exists, and that we comply with its terms.

Another aspect of our fiscal law program is the Commander’s Emergency Response Program (CERP). CERP enables commanders to meet urgent humanitarian or reconstruction needs of
the Iraqi people. We have rebuilt roads; improved security and electrical production; trained farmers, doctors, and midwives; and repaired courthouses, hospitals, and police stations under the auspices of CERP. Of course, all proposed CERP projects need legal review.

As chief of client services, I run our foreign claims and legal assistance operations. Under the Foreign Claims Act (FCA), the U.S. reimburses Iraqis if we damage their property, except if the damage is incurred as a result of combat operations. For example, if a Stryker vehicle accidentally bumps into a private car while driving through a town, we will reimburse the owner for his repair costs. But, if we damage a house while attacking insurgents, we cannot reimburse the property owners under the FCA. Iraqis come to the gates of FOB Warhorse twice a week to present their claims. I act as a one-member Foreign Claims Commission and adjudicate their claims. We are able to quickly compensate them, which can significantly improve their lives and build trust and positive relations between the U.S. and the Iraqi people.

Legal assistance consists of helping individual soldiers with their personal legal issues. From the privacy of an air-conditioned Conex shipping container, I counsel soldiers regarding tax, family, consumer, trusts and estates, and military administrative law matters. Soldiers have an important mission here that requires 100 percent of their attention. My job is to help them maintain their morale, undistracted by legal concerns. Frequently, soldiers really just want the opportunity to unburden themselves to an officer who will give them undivided attention. Although we have outstanding mental health and chaplaincy staffs at FOB Warhorse, I sometimes serve as an additional outlet for soldiers who are struggling with personal issues. I take a great deal of pride in making sure that I am available to see legal assistance clients seven days a week, whenever they arrive at our office, with or without appointments.

Our boss is Brigade Judge Advocate (BJA) Maj. Matthew Vinton. Vinton graduated from West Point and University of Florida Fredric G. Levin College of Law. He is an Army Ranger and former infantry officer. Because of his extensive experience as a combat arms officer, Vinton has unique insights into the issues of Stryker brigades such as ours. As BJA, he is essentially the general counsel of the brigade. He is a trusted advisor to the commander, providing him with risk assessments and acting as a sounding board. He also oversees all administrative law matters, such as investigations, as well as counseling the other staff sections, such as the S-1 (personnel), S-2 (intelligence), and S-3 (operations). Finally, he supervises, trains, and mentors the attorneys and paralegals in our office.

I look forward to returning to my home in Denver. I am eager to see my family and friends, my colleagues, and my clients at Faegre & Benson. I miss our beautiful mountains, the complete lack of dust storms, and our 2011 Colorado Rockies team! But, I feel blessed that I had the opportunity to serve in Operation New Dawn.

Representing our brigade’s commanders and soldiers has been a remarkable and rewarding experience. The men and women of the U.S. Armed Forces are as diverse and wonderful as America itself. These men and women left the comfort of civilian life and live the Warrior Ethos, which demands that they put mission first, never accept defeat, never quit, and never leave a comrade behind. I hope that the Warrior Ethos of my military brethren will influence and inspire me in the important work that we all do as members of the Colorado Bar.

Jeffrey Sherman practices corporate and securities law at Faegre & Benson LLP in Denver. He is serving as a Judge Advocate with the 2nd Stryker Advise and Assist Brigade, 25th Infantry Division at FOB Warhorse, Iraq. Sherman will return to Denver in July.

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