

NO LIFE LIKE IT

Lawyers of the Judge Advocate General's office endure grueling training, undertake high-stress duties, and could be deployed anywhere in the world or to a combat zone anytime. And they wouldn't trade it for any other legal career.

By Heather Greenwood Davis

It's not what you think. They don't arrive at work every morning by way of an F-18 fighter jet, they don't spend their days dodging explosions, and they can't wrap up all their cases within an hour (commercials included).

The military lawyers who make up Canada's JAG (Judge Advocate General) know that many people think their lives are just like the television show of the same name. But while what JAG lawyers actually do is a lot less explosive, they say it's just as exciting.

As the legal branch of the Canadian Forces (CF), JAG's role is to provide legal advice to the Force's 80,000 members — a bigger and much more diverse job than most people imagine. "I think unless you know someone in the JAG branch or have done any reading, you probably don't know what a military lawyer does," says Vancouver lawyer and CF Reserve JAG member Bob Lesperance.

Hollywood doesn't help. Depictions of military drones who spend days shining their shoes and being yelled at by drill sergeants are incorrect, says Major Eric Weaver. "The part that isn't really emphasized is the extremely high level of leadership training that is offered through the program. It's probably the best program in the country that you can go through for just general leadership training," he says.

Weaver, 32, should know. He currently advises the commander of the Canadian Expeditionary Force Command Headquarters (CEFCOM HQ). It's a critical role: the CEFCOM commander is responsible for the tactical operations of the almost 3,000 Canadian military personnel on missions in Afghanistan, the Arabian Sea, Darfur and elsewhere.

Weaver's role is to advise on "all aspects of military law at the operational level that affect the deployment of the CF on international operations." This can include legal review of operational documents, advice on military justice matters and boards of inquiry, and support for all other legal officers on these international deployments.

Other members of JAG are doing equally stressful jobs, from advising on personnel policy or the unique pseudo-employer-employee relationship between soldiers and their superiors, to interpreting federal regulations and departmental policy and prosecuting or defending during court martial proceedings.

The result is a heterogeneous legal practice experience unlike anything a single Canadian law firm could offer. Likewise, it attracts lawyers from equally heterogeneous experiential and professional backgrounds.

Diverse paths, diverse careers

Some JAG lawyers apply directly to the office after law school, while some are recruited from among the serving ranks



Robert Lesperance

Lesperance Mendes, Vancouver

"It's not just military justice. It's providing assistance in terms of powers of attorney and general legal advice to the brigade commander and his staff."

UNE VIE PAS COMME LES AUTRES

Les avocats qui travaillent au Cabinet du Juge-avocat général doivent passer à travers un entraînement exténuant et ils peuvent être déployés n'importe quand, n'importe où dans le monde, même dans une zone de combat. Mais malgré tout, ils n'échangeraient leur carrière pour aucune autre.

Ce n'est pas ce que vous pensez : ils n'arrivent pas au travail en CF-18, ils ne passent pas la journée à éviter des explosions et ils ne règlent pas tous leurs dossiers en une heure, comme ils le font à la télé.

Les avocats militaires qui travaillent au Cabinet du Juge-avocat général (JAG) savent que certains croient que leurs vies ressemblent à l'émission de télévision du même nom, et ils trouvent cela très drôle.

Mais pour eux, la réalité est tout aussi excitante.

En tant que branche juridique des Forces canadiennes, le rôle du JAG est de donner des conseils juridiques aux quelque 80 000 membres des Forces — un boulot beaucoup plus vaste et diversifié que la plupart des gens peuvent imaginer.

« À moins que vous ne connaissiez quelqu'un dans une branche du JAG ou que vous ayez fait des lectures là-dessus, vous ne savez probablement pas ce qu'un avocat militaire fait », note Bob Lesperance, avocat de Vancouver et membre de la Réserve.

Prenez le major Eric Weaver. À 32 ans, il conseille le commandant du quartier général de commandement des forces expéditionnaires canadiennes (CEFCOM HQ). C'est un rôle critique : le commandant du CEFCOM est responsable pour les opérations tactiques pour environ 3 000 membres des Forces en mission en Afghanistan, dans la mer d'Oman, au Darfour et plus encore.

Son rôle est de fournir des conseils pour « tous les aspects du droit militaire au plan des opérations et qui affectent le déploiement des FC à l'international ». Cela inclut une révision légale de documents opérationnels, des conseils sur des questions

de justice militaire et de commissions d'enquête, et apporter un soutien aux officiers juridiques déployés à l'international.

Le résultat de cette carrière hors de l'ordinaire : une pratique loin d'être homogène, et à des kilomètres de ce que n'importe quelle étude légale canadienne peut offrir.

Tous les chemins mènent au JAG

Certains avocats appliquent au JAG tout de suite après la faculté de droit. D'autres sont recrutés au sein des rangs de l'armée (incluant des soldats et des ingénieurs). D'autres, enfin, reçoivent simplement l'appel de la vocation lorsqu'ils pratiquent dans un autre domaine du droit.

M^e Weaver allait devenir mathématicien quand, pendant ses études de maîtrise, il a réalisé que les débouchés dans cette branche ne l'intéressaient pas. Il a opté pour le droit à la place, puis joint la Réserve durant sa première année à la faculté. Même s'il a travaillé en pratique privée pour la firme Smart & Biggar, il juge que sa décision de rejoindre les rangs du JAG il y a deux ans et demi était la bonne.

« J'ai aimé mon expérience chez Smart & Biggar. J'ai trouvé cela très satisfaisant, intellectuellement, dit-il. Mais en fin de compte, je me suis demandé : "Est-ce que je veux passer le reste de ma carrière à aider Reebok poursuivre Nike?" La réponse était non. »

Le major Jason Samson travaillait dans une firme de généraliste en Nouvelle-Écosse. Quand les événements du 11 septembre 2001 sont survenus, il a décidé d'appliquer au JAG. Il est aujourd'hui l'un des huit procureurs qui plaident à la Cour martiale.

Une vie de soldat

Mais si les membres du JAG viennent d'horizons divers, il reste qu'ils sont des soldats d'abord, et des juristes ensuite. Cela signifie qu'ils doivent passer à travers cet entraînement exténuant qui, aux yeux de plusieurs, caractérise si bien les forces armées.

Pour certains, le défi peut paraître insurmontable. Mais les avocats du JAG disent tous que le sentiment d'accomplissement ressenti lorsque l'entraînement est terminé en est un qu'ils continuent à rechercher — et à trouver — dans leurs carrières.

« Vous avez toutes ces choses qui paraissent difficiles et insurmontables à faire, puis vous les faites et vous vous dites : "Est-ce que je viens vraiment de faire cela?" », explique la lieutenant Magdalena Siepka, 33 ans, qui travaille au JAG depuis huit ans.

L'adrénaline d'un déploiement est un moyen de retrouver ce sentiment. Et avec seulement 200 avocats dans le JAG (150 dans les Forces régulières, et 60 dans la Réserve), les chances qu'un membre ne soit jamais déployé sont minces.

Stress et récompenses

Évidemment, le travail ne vient pas sans son lot de stress. Mais tous les membres du JAG à qui nous avons parlé disent qu'ils ne changeraient de carrière pour rien au monde. « Montrez-moi une autre firme où, comme avocat, vous pouvez faire une rotation entre la justice militaire, le droit criminel, aider la police militaire dans ses enquêtes et fournir des conseils à tous et chacun », demande M^e Weaver.

« Je me réveille le matin et je me dis : "Je fais quoi comme travail?" » lance M^e Siepka. « C'est vraiment amusant à ce point-là. » ■

(including soldiers and engineers) and asked to apply to law school, while still others, like Lesperance, are simply going about their daily legal practices when they get the call.

Lesperance, a Class A Reservist, started out as a Montreal Black Watch cadet at the age of 12 and continued to work in the reserves for several years before becoming a lawyer. But just when it seemed he had left his military career behind, JAG came calling.

"I'm a volunteer part-time soldier, essentially," Lesperance explains, noting that the job can entail anything from lecturing troops to actual deployment. He can be advising a top mission

in Afghanistan one day, teaching the law of armed conflict at UBC Law School the next, and going through IT issues with civilian clients the day after that.

"The role has changed over the years," he says. "It's not just military justice. It's providing assistance in terms of powers of attorney and general legal advice to the brigade commander and his staff. That keeps it interesting," he says. "It provides an additional dimension for practising law."

Weaver agrees. "Primarily because of how small the office of the JAG is in Canada, we really do get thrown into the fire.



We get put into places where we're acknowledged, where we are really doing things that matter," he says.

Weaver was going to be a mathematician when, in the midst of his Masters degree, he admitted to himself that the career options in this direction weren't great. He opted for law instead, and in his first year of law school, joined the Reserves. Although he spent time as an articling student in private practice at Smart & Biggar, he says joining JAG two and a half years ago was a better option for him.

"I enjoyed my experience when I was at Smart & Biggar. I found it very intellectually satisfying," he says. "But at the end of the day, I had to ask myself, 'Do I want to spend my career helping Nike sue Reebok, then Reebok sue Nike?' I came to the answer, 'No,' that was not what I wanted to do. JAG ... offered a different type of career and a different type of opportunity."

Unique challenges

"The military itself has interesting challenges that I find intriguing," explains Major Jason Samson, currently one of only eight prosecutors in Canada conducting court martial. He was working at a general-practice firm in Nova Scotia when 9/11 struck and he made the decision to apply to JAG. Since then, he has delivered briefings at National Defence headquarters to people about to be deployed to dangerous areas, worked with American and British personnel training overseas, and practised operational law, among other things.

The core aspects of his current work as a prosecutor are similar to what he was doing as a litigator — but emotionally, Samson says, it's more difficult. "Some of the people involved are essentially heroes that have served their country, but have made mistakes that need to be dealt with," he says. "That is never easy."

Major Eric Weaver

DJAG/Ops (Operations) — Canadian Expeditionary Command (CEFCOM) Legal Advisor Office, Ottawa

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"There's an enormous amount of control that the Canadian Forces exercises over its members," he adds. "If I work at a downtown law firm and I don't show up to work one day, I can get fired — but I can't get charged, I can't get thrown in jail. Whereas in the Canadian Forces, for something like not showing up to work or being late for work — they're not necessarily going to throw anyone in jail, but there are criminal sanctions for things like that. Obviously, that makes things a lot more complex."

A career in the Canadian Forces came as a surprise to Lieutenant-Commander Magdalena Siepka and her family. The 33-year-old advisor to the Director of Reserves and Cadets has been with JAG for eight years now, but the CF wasn't initially on her radar.

"I mean, it shocked me and shocked everyone," recalls Siepka, who says family and friends assumed she was having a mid-20's life crisis. But she was intrigued by the smile she saw on the face of her brother, who had gone off to become a pilot with the Canadian Forces, when he spoke about his job.

"I went to visit him — he looked completely drawn, and he had the biggest grin on his face," says Siepka, who is currently working as a Department of National Defence/Canadian

Forces legal advisor for the Legal Advisory Services Branch. That branch provides advice on unique or complex matters that don't readily fall within the purview of any one particular area of expertise. "I thought, 'Man, this looks really fun.'"

A soldier's life

The fact remains, however, that JAG members are soldiers first and legal advisors second. That means the grueling days of basic training, with which most people are familiar from the big screen, are mandatory.

Major Tammy Tremblay, who currently serves as Deputy Judge Advocate in Comox, B.C. (where she provides legal advice to commanding officers on military justice, operational law and administrative law matters) is now in her eighth year with JAG. Even after all that time, the shock of her basic training experience remains fresh.

Lieutenant-Commander Magdalena Siepka

DND/CF LA — Legal Advisory Services, Ottawa

"They see more potential in you than you think you have, and so they give you things to do that just push you a little bit. Your confidence grows, and the next time, you can do even harder things."

"For me, the learning curve was very high," she recalls. "I've never been a cadet, I never camped, so you can imagine basic training, when I was 35, was kind of a shock." But as tough as it is, JAG lawyers say the feeling of accomplishment when basic training is complete is one they continue to seek and find in their careers.

"You have all these seemingly difficult or insurmountable things to do, and you do them and you look back and you go, 'Wow, did I just do that?'" says Siepka. "They see more potential in you than you think you have, and so they give you things to do that just push you a little bit. Your confidence grows, and the next time, you can do even harder things."

That adrenaline rush grows exponentially upon deployment. With just over 200 lawyers in the JAG (around 150 of them Regular Force and around 60 Reservists), the chances that a member of the branch will not be deployed at some point in their career are slim.

"Today, the Canadian Forces wouldn't deploy on a major peacekeeping operation or a [United Nations] Chapter Seven mission without a legal officer as part of the establishment in terms of deploying," says Lesperance. "The JAG branch is much more involved in the military justice system as a result of the changes that came down in 1999 after the whole Somalia thing. I think that the legal officer is much more integrated into the thinking of the leadership now."

Although Lieutenant Commander Brent Walden has not been deployed as a lawyer with JAG, he did spend a year in the Golan Heights between Israel and Syria as an engineer with the Canadian Forces. He expects to begin doing criminal defence work this summer for CF members charged under the Code of Service Discipline, but says he would welcome an opportunity to deploy again.

"It's a chance, I think, to do really interesting, good work," he says. "A lot of people may disagree with the fighting that's going on, but I think there's a lot of development work that's being done too."

Siepka has been deployed three times: onboard a ship just off the coast of Iran and the Horn of Africa, to Haiti, and to Afghanistan. It's the type of experience — on call 24/7 — and responsibility that most 20-something lawyers in private practice couldn't even imagine.

"I'm 27 and I'm sitting next to a commodore who's commanding a task force," she says. "He's asking me questions and he's listening to my answers, and I literally think: 'I can't get my mother to take my advice on insurance, and this man, who has this incredible experience and is so intelligent, is actually listening to me.'"

"There's immense pressure to get it right, because

MIKE PINDER



Lawyers on the front line: Mission Afghanistan

The mission in Afghanistan has polarized opinions around the world. But among Canadian Forces personnel, including Judge Advocate General lawyers, the only question asked is: "Am I being called to serve?" Deployment for the Regular Forces is not optional.

A married father of four kids aged 7 to 15, Major Jason Samson admits that his role as a prosecutor takes him away from his family more than he'd like. But he's still "very interested" in being sent to Kandahar.

"I've specifically asked to be deployed to Afghanistan because I want to be a part of that particular mission," he says. "In my view, I think it's one of the most significant contributions that the Canadian Forces has provided to others since Korea. I want to be a part of that."

Vancouver lawyer and reservist Bob Lesperance agrees. "The ultimate part of my military career was my deployment to Kandahar," says Lesperance, who spent four weeks in Afghanistan over Christmas last year. "That was an opportunity for me to put into practice all the things that I've learned over the years as a legal officer."

The training required for participation is intense. "There's something called

'universality of service,' so you're a lawyer, but you're also a soldier," explains Major Tammy Tremblay. She served in the area in 2006 and 2007. "You need to be able to use your weapon, go to the range, do the convoy drill like anybody else. Once you're in a convoy, for example, you're like any other military member."

"The amount of training I did almost equaled my time spent deployed," says Lesperance. Weapons handling and firing, first aid, chemical, biological, and nuclear training, and a mandatory pre-deployment training course in Kingston are just the beginning. Add to that the paperwork, vaccinations, medicals and the need to get up to speed on volumes of regulations on the rules of engagement.

The challenges continue when you arrive in Kandahar. With more than 20 nations participating, communication in and of itself can be a challenge.

"It's so large and it's so intricate," recalls Lieutenant Commander Magda Siepka, who served in Afghanistan in 2007. During her time there, Kandahar base had a population of about 13,000 people. "It's this enormous city, you're working with different nations with different cultures, and there

are language barriers. You learn to communicate in all sorts of interesting ways. It's a lot more intense and a much bigger operation than people think."

The risks are obvious. "You lose some of your friends," says Tremblay. "I've lost Canadian friends and Afghan friends." But there are rewards as well.

"I always say that it was both the most difficult experience and the most rewarding experience I had in my life professionally," says Tremblay. "Every day is a Monday, there are no weekends, it's work, work, work."

Small victories away from the direct conflict can help renew JAG lawyers' dedication and remind them why they are there.

"I had an opportunity to work with the justice sector over there. We set up a program with judges and prosecutors to start organizing legal training for them," says Tremblay. She has worked with educating street kids on mine and Improvised Explosive Devices (IED) awareness and with judges and lawyers on creating a sustainable justice system. They are among her proudest moments.

"Every time I do something like that," Tremblay says, "I feel like, 'Wow, I'm really glad I joined.'" ■

you think, 'Oh my God, he's hanging on every word,'" she adds. "It's a little surreal."

Stress and rewards

If you think billable-hour targets are stressful, consider the personal life of a JAG lawyer. "We truly are sort of an extended family, so when things aren't going as well as you'd like, or there are injuries, it tends to take a toll," says Siepka. "You don't have to know the individual. It touches you every single time."

"It's interesting dealing with the time zones," says Weaver wryly. "When you're dealing with operations, of course, there are a good number of things that can't wait until tomorrow, or that you can't put off until next week. Sometimes when they're calling you on the phone, it's because they need an answer right away. That's always a challenge."

And while you can express your preferences for a posting, the fact is that a member of the Canadian Forces will be sent where he or she is needed and will be expected to serve there. That can make planning a personal life difficult: decisions being made in a mission thousands of miles away can directly influence the lives of your loved ones.

"Just the uncertainty that is involved there is hard on the families," Weaver acknowledges. "That's probably the worst part of being in the organization — the sacrifice that people's families have to make. Ultimately, the decisions that my bosses are making about me influence [their lives] dramatically."

And professionally, the lack of control over your circumstances can be difficult. "In private practice, you need to choose [your path] very quickly," Weaver says. "When I articulated, you

had a choice at the end: are you going to the barristers' side or the solicitors' side? You had to very quickly carve out a niche for yourself or get lucky as to where you got slotted into the litigation ranks.

"In the military, you get variety," he continues. "It's not the same straight path to developing expertise. Over the course of your career, I think you develop that expertise, but it's not the same, for instance, as somebody who goes and works in energy regulatory law for 30 years."

It can be a stressor, says Weaver. "When you're in the JAG, you're moved fairly often from one job to another. Maybe every couple of years, you're going to be doing something new — a new set of acronyms, jargon, concepts, and processes that you have to learn. [That's] a challenge, but [it] also keeps it interesting and keeps you on your toes."

And all the JAG lawyers we interviewed wouldn't have it any other way. "Show me another law firm where, as a lawyer, you can rotate through and do military justice, criminal law ... helping the military police with their investigations, [and] giving them advice in that round," Weaver points out. "It's hard to get bored when every few years — to the extent that you choose and to the extent that JAG needs you — you literally change jobs to something completely different."

"I joke around and say, 'I'm a walking poster for the Canadian Forces,'" says Siepka. "But you know, I wake up in the morning and go, 'I get to do *what* for a living?' It really is that much fun." ■

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