



DoD INSTRUCTION 1322.12

FUNDED LEGAL EDUCATION

Originating Component:	Office of the Under Secretary of Defense for Personnel and Readiness
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Approved by:	Ashish S. Vazirani, Acting Under Secretary of Defense for Personnel and Readiness

Purpose: In accordance with the authority in DoD Directive 5124.02, this issuance reissues the 2004 directive as a DoD instruction. Pursuant to DoD Directive 5124.02 and Section 2004 of Title 10, United States Code, this issuance:

- Establishes the Funded Legal Education Program.
- Establishes policies, assign responsibilities, and provide procedures for the organization, management, and implementation of funded legal education and the detailing of commissioned officers and enlisted members as law school students at government expense.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY.

This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD.

1.2. POLICY.

a. DoD promotes and provides a professional development opportunity for career-oriented commissioned officers and enlisted members to obtain a legal education funded by the Military Department concerned. Selected commissioned officers and enlisted members will be detailed annually to attend schools in the United States accredited by the American Bar Association for the purpose of obtaining law degrees and returning to their Military Services as judge advocates.

b. Any educational course of legal training pursuant to a Military Department-funded legal education program will not exceed 36 months and must result in the award of a Juris Doctor degree. Selected schools may be accredited by the American Council of Education to grant credits for prior learning.

c. In accordance with Section 2004(f) of Title 10, United States Code, no agreement detailing any commissioned officers and enlisted members of the Military Services to an accredited law school may be entered into during any period in which the President is authorized by law to induct persons into the Military Services involuntarily via the Selective Service System. Agreements in effect during a time that the President is authorized by law to involuntarily induct persons into the Military Services will not be voided.

SECTION 2: RESPONSIBILITIES

2.1. ASSISTANT SECRETARY OF DEFENSE FOR READINESS.

Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, the Assistant Secretary of Defense for Readiness oversees the Funded Legal Education Program.

2.2. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR FORCE EDUCATION AND TRAINING (DASD(FE&T)).

Under the authority, direction, and control of the Assistant Secretary of Defense for Readiness, the DASD(FE&T) establishes reporting procedures and data specifications to measure the effectiveness of the Funded Legal Education Program.

2.3. SECRETARIES OF THE MILITARY DEPARTMENTS.

The Secretaries of the Military Departments:

- a. Determine the number of commissioned officers and enlisted members to be detailed to this duty at least once annually. No more than 25 commissioned officers and enlisted members from each Military Department may start funded legal education in accordance with this issuance in any single fiscal year.
- b. Establish requirements related to the admission to practice law before the highest court of a State, U.S. Commonwealth, U.S. territory, or the District of Columbia (i.e., admission to the bar), including procedures to address a commissioned officers and enlisted member's failure to be admitted in a timely manner to the bar.
- c. Prescribe procedures for discontinuing participation in the funded legal education programs of their respective Departments.
- d. Submit to the DASD(FE&T) an annual report that includes the number of commissioned officers and enlisted members detailed to the program, the number of commissioned officers and enlisted members who have completed the program, reasons for an officer's failure to be admitted in a timely manner to the bar, and costs for participating in this program per commissioned officers and enlisted members.

SECTION 3: GUIDELINES FOR THE FUNDED LEGAL EDUCATION PROGRAM

3.1. QUALIFICATIONS FOR ASSIGNMENT.

The applicant must:

- a. Be a citizen of the United States currently serving on active duty as a commissioned officers or enlisted members status.
- b. Hold a baccalaureate degree or equivalent.
- c. Have served on active duty for 2 to 6 years at the time education is to start. Enlisted members must have served between 4 and 8 years at the time education is to start.
- d. Be in the pay grade of O-1 through O-3 or E-5 through E-7 as of the time education is to start. For accounting purposes, education will start during the fiscal year that the officer first obtains financial support under this program.
- e. At a minimum, have an eligibility to occupy a non-critical sensitive position with enrollment in an approved Continuous Vetting program.

3.2. PROGRAM ADMINISTRATION.

a. Each candidate is required to sign a continued Service agreement that specifies that they, unless sooner separated, will:

- (1) Complete the required course of legal education as outlined in this issuance and seek admission to the bar as required by their Military Department.
- (2) Accept transfer or detail as a judge advocate of their Service unless granted an inter-Service transfer within the Military Department concerned upon completion of legal education.
- (3) Agree to serve on active duty following completion of education for a period of 2 years for each year, or part thereof as determined by their DoD Component, of the legal education obtained after starting the program.
- (4) If removed from the program for deficiency in conduct, academic performance, or self-initiated elimination before completion of education, perform active duty in an appropriate military capacity for 1 year for each year or part thereof as determined by their DoD Component of participation in the program.

b. In addition to mandatory tuition and fees, the Military Departments may, subject to the availability of funds, pay for books, supplies, and other educational material essential for an educational course of legal training.

c. No period of service spent in school under this program is considered as satisfying any previously incurred service commitments. A service commitment incurred under this program will be in addition to all previously incurred commitments.

d. In accordance with regulations prescribed by the Secretary of the Military Department concerned, commissioned officers and enlisted members in the program may be assigned military duties during periods when school is not in session. Such duties will, to the extent possible, involve legal or paralegal tasks consistent with the education and experience of the officer.

e. Commissioned officers and enlisted members may not accept paid civilian employment while participating in this program, except as may be permitted by law and the regulations of the Military Department concerned.

f. The Military Departments will conduct a competitive selection board for program candidates, the proceedings, and results of which are made a matter of permanent record at least once annually.

GLOSSARY

ACRONYM

MEANING

DASD(FE&T)

Deputy Assistant Secretary of Defense for Force Education and Training

REFERENCES

DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008

United States Code, Title 10, Section 2004