

HB362 INTRODUCED



1 HB362
2 JPE85NY-1
3 By Representatives Faulkner, Moore (P), Colvin, Rehm, Smith,
4 Brown, Oliver, Starnes, Crawford, Paschal, Robertson
5 RFD: Military and Veterans' Affairs
6 First Read: 29-Jan-26



SYNOPSIS:

Existing law provides the duties of various positions within the Legal Services Office of the Alabama National Guard.

This bill would revise and further provide for the duties of certain positions, including the State Staff Judge Advocates, General Counsel, Deputy General Counsel, Military Justice Associate General Counsel, Contract and Fiscal Law Associate General Counsel, Administrative and Civil Law Associate General Counsel, Operational Law Associate General Counsel, Legal Assistance Associate General Counsel, and certain other Judge Advocates.

A BILL

TO BE ENTITLED

AN ACT

Relating to the Alabama National Guard, to amend Sections 31-2B-4, 31-2B-5, 31-2B-6, 31-2B-7, 31-2B-8, 31-2B-9, 31-2B-10, 31-2B-11, 31-2B-12, and 31-2B-13, as added by Act 2025-104, 2025 Regular Session, Code of Alabama 1975, to revise and further provide for the duties of certain positions within the Legal Services Office.



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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 31-2B-4, 31-2B-5, 31-2B-6, 31-2B-7, 31-2B-8, 31-2B-9, 31-2B-10, 31-2B-11, 31-2B-12, and 31-2B-13, as added by Act 2025-104, 2025 Regular Session, Code of Alabama 1975, are amended to read as follows:

"§31-2B-4

(a) The Legal Services Office shall be a joint office shared by the Alabama Army and Air National Guard. There shall be a State Staff Judge Advocate for both the Army National Guard and the Air National Guard.

(b) Each State Staff Judge Advocate shall do all of the following:

(1) Perform the duties as prescribed by the Adjutant General and state and federal law.

(2) Serve as the primary legal adviser to ~~the Adjutant General regarding the State Military Department and all officers and agencies of the department~~ his or her respective military service component commander.

(3) Provide independent legal advice ~~in coordination with the Office of General Counsel and directly,~~ when requested, to ~~the Director of the Joint Staff,~~ his or her respective chief of staff ~~of each~~ for his or her service ~~joint staff,~~ and to members of ~~the~~ his or her respective military service component within the Alabama National Guard ~~,~~ generally.

(4) Provide legal advice in the following areas:

a. Military justice.

b. Administration and operation of ~~the State Military~~



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~~Department~~ his or her respective military service component's Judge Advocate General's Corps within the Alabama Army or the Air National Guard.

c. Business, property, and financial operations under the jurisdiction and authority of the State Military Department and the Armory Commission for his or her respective military service component.

d. Administration, control, discipline, status, civil relations, and activities of all ~~State Military Department~~ personnel within his or her respective military service component.

(5) Provide legal advice to ~~the~~ his or her respective military component commander and, when requested, to the Adjutant General, Director of the Joint Staff, chief of staff of each service, and joint staff in ~~all~~ legal matters concerning ~~the State Military Department, including environmental law, labor and civilian personnel law, contract law, and fiscal and tax law~~ his or her respective military component.

(6) Develop legal office management policies and procedures for his or her respective military service component to accomplish ~~all~~ legal services within the Alabama National Guard.

(7) Direct ~~the~~ his or her respective military service component members of the Alabama National Guard Judge Advocate General Corps in the performance of their duties, including leading and managing all aspects of the ~~Legal Service Office~~ service component's legal services.



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(8) Exercise technical supervision over the delivery of legal services in his or her respective military service component of the Alabama Army ~~and or~~ Air National Guard and all legal services personnel under the authority of ~~the Adjutant General~~ his or her component commander.

(9) Certify that all judge advocates within his or her respective military service component are professionally qualified and maintain the highest levels of ethical and moral behavior and professional proficiency to perform legal duties.

(10) Manage the professional legal training within ~~the Alabama National Guard~~ his or her respective military service component.

(11) Determine the requirements for ~~the~~ his or her respective military service component, and the Alabama National Guard's acquisition of legal research materials, software, applications, and programs.

(12) Provide legal services to ~~the Alabama National Guard~~ his or her respective military service component through the Legal Services Office ~~and the~~ in coordination with the Office of General Counsel.

(13) Direct the delivery of Alabama Army and Air National Guard legal services across a broad spectrum of legal disciplines, including military justice, international and operational law, administrative and civil law, contract and fiscal law, claims, and legal assistance.

"§31-2B-5

(a) Under the direction of the Adjutant General and in coordination with the State Staff Judge Advocates, the General



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113 Counsel shall do all of the following:

114 (1) Advise and support the State Staff Judge Advocates
115 on all judge advocate legal service matters.

116 (2) Advise the Adjutant General, State Military
117 Department, Governor, chief of staff of each service, and
118 Director of the Joint Staff, as necessary.

119 (3) Serve as Chief Information Officer for the ~~Judge~~
120 ~~Advocate~~ Office of General Counsel.

121 (4) Inspect, supervise, and manage judge advocate
122 activities as directed by the State Staff Judge Advocates
123 consistently with the Adjutant General's policies and
124 directives.

125 (5) Supervise all Alabama National Guard and State
126 Military Department litigation ~~and appeals~~.

127 (6) Supervise and provide advice on all contract and
128 fiscal issues.

129 (7) Supervise and provide technical guidance regarding
130 military justice and administrative law.

131 (8) Supervise the Office of General Counsel, including
132 employment, professional responsibility, and office management
133 matters.

134 (9) Establish policy and operational guidance for all
135 aspects of the Alabama National Guard and State Military
136 Department Legal Services Office.

137 (10) Supervise the Deputy General Counsel, associate
138 general counsels, deputy staff judge advocates, judge
139 advocates, all legal services personnel, and others who are
140 members of the Judge Advocate Legal Services Office to assist



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the Office of General Counsel in supporting the Adjutant General, State Military Department, and State Staff Judge Advocates, when not in conflict.

(b) The Office of General Counsel full-time staff shall include a general counsel, deputy general counsel, chief paralegal, and associate general counsels."

"§31-2B-6

The Deputy General Counsel shall do all of the following:

(1) Serve as director for the Legal Services Office, including military justice, legal assistance, administrative law, contract and fiscal law, and any other services as determined and delegated by a State Staff Judge Advocate or the Office of General Counsel.

(2) Coordinate and provide support for all legal services throughout the Alabama National Guard and the State Military Department under the direction of the State Staff Judge Advocates and the Office of General Counsel.

(3) Coordinate and support the Alabama National Guard Army Soldier Readiness Program.

(4) Coordinate and provide support for all legal services training in the Alabama National Guard.

(5) Coordinate and supervise all Alabama National Guard preventative law publications.

(6) Provide advice and counsel to Alabama National Guard SAPR/IPP Offices.

(7) Compile and publish the Alabama National Guard Legal Services Manual upon approval by the State Staff Judge



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Advocates and the Office of General Counsel.

"§31-2B-7

The Military Justice Associate General Counsel shall do all of the following:

(1) Serve as coordinator of all military justice matters under the direction of the State Staff Judge Advocates and as delegated to the Office of General Counsel.

(2) Coordinate and provide support to the Chief of Military Justice and all trial counsels and supporting staff.

(3) Provide and supervise all military justice training throughout the Alabama National Guard.

(4) Compile and publish the Alabama Manual for Courts-Martial and any supporting state regulations and manuals with advice and consent of the State Staff Judge Advocates, ~~and~~ the Chief of Military Justice, and the Office of General Counsel.

"§31-2B-8

The Contract and Fiscal Law Associate General Counsel shall do all of the following:

(1) Serve as coordinator of all contract and fiscal law matters under the direction of the State Staff Judge Advocates and as delegated to the Office of General Counsel.

(2) Coordinate and provide support to the military judge advocates assigned to contract and fiscal law sections.

(3) Provide and supervise all contract and fiscal law training throughout the Alabama National Guard and State Military Department.

(4) Compile and publish the Alabama Manual for Contract



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and Fiscal Law and any supporting rules and manuals with advice and consent of the Adjutant General, State Staff Judge Advocates, and the Office of General Counsel.

"§31-2B-9

The Administrative and Civil Law Associate General Counsel shall do all of the following:

(1) Serve as coordinator for the Office of General Counsel of all administrative and civil law matters under the direction of the Adjutant General and State Military Department and in coordination with the State Staff Judge Advocates ~~and as delegated to the Office of General Counsel as~~ necessary.

(2) Coordinate and provide support to the military judge advocates assigned to administrative and civil law sections.

(3) Provide and supervise all administrative and civil law training throughout the Alabama National Guard.

(4) Compile and publish the Alabama Manual for Administrative and Civil Law and any supporting rules and manuals with advice and consent of the Adjutant General, State Staff Judge Advocates, and the Office of General Counsel.

"§31-2B-10

The Operational Law Associate General Counsel shall do all of the following:

(1) Serve as coordinator for the Office of General Counsel of all operational law matters ~~under the direction of in coordination with~~ the State Staff Judge Advocates ~~and as delegated to the Office of General Counsel as~~ necessary.



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(2) Coordinate and provide support to military judge advocates assigned to administrative and civil law sections.

(3) Provide and supervise all military justice training throughout the Alabama National Guard.

(4) Compile and publish the Alabama Manual for Operational Law and any supporting rules and manuals with advice and consent of the Adjutant General, State Staff Judge Advocates, and the Office of General Counsel."

"§31-2B-11

The Legal Assistance Associate General Counsel shall do all of the following:

(1) Serve as coordinator for the Office of General Counsel of all legal assistance matters ~~under the direction of in coordination with~~ the State Staff Judge Advocates ~~and as delegated to the Office of General Counsel~~ necessary.

(2) Coordinate and provide support to military judge advocates assigned to legal services sections.

(3) Provide and supervise all legal assistance training throughout the Alabama National Guard.

(4) Compile and publish the Alabama Manual for Legal Assistance and any supporting rules and manuals with the advice and consent of the Adjutant General, State Staff Judge Advocates, and the Office of General Counsel.

"§31-2B-12

(a) Command, Wing, and Brigade Judge Advocates shall provide legal services to Major Military Commands, including MACOM, MAJCOM, and Wing in this state through legal offices and legal sections headed by judge advocates within each



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MACOM, MAJCOM, and Wing. Judge advocates shall be members of MACOM, MAJCOM, and Wing Commanders' Staff and are designated as supervisory judge advocates.

(b) A Supervisory Judge Advocate shall be a judge advocate within an office or organization with authority over, or responsibility for, the direction, coordination, evaluation, or assignment of responsibilities and work of subordinate lawyers, paralegals, and other non-lawyer assistants within MACOM, MAJCOM, or Wing.

(c) The supervisory judge advocates shall include the Command Judge Advocate, Staff Judge Advocate, and the Brigade Judge Advocate as determined by the placement.

(d) The Command Judge Advocate, Staff Judge Advocate, and Brigade Judge Advocate shall do all of the following:

(1) Advise the commander regarding legal matters and assist the commander in exercising his or her duties as a part of the commander's personal staff, all under the management and supervision of the respective State Staff Judge Advocate.

(2) Assist the commander in identifying legal problems and render legal advice in support of the commander's decision-making process.

(3) Furnish legal advice, assistance, and support across the broad spectrum of military, state, and federal practice, including administrative law, claims, contract, and fiscal law, international and operational law, and military justice; provided, all legal assistance is reserved to the Legal Services Office unless otherwise determined by a State Staff Judge Advocate.



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(4) Be responsible for the efficient, effective, and ethical delivery of legal services to his or her commanders and commands.

(5) Create and maintain rating and supervisory chains that comply with applicable Army standards and ensure effective leadership of all legal personnel of the command legal office.

(6) Ensure legal personnel are adequately trained to accomplish the legal mission, including through local training and through attendance at the Judge Advocate Center and School courses, including that all judge advocate attorneys accomplish continuing legal education required by the Alabama State Bar.

(7) Appoint and assign duties of the chief paralegal, trial counsel, and Deputy Command Judge Advocate, Deputy Staff Judge Advocate, or Deputy Brigade Judge Advocate, as appropriate, with consent of the State Staff Judge Advocate.

(8) Maintain written standard office procedures and annex to [MACOM](#) Operation Order for Command.

(9) Maintain proper written reports regarding investigations, separations, and military justice as directed by the Office of General Counsel and State Staff Judge Advocate.

(10) Publish an office SOP and OPORD Annex for their respective commands.

"§31-2B-13

(a) In accordance with Army Regulation 27-1, all paralegals and warrant officers are under the direction of a



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309 State Staff Judge Advocate with supervision delegated to each
310 Command Judge Advocate, Staff Judge Advocate, or Brigade Judge
311 Advocate, as appropriate, unless employed within the Office of
312 General Counsel. All paralegals and warrant officers employed
313 within the Office of General Counsel are under the direction
314 of the General Counsel.

315 (b) Unless directed otherwise by the State Staff Judge
316 Advocate, all paralegals and warrant officers shall perform
317 only legal professional duties as outlined in their respective
318 legal service regulations.

319 Section 2. This act shall become effective on October
320 1, 2026.