

GAO Highlights

Highlights of [GAO-24-106165](#), a report to the Committee on Armed Services, House of Representatives

Why GAO Did This Study

The military justice system depends on skilled and experienced litigators to try cases involving military personnel. However, DOD and a congressional committee have recently raised concerns about litigators' skills, qualifications, and career management, and whether they are sufficient to handle highly complex cases, such as sexual assault cases.

House Report 117-397 includes a provision for GAO to review the military services' military justice communities, including their structure, experience requirements, and the use of military justice career paths. This report examines the extent to which the services have (1) implemented military justice career paths, (2) established experience standards for litigation positions, and (3) established mechanisms to determine the effectiveness of the career paths. GAO reviewed guidance, analyzed program documentation, and interviewed service officials as well as litigators at a nongeneralizable sample of four military installations.

What GAO Recommends

GAO is making 35 recommendations, including that DOD and the military services develop and implement a strategy to communicate the military justice career paths, assess the need for experience standards for key litigation positions, and develop an approach for evaluating career path effectiveness. DOD generally concurred with the recommendations.

View [GAO-24-106165](#). For more information, contact Brenda S. Farrell at (202) 512-3604 or farrellb@gao.gov.

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MILITARY JUSTICE

Actions Needed to Help Ensure Success of Judge Advocate Career Reforms

What GAO Found

In 2021, the Department of Defense (DOD) required the military services to establish career paths in military justice that would allow military attorneys, known as judge advocates, to specialize as litigators (e.g., trial counsel, defense counsel, and military judges). The Navy has had such a program in place since 2007, and by 2022 the Army, the Marine Corps, and the Air Force had submitted plans for their own career paths. However, GAO identified issues that may hinder the success of these judge advocate career reforms. Specifically, the services:

- **Do not have a communication strategy.** The Army, Marine Corps, and Air Force have begun to promote their newly established career paths. However, judge advocates interviewed during this review told GAO that, in general, litigators at these three services do not trust that it will result in department-wide cultural change. Developing and implementing a strategy to communicate the establishment of and leadership support for the career paths may help attract judge advocates and increase litigator experience levels.
- **Have not assessed the need for tailored experience standards for supervisory litigators and defense counsel.** All four services have developed general professional experience requirements—called experience standards—judge advocates must obtain to serve as litigators. The services have also developed specific experience standards for a limited number of positions, such as military judges and victims' counsel. However, they have not assessed the need for tailored experience standards for other key positions, including supervisory litigators and defense counsel. Without assessing the need for tailored experience standards for other litigation positions, and implementing any recommendations from the assessment, the services lack reasonable assurance that they are placing the right judge advocates into potentially critical positions.
- **Lack an approach for evaluating career path effectiveness.** Multiple issues will limit the military services' ability to determine the effectiveness of these paths once fully implemented. First, the services do not collect key data to assess the effectiveness of the career paths, including litigator retention rates, reasons litigators separate from military service, and the number of litigator positions the services have filled. Second, DOD lacks a framework for assessing the effectiveness of the career path that includes performance measures and an evaluation plan. Collecting quality data on the military justice career path, developing a standardized suite of performance measures, and an evaluation plan would help the services measure progress towards achieving their goals and objectives as well as identify and address any challenges.

Without addressing these issues, DOD risks falling short of achieving the objective of its judge advocate career reforms—increasing the experience and competence of military justice litigators.