



ARMY NATIONAL GUARD TRIAL DEFENSE SERVICE

4133^d REGIONAL TRIAL DEFENSE TEAM, WEST REGION

OREGON ARMY NATIONAL GUARD

OFFICE OF THE REGIONAL DEFENSE COUNSEL

1776 Militia Way, P.O. Box 14350

Salem, Oregon 97309-5047



REPLY TO
ATTENTION OF

NGJA-OR-TDS

7 March 2011

MEMORANDUM

SUBJECT: ABOUT THE 4133 REGIONAL TRIAL DEFENSE TEAM, ARNG TDS

1. About the 4133d TDS.

a. We are an Army National Guard Organization developed to assist Soldiers and the Judge Advocates who help Soldiers in the Trial Defense Services Mission. Based in the Oregon National Guard, the 4133 receives oversight from the Chief of the Army National Guard Trial Defense Service (ARNG TDS). Our mission is to support the Senior Defense Counsel (SDC) and Trial Defense Counsel (TDC) who are all Judge Advocates (JA or JAGS) of the National Guard of the states and territory ('state') in the area of responsibility (AOR), by providing advice, consultation, and most importantly, an independent and separate rating and supervisory chain up and out of their own state to avoid conflicts and unlawful command influence on the process. Within the state, and also in conjunction with the supervisory SDC for the Oregon TDC JAGS, the Oregon (OR) ARNG TDS Trial Defense Counsel, and the 4133 TDS Judge Advocates, provide independent legal advice to Oregon National Guard members, particularly Soldiers on matters within the scope of authorized practice. To the extent that interstate services are provided, they are provided pursuant to the state bar rules and regulations of the state requesting ARNG TDS services from another state. As such, the 4133d is the clearinghouse for interstate ARNG TDS support requests within the AOR.

2. TDC in the AOR provide services pursuant to law, regulation, directives, standard operating procedure(s) (SOP), and guidance, from ARNG TDS, and the US Army TDS (USA TDS), and their own states including adherence to state and military ethics requirements. This primarily supports the military justice defense mission but also supports providing limited legal assistance, pre-mobilization support including Soldier Readiness Preparation (SRP) exercises, and domestic operations contingencies. Soldiers in the Active Component (AC) Army or the US Army Reserve (USAR) coordinate their TDS support through their AC or USAR command and the supporting TDS office.

3. Soldiers within the AOR may make requests for assistance through the state SDC, or Senior TDC in the state where there is no SDC, or through the state's servicing SDC for that state, or through the 4133d, for referral. Usually the State JAG office (Office of the State or Staff Judge Advocate) will know who to refer to.

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4. Commanders and representatives of commands needing legal services should contact their supporting Judge Advocate or the State's Office of the SJA (OSJA). Legal assistance services are defined in AR 27-3.

5. Structure.

a. At the top of the Army TDS structure is the Chief of the USATDS, and the Chief indirectly supervises and rates the Chief of the ARNG TDS (technical supervision). In addition to the Active Duty (AD) TDS, the sister organization is the US Army Reserve (USAR) TDS. There are seven ARNG TDS Regions under the Chief of the ARNG TDS. Within the Western Region which the 4133d Regional Trial Defense Team (RTDT) supports, there are four Trial Defense Teams (TDT) with a SDC providing Technical Supervision of each team and the Regional Defense Counsel providing Technical Supervision of the SDC and the TDC. Within that structure there are 27 TDC positions which can be increased in strength based on current policy.

b. Trial Defense Teams within the 4133 RTDT.

1. Team 1, is the 1244th Trial Defense Team, and consists of Washington State, Alaska and Montana, with Washington State having the SDC.

2. Team 2, the 653d Trial Defense Team, consists of Utah, Idaho, Nevada and Oregon, with Utah having the SDC.

3. Team 3, the 629th Trial Defense Team, consists of California, not including the Sustainment Brigade, Arizona, Hawaii, and Guam, with California having the SDC.

4. Team 4 consists of the California 224th Sustainment Brigade with its own internal SDC and TDC.

5. Team 5 is the 17th Sustainment Brigade, Nevada Army National Guard with its own internal SDC and TDC.

c. Team 3 and 4 operate under the Assistant Regional Defense Counsel (ARDC), and is then the AOR of the 629th and 224th, which is then supervised by the 4133 RTDT RDC.

6. TDS Insignia:

a. TDS Counsel wear the shown Shoulder Sleeve Insignia. This patch is worn by all Active, Reserve and Army National Guard TDS personnel.



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b. Description: On a shield-shaped embroidered device 3 3/4 inches (8.26 cm) in height and 2 3/4 inches (6.99 cm) in width overall blazoned: Azure, a sword erect supporting a pair of scales Or, surmounted by a glory of six pommels Argent, bearing a mullet of the field, all entoured by a bordure Gules.

c. Symbolism: The shield-shaped patch reflects the nature of legal defense work. The sword supporting scales of justice represents the unit's mission to defend soldiers at courts-martial and separations boards; seeking justice for all soldiers. The sword also signifies that Trial Defense Service personnel are soldiers as well as lawyers. The glory, mullet, and the red border are adapted from the Department of the Army Staff Support patch previously authorized for wear by the Trial Defense Service, and provides a historical link to its organizational heritage.

d. When wearing the Class A Green uniform, now being phased out, TDS personnel wear the Distinctive Unit Insignia (DIU) of their state, likely their Joint Forces Headquarters (JFHQ), or of their 'Sustainment Brigade' if so assigned. When wearing the Army Service Uniform, TDS wears the JAG Regimental Crest.

7. The 4133d Jolly Roger.

a. The 4133d has adopted the Jolly Roger to reflect the independence of the TDS in providing services to Soldiers. ARNG TDS has approved this use.



b. The Jolly Roger is the name given to any of various flags flown to identify a ship's crew as pirates. The flag most usually identified as the Jolly Roger today is the skull and crossbones, being a flag consisting of a skull above two long bones set in an x-mark arrangement on a black field. This design was used by several pirates, apparently including Captains Edward England and John Taylor. Some Jolly Roger flags also include an hourglass, representing that the victims' time to surrender was running out. Despite its prominence in popular culture, plain black flags were often employed by most pirates in the 17th-18th century. Historically, the flag was flown to frighten pirates' victims into surrendering without a fight. Since the relative decline of piracy, various military units have used the Jolly Roger, usually in skull-and-crossbones design, as a unit identification insignia or a victory flag to ascribe to themselves the proverbial ferocity and toughness of pirates. It is to this latter concept that we ascribe in the defense of the Defenders.

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8. POC for this memorandum is the current Regional Defense Counsel. The 4133d can be emailed at NGOR.JAG.4133.TDS@ng.army.mil; website is located at: <http://www.oregon.gov/OMD/JAG>.

ORIGINAL SIGNED

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