

# **The Making of a JAG Attorney: Where the Law and the Military Meet**

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**M**elissa Carlot Ehlers will never forget her beginnings as a judge advocate for the Marine Corps. “One of my first cases involved a Marine who was accused of sexually assaulting and murdering a female Marine at Camp Lejeune,” said Ehlers, who served as the assistant federal prosecutor in the trial. “We were seeking the death penalty as punishment, since the murder was premeditated. Coming out of law school and sitting on a case of that magnitude, I really got to see both sides of the case. The perpetrator’s family came in, and they could have been your neighbor. He was raised by such a nice family.”

The Marine was accused of knocking a female Marine unconscious while intoxicated and taking advantage of her. After realizing his actions, he panicked and killed the victim. “Seeing those gruesome photos and listening to the case taught me compassion for both sides and made me realize how much everyone is affected by the loss of that young woman,” she said. “The Marine ended up getting life in Leavenworth.”

Melissa and her husband, G. Loy Ehlers, met in law school and married after graduation, going on to serve 11 years in the Marine Corps together as judge advocates. “You are a lawyer, but you are a Marine first,” Melissa Ehlers said.

The Ehlers are part of a unique group of law school graduates who go on to become attorneys in the military. Each branch of the military has their own attorneys who make a commitment to serve their country as military lawyers and to uphold the Uniform Code of Military Justice. The job of a military attorney consists of providing legal advice on a wide range of areas of the law and also on the defense and prosecution of military law. In the Army, Navy, Air Force, and Coast Guard, military lawyers are known as judge advocate generals or JAGs. In the Marine Corps, military attorneys are referred to as judge advocates.

### **Great Trial and Legal Experience**

Patrick Murphy, a former congressman and current under-secretary of the Army, previously served as a judge advocate. “The JAG Corps gives you great experience—great trial experience and great legal experience in the military,” Murphy said.

As a JAG attorney, Murphy tried military cases at courts-martial,

as well as cases in the Southern District of New York as a special U.S. attorney. He joined the faculty of the U.S. Military Academy at West Point, but after the 9/11 attacks he deployed to Iraq and oversaw the justice system for the 1.5 million Iraqis in south central Baghdad. He prosecuted two high-level terrorists in Iraq’s top court, including one who directed attacks that led to the death of a 9-year-old girl.

In his 22-year career with the Army, Col. Paul “P.J.” Perrone served in 11 positions at various locations in Europe and the United States, including a recent two-year position as a staff judge advocate with the 4th Infantry Division serving in both Afghanistan and Colorado. He received his undergraduate degree from Penn State in 1989, where he also participated in the ROTC.

Perrone is now chief of the International and Operational Law Division for the Army JAG Corps at the Pentagon in Washington, D.C. His day-to-day duties include providing legal advice to the secretary of the Army, chief of staff of the Army, and Army staff on all international and operational issues affecting military operations. He also provides legal expertise on the topics of the law of war, intelligence activities and information operations, and stability operations and rule of law.

Perrone said JAGs play a critical role in helping the military protect and defend the nation by providing advice and recommendations to commanders in all situations. The counsel provided by JAGs ensures that the military is always acting within the rule of law, the legal principal that law should govern a nation.

It is used as a standard that enables the United States to maintain legitimacy while still acting as an example to other democratic nations when there is war or a threat of war. “A JAG’s efforts aiding a commander to make decisions that support the rule of law strengthens the legitimacy of both the military and the United States,” Perrone said. “It is an important component in protecting our democracy wherever our military is serving.”

Law school graduates choose to become judge advocates for many reasons, often citing the ability to gain experience in different types of law as a key factor.

Courtney Bassani, a third-year law student at Widener Law Commonwealth in Harrisburg, who will graduate in 2017, decided that she wanted practical experience before entering the Navy JAG program. Bassani, of Bradford, Pa., participated in a six-week internship with the Navy JAG that gave her real-life experience and provided her with insight about what life is like as a JAG.

Bassani hopes to be commissioned into the Navy JAG Corps after she graduates in May. “I have always been interested in serving, so coming to law school and applying for the judge advocate program made sense for me since it will allow me to serve and practice many different areas of law,” Bassani said. “I know I want to help people, and I know I want to serve my country.”

## Military Legal Assignments Worldwide

After graduating from law school and completing his training as a Marine officer, Loy Ehlers, Melissa's husband, served as the legal officer for the Marine Security Guard Battalion. His job required him to provide protection to the nation's embassies and consulates around the world, a job that could be described as the military's version of in-house counsel.

He provided advice to the battalion commander, oversaw the command's military justice function, and represented the unit in negotiations with government and private organizations. "I traveled the globe and conducted criminal and administrative investigations," he said. "I was dispatched to 22 different countries on five different continents during my time with the Marine Security Guard Battalion."

After 11 years of active duty, Loy and Melissa Ehlers opted to leave the military and set down roots. Loy left the military first to take a position as vice president and divisional general counsel at Bassett Furniture Industries. The couple later moved to North Carolina and opened two Cold Stone Creamery franchises. Loy is now the legal education department head at a local college. Melissa, who oversees the couple's government contracting business and the Cold Stone Creamery franchises, stayed in the Marine Corps Forces Reserve for several years before ending her service in 2004.

She looks back fondly on her service. "The doors were wide open for me," she said. "I never felt oppressed and never experienced any biases because of my gender. As a woman, I was widely and well received in the military."

## A Career of JAG Service

Seeking adventure and wanting to serve, Kerry Maloney joined the Army ROTC program in 1985 while earning his undergraduate degree at Shippensburg University. After graduating, he decided to attend law school to pursue corporate law. His interest changed after taking a criminal law class. "After my focus shifted to criminal law, I thought it would be a good idea to apply for the Army JAG and get some trial experience," he said.

Three decades later, he's still not ready to retire. Maloney is a military reservist and was recently on an active duty assignment for three years at the U.S. Army War College in Carlisle, Pa., serving as a command judge advocate. The assignment required him to advise the college's commandant on all aspects of administration, ethics, fiscal issues, investigations, criminal issues, and legal issues pertaining to the school and procedures of labor law. He returned to his civilian job as board counsel for the Pennsylvania Department of State in July 2016.

In his 31 years as a JAG, he says there have been cases that he will never be able to forget. "We were prosecuting a case about a

child sexual assault that happened in both Germany and the United States," he said. "The trial lasted about two weeks, and we brought in several expert witnesses. The most emotionally difficult cases are always the ones where children are the victims."

He said these cases are hard on everybody in the courtroom, adding that he takes special care when asking questions of a witness to help them feel safe. "You can cross examine people in a way that makes their testimony helpful. You can still get the information that you need, but not attack the witness and make them feel like they are under the spotlight—make the questions conversational and establish a line of trust with the witness to have a conversation."

## Future JAG Officers

Getting trial experience and having the opportunity to practice different types of law are the top reasons why some law school graduates decide to enter the JAG Corps. "JAG officers develop expertise in a wide range of practice areas," said Karen Durkin, director of the Career Development Office at Widener University Commonwealth Law School. "They are given the opportunity to practice law and experience multiple specialties from the beginning of their careers. JAG officers are held to the highest professional standards and are greatly respected."

Lee Molitoris, who graduated in May 2016, said his decision to go into the Army JAG Corps was largely based on the urge he felt to serve his country. Molitoris, who is from the Scranton, Pa., area, knows that the role of a JAG will be challenging and is eager for the opportunity to gain experience and travel the world with the Army. He hopes to start his active duty service in January and is anticipating the opportunity to practice in many different areas of the law.

"I joined because I wanted to help those who are helping us by serving our country," he said. "I'm protecting those who are protecting our country, and that is very humbling." ☺

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