GENERAL ORDERS
NO. 26

HEADQUARTERS
DEPARTMENT OF THE ARMY
WASHINGTON, DC, *15 May 1988*

RESPONSIBILITY FOR LEGAL SERVICES

The following assignments of responsibility for the legal services of the Army are effective this date.

1. General Counsel of the Army. The General Counsel, a civilian attorney appointed by the President, is the chief legal officer of the Army. The General Counsel performs such functions as the Secretary of the Army prescribes. This includes the following:

a. Serving as counsel to the Secretary of the Army, the Under Secretary, the Assistant Secretaries, and other officials of the Office of the Secretary of the Army.

b. Establishing and administering, on behalf of the Secretary, the Army's policies concerning legal services.

c. Determining the position of the Army on any legal question, policy or procedure. For this purpose the General Counsel is authorized to communicate directly with any member or employee of the Army on any legal matter and to effect appropriate coordination with the Department of Defense, the Department of Justice, and other Federal agencies.

d. Providing professional guidance to all military and civilian attorneys of the Army on any legal question, policy, or procedure.

2. The Judge Advocate General of the Army. The Judge Advocate General (TJAG) is the legal adviser of the Chief of Staff of the Army, members of the Army staff, and members of the Army generally. TJAG, in coordination with the General Counsel, also serves as military legal adviser to the Secretary and other members of the Office of the Secretary of the Army. The military justice responsibilities of TJAG are specified in law, Executive Orders, and regulations; other responsibilities of TJAG are specified in law and regulations. TJAG has staff responsibility for providing legal services and for professional guidance to military attorneys of The Judge Advocate General's Corps and to civilian attorneys under his qualifying authority.

3. Army Legal Offices. Other legal offices, headed by civilian attorneys, may exist in Army organizations below the level of Headquarters, Department of the Army, such as those in the Army Materiel Command and the Corps of Engineers. Such offices are not autonomous, however, and are subject to the following policies:

a. They operate under the professional guidance of the General Counsel of the Army.

b. For matters under the jurisdiction of the Army staff or otherwise within the responsibilities of TJAG (see para 2, above), they also operate under the professional guidance of TJAG and in accordance with directives promulgated by TJAG in coordination with the General Counsel of the Army.

*This General Order supersedes GO 8, 1 April 1975.

c. A new Army legal office to be headed by a civilian attorney may not be established without the prior approval of the General Counsel of the Army.

d. The term "General Counsel" may not be used to designate the head of any legal office of the Army except that of the General Counsel of the Army.

4. Implementation. The provisions of these orders shall be implemented by regulations, as appropriate.

5. Rescission. Department of the Army General Orders 8, 1975, is rescinded.

[SAAA–PP]

John O. Marsh, Jr.
Secretary of the Army

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