



NATIONAL GUARD BUREAU
1636 DEFENSE PENTAGON
WASHINGTON DC 20301-1636

NGB DTM 0401.00
NGB-GC
06 February 2024

MEMORANDUM FOR THE NATIONAL GUARD

Subject: National Guard Bureau Legal Support Office

References: See Attachment D.

1. Purpose. This Chief of the National Guard Bureau (CNGB) Directive-Type Memorandum (DTM) establishes interim policy and procedures for the National Guard Bureau (NGB) Legal Support Office (LSO). It also establishes the new Office of the NGB General Counsel (NGB-GC) Support Division (GCSD), the NGB organizational element to which NGB LSO members are detailed to perform assigned duties in accordance with (IAW) the references, and accordingly assigns responsibility for the authority, direction, and control of such.
2. Cancellation. None.
3. Applicability. This DTM applies to the NGB and the District of Columbia National Guard (DCNG).
4. Policy. It is NGB policy to operate and resource the GCSD, which will, under the direction of the NGB-GC Senior Deputy General Counsel, supervise and manage the training and tasking of the members of the NGB LSO.
 - a. The NGB, through the Army National Guard (ARNG) Readiness Center and Air National Guard (ANG) Readiness Center, resources the NGB LSO through an allotment of funds and related resources from NGB to the DCNG to maintain current NGB LSO manpower requirements, authorizations, and related vouchers.
 - b. The Commanding General of the DCNG will ensure that the DCNG executes the responsibilities detailed in Attachment A, paragraph 6.
 - c. Nothing in this DTM will be construed to supplement or modify any Service-specific regulation or policy, or the Commanding General of the DCNG's role and responsibility in law over the DCNG and its subordinate elements, units, and personnel.
 - d. The NGB General Counsel will, in coordination with the Commanding General of the DCNG and the Deputy Directors of the Army and Air National Guard, develop a plan for the NGB LSO that incorporates the following elements: The realignment of a portion of the NGB LSO to augment and become a permanent organizational element of the DCNG Office of the Staff Judge Advocate, which will be under the exclusive authority,

direction, and control of the Commanding General of the DCNG; the realignment of the remainder of the NGB LSO to perform the duties as a centrally managed pool from which NGB can also augment State National Guard legal operations as necessary during times of crises; and this plan will be implemented no later than 1 May 2024.

5. Responsibilities. See Attachment A.
6. Procedures. See Attachment B.
7. Information Collection Requirements. None.
8. Definitions. See Attachment E.
9. Releasability. This CNGB DTM is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpmc.ng.mil/>>.
10. Records Management. This CNGB DTM and all records created as a result, regardless of media and format, must be managed IAW the NGB Records Management Program.
11. Compliance. Per the CNGB 5000.01 Issuance Series, the proponent will review this CNGB DTM annually on the anniversary of its effective date to either confirm the action has been completed, incorporate the directive into an CNGB Instruction, CNGB Manual, or to update and extend the CNGB DTM's continued applicability, validity, and consistency with Federal, Department of Defense, and NGB policy and provide validation to the Strategy, Policy, Plans, and International Affairs Directorate and NGB Executive Secretariat Issuances Branch.


DANIEL R. HOKANSON
General, USA
Chief, National Guard Bureau

Attachments:
As stated

ATTACHMENT A

RESPONSIBILITIES

1. NGB General Counsel. The NGB General Counsel, in addition to the responsibilities prescribed in references a and reference b, will:

a. Oversee functional area management provided by the NGB-GC for Title 32 ARNG and ANG Judge Advocates, legal administrators, and paralegals IAW reference b.

b. Serve as the senior supervisory attorney and selection authority for NGB LSO attorneys.

c. Supervise training and tasking of NGB LSO members consistent with references a, b, d, and e.

d. In coordination with the Commanding General of the DCNG, select the ARNG and ANG Commanders of the NGB LSO, who will also serve as the ARNG and ANG Division Chiefs of the GCSD.

e. Establish, implement, and maintain the NGB LSO rating scheme. The ARNG and ANG Commanders of the NGB LSO will be rated by the NGB Principal Deputy General Counsel and senior rated by the NGB General Counsel.

f. Serve as the sole NGB proponent for establishing legal policies, including policies addressing the organization and functions of the NGB LSO.

g. Review requests for NGB LSO support to DCNG and other organizations for consistency with this CNGB DTM, appropriateness of mission, and impacts on NGB-GC.

2. NGB-GC. NGB-GC, in addition to the responsibilities prescribed in references a and reference b, will:

a. Through the NGB-GC Senior Deputy General Counsel, develop training plans and schedules for the NGB LSO, and integrate NGB LSO personnel into NGB-GC operations to accomplish its mission to provide a full-spectrum legal practice addressing the disciplines and functional areas that concern the use of National Guard forces and funding, including: administrative law and ethics, contract and fiscal law, environmental and real property law, information law (including the Freedom of Information Act, Privacy Act, and civil liberties), intelligence oversight, litigation and employment law, military justice, national security and related operational law matters, and all other areas of the law necessary to ensure the NGB is legally compliant in all its actions, decisions, and policies. Performance of training and legal duties will be accomplished in a manner consistent with the requirements of reference b.

b. Use NGB LSO personnel to accomplish the NGB-GC mission to develop and facilitate legal training for Title 32 ARNG and ANG Judge Advocates, legal administrators, and paralegals, including formal instruction and Continuing Legal Education training.

c. Coordinate with the ARNG and ANG Commanders of the NGB LSO to ensure NGB LSO members' periods of duty are aligned with NGB-GC priorities (for example, Annual Training, Inactive Duty Training, and Active Duty for Operational Support).

d. Coordinate the NGB LSO's legal taskings and assignments and supervise the LSO's provision of legal support to NGB-GC.

e. Review legal opinions and provide technical supervision to NGB LSO attorneys, legal administrators, and paralegals.

3. NGB Director of Operations. The NGB Director of Operations will coordinate with NGB-GC for required legal support during domestic operations, to include those operations addressed in Attachment B.

4. ARNG and ANG Commanders of the NGB LSO. ARNG and ANG Commanders of the NGB LSO, who also serve as Division Chiefs of the GCSD, will:

a. Arrange the NGB LSO's members into legal functional area teams (for example, Contract and Fiscal Law, General Law, Operational Law) to render legal support in the core areas of Judge Advocate practice IAW reference d and reference e.

b. Develop and implement training in legal core functional areas of Judge Advocate practice IAW reference d and reference e.

c. Develop a joint mission-essential training task list and a joint training plan in executing the training mission.

d. Develop legal training packages for individual and collective training of National Guard attorneys, legal administrators, and paralegals in the States, Territories, and the District of Columbia. Coordinate with the NGB-GC Senior Deputy General Counsel in the provision of this training.

e. Coordinate with the NGB-GC Senior Deputy General Counsel and arrange for NGB LSO members' periods of duty at NGB (for example, Annual Training, Inactive Duty Training, and Active Duty for Operational Support).

f. Coordinate legal taskings and assignments with the NGB-GC Senior Deputy General Counsel and supervise the provision of NGB LSO legal support.

g. Ensure NGB LSO personnel meet readiness and administrative obligations required by the ARNG and ANG.

h. Provide functional area, career, and lifecycle management for all members of the NGB LSO, and coordinate same with the NGB General Counsel and the ARNG Assistant to the Army Judge Advocate General or the ANG Assistant to the Air Force Judge Advocate General, as appropriate.

5. Members of the NGB LSO. The members of the NGB LSO will:

a. Augment NGB-GC to accomplish NGB-GC's core mission of providing legal support to NGB, and perform duties in an Annual Training, Inactive Duty Training, or Active Duty for Operational Support duty status.

b. Provide legal core functional area training on behalf of NGB-GC supporting the National Guard's readiness and mobilization missions and provide individual and collective training of National Guard attorneys, legal administrators, and paralegals in the States, Territories, and the District of Columbia.

c. Provide legal opinions and counsel in support of the NGB consistent with the legal requirements of references b, d, and e. Legal opinions rendered by NGB LSO attorneys are reviewed by the NGB General Counsel, NGB Principal Deputy General Counsel, or the NGB General Counsel's designee IAW reference b.

d. Fulfill readiness and administrative obligations required by the ARNG and ANG.

e. Receive functional area, career, and lifecycle management from their respective ARNG or ANG Commander of the NGB LSO.

6. DCNG. The DCNG will:

a. Provide personnel administration and human resources support for NGB LSO personnel to ensure they are available to perform their NGB support mission, to include their training mission performed under the supervision of NGB-GC.

b. Maintain NGB LSO personnel records within official personnel systems, including records management, initiate and publish orders as requested by NGB-GC, and process pay and allowances for NGB LSO members.

c. Administer NGB LSO member's Service-specific Title 32 National Guard readiness requirements, including Periodic Health Assessments and physical fitness tests.

d. Provide input to the NGB General Counsel on any actions involving the General Counsel's reassignment or relief of the ARNG and ANG Commanders of the NGB LSO.

e. Use NGB LSO personnel only IAW the procedures detailed in Attachment B.

f. Make no change to the NGB LSO manpower requirements, authorizations, and related vouchers without the express approval of the CNGB. As appropriate, update NGB LSO manpower structure based on the CNGB-approved manpower model to support additional drill status (ARNG M-day or ANG traditional) positions.

ATTACHMENT B

PROCEDURES FOR NATIONAL GUARD BUREAU
LEGAL SUPPORT OFFICE OPERATIONAL SUPPORT FOR
NATIONAL SPECIAL SECURITY EVENTS, DECLARED EMERGENCIES,
AND OTHER SIGNIFICANT EVENTS

1. At the request of the Commanding General of the DCNG and in coordination with the NGB-GC, the CNGB may provide forces from the NGB LSO to perform duties supporting DCNG operations during National Special Security Events (NSSEs) that have been approved by the Secretary of Defense, such as the Inauguration and Federal security missions to protect the United States Capitol or other Federal facilities. The CNGB may also provide forces from the NGB LSO to perform DCNG domestic operations duties in support of declared natural or man-made emergencies and other significant events. This NGB LSO support may include DCNG encampments, but in all cases it will only be provided in a manner that will not detract from the NGB LSO's ability to perform its NGB support mission during such events.
2. NGB LSO members supporting NSSEs, declared emergencies, and other significant events will perform duties under section 502(f) of reference f IAW all applicable laws and Department of Defense and Military Department regulations, policies, and authorities.
3. After coordination under paragraph 1 above, tasking of NGB LSO members participating in NSSEs or other assigned missions will be carried out through applicable operations and execution orders.
4. All NGB LSO forces participating in activities supporting NSSEs, declared emergencies, and other significant events will receive operational direction for tasks from the Commanding General of the DCNG, comply with the DCNG Rules for the Use of Force and Rules of Conduct, and will support arming decisions made by the Commanding General of the DCNG, as authorized by the Secretary of Defense, Secretary of the Army, or the Northern Command Commander.
5. All requests for NGB LSO support to routine DCNG operations that are not in response to NSSEs, declared emergencies, and other significant events will be subject to the coordination requirements of paragraph 1 above.

ATTACHMENT C

TABLE OF DISTRIBUTION AND ALLOWANCES AND UNIT MANNING DOCUMENT OF THE NATIONAL GUARD BUREAU LEGAL SUPPORT OFFICE

Position	Authorized Grade	Military Occupational Specialty or Air Force Specialty Code	Division or Section
NGB LSO – ARNG ELEMENT			
Commander	O6	27A	Command Section
Sr Legal Administrator	W5	270A	Command Section
Chief Paralegal NCO	E8	27D	Command Section
Paralegal Specialist	E4	27D	Command Section
Team Chief	O5	27A	Contract Law Team
Judge Advocate General	O4	27A	Contract Law Team
Judge Advocate General	O4	27A	Contract Law Team
Judge Advocate General	O3	27A	Contract Law Team
Paralegal NCO	E6	27D	Contract Law Team
Team Chief	O5	27A	Admin Law Team
Judge Advocate General	O4	27A	Admin Law Team
Judge Advocate General	O4	27A	Admin Law Team
Judge Advocate General	O3	27A	Admin Law Team
Sr Paralegal NCO (AGR)	E7	27D	Admin Law Team
Team Chief	O5	27A	General Law Team
Judge Advocate General	O4	27A	General Law Team
Judge Advocate General	O3	27A	General Law Team
Paralegal NCO	E5	27D	General Law Team
Team Chief	O5	27A	International Law Team
Judge Advocate General	O4	27A	International Law Team
Judge Advocate General	O4	27A	International Law Team
Paralegal NCO	E6	27D	International Law Team
NGB LSO – ANG ELEMENT			
Director	O6	51J4	ANG JAG Detachment
Deputy Director	O5	51J4	ANG JAG Detachment
Judge Advocate	O5	51J4	ANG JAG Detachment
Judge Advocate	O4	51J4	ANG JAG Detachment
Judge Advocate	O4	51J4	ANG JAG Detachment
Judge Advocate	O4	51J4	ANG JAG Detachment
Judge Advocate	O4	51J4	ANG JAG Detachment
Judge Advocate	O4	51J4	ANG JAG Detachment
Paralegal	E7	5J071	ANG JAG Detachment

Table1. Table of Distribution and Allowances or Unit Manning Document

ATTACHMENT D

REFERENCES

PART I. REQUIRED

- a. Chief of the National Guard Bureau (CNGB) Instruction 5101.01, 02 June 2023, "National Guard Bureau Organization and Principal Official Responsibilities"
- b. CNGB Instruction 0400.00, 29 November 2022, "Office of the National Guard Bureau General Counsel"
- c. NGB Memorandum, 02 September 1982, "Organization of JA Detachments in DCARNG," as amended by NGB Memorandum, 30 October 2001, "NGB Legal Support Office Approved Table of Distribution and Allowances"
- d. Army Regulation 27-1, 24 January 2017, "Judge Advocate Legal Services"
- e. Air Force Instruction 51-101, 20 June 2023, "The Air Force Judge Advocate General's (AFJAG) Corps Operations, Accessions, and Professional Development"
- f. Title 32 United States Code (U.S.C.), Section 502(f), "Operational Support," (Authorizing the Secretary of the Army or Air Force to order a member of the National Guard to perform full-time duty for operational or support purposes.)

PART II. RELATED

- g. Title 10 U.S.C., "Armed Forces"
- h. Department of Defense Directive 5105.77, 30 October 2015, "National Guard Bureau (NGB)," Incorporating Change 1, 10 October 2017

ATTACHMENT E

DEFINITIONS

National Guard Bureau General Counsel -- The statutory legal officer for the National Guard Bureau, as prescribed by Title 10 United States Code, Section 10506.

National Guard Bureau Legal Support Office -- Established in 1982 as a unit of the District of Columbia National Guard at the direction of the Chief of the National Guard Bureau. Since its inception, the mission of the Legal Support Office has been to augment the Office of the National Guard Bureau General Counsel and provide legal support to the National Guard Bureau. The Legal Support Office consists of two District of Columbia National Guard organizations, the Army National Guard Legal Support Office (a Table of Distribution and Allowances organization) and the Air National Guard Legal Support Office (a Unit Manning Document organization).

National Guard Bureau Legal Support Office Members -- Drill status attorneys, legal administrators, and paralegals of the District of Columbia National Guard who are respectively assigned to positions on the Table of Distribution and Allowances or Unit Manning Document of the National Guard Bureau Legal Support Office. These Legal Support Office members are detailed to the Office of the National Guard Bureau General Counsel Support Division to perform assigned duties in a Title 32 duty status under the supervision of the Office of the National Guard Bureau General Counsel Senior Deputy General Counsel.

National Guard Bureau Principal Deputy General Counsel -- A senior attorney selected by the General Counsel to assist the General Counsel in carrying out the functions of the Office of the General Counsel.

Office of the National Guard Bureau General Counsel -- The legal office which is part of the Chief of the National Guard Bureau's personal staff within the Office of the Chief of the National Guard Bureau and performs duties as assigned to assist the Chief of the National Guard Bureau in carrying out his or her responsibilities under Title 10 United States Code, Sections 10501 to 10508, and in his or her role, in accordance with Title 10 United States Code, Section 151, as a member of the Joint Chiefs of Staff. The Office of the National Guard Bureau General Counsel includes the Office of the National Guard Bureau General Counsel Support Division.

Office of the National Guard Bureau General Counsel Senior Deputy General Counsel -
- A senior attorney selected by the General Counsel to manage the legal operations of the Office of the National Guard Bureau General Counsel and provide oversight and supervision of all legal elements, including the General Counsel Support Division.

Office of the National Guard Bureau General Counsel Support Division -- A division within the Office of the National Guard Bureau General Counsel assigned the mission of integrating with and augmenting the office to provide legal support capabilities to meet

the National Guard Bureau's operational requirements and to assist with the additional mission of providing technical and legal training to support the National Guard's readiness and mobilization missions.

Table of Distribution and Allowances and Unit Manning Document of the National Guard Bureau Legal Support Office -- The respective manpower documents for the Army National Guard and Air National Guard elements of the National Guard Bureau Legal Support Office.