



## The New SJAR Template and CAA Forms

### *Background*

The National Defense Authorization Acts (NDAA) for fiscal years 2014 and 2015 made significant changes to post-trial processing requirements, including limitations on post-trial authority to act on findings and sentences and consideration of victims' input when determining the appropriate post-trial action (see Practice Advisories 4-15 and 3-15). Due to these changes, a new Staff Judge Advocate Recommendation (SJAR) template has been developed, as well as additional guidance for use of the Convening Authority's Action (CAA) Forms in Appendix XVI of the Manual for Courts-Martial (MCM). The Staff Judge Advocate to the Commandant of the Marine Corps requires the use of these forms when drafting SJARs and CAAs.

### *The New SJAR Template*

The new SJAR template and user guide include sample paragraphs and language that cover the majority of courts-martial and include explanatory comments. These sample paragraphs use green and red text to highlight language that is discretionary or fact-specific as explained in the SJAR Template User Guide. Key issues addressed in the new SJAR template include:

- Narrower language regarding convening authority discretion;
- Straddling offenses cases, qualifying offenses, other than qualifying offenses;
- Application of pre-trial agreements under the new Article 60;
- Application of the Trial Counsel Memorandum of Substantial Assistance under the new Article 60;
- New mandatory minimum punishments for penetrative sexual offenses;
- Victims' submission of matters; and
- Incorporating the role of the Victim's Legal Counsel.

### *CAA Forms*

The changes discussed above have rendered the CAA Forms in Appendix XVI inapplicable or incomplete. Until Appendix XVI is formally revised, use Judge Advocate Division's (JAD) Supplement to Appendix XVI on the JAD forms page as a guide to preparing CAA Forms. The JAD Supplement to Appendix XVI provides guidance—embedded with red text to highlight where selecting the correct forms may be more challenging due to the new restrictions on post-trial authorities. Also, the JAD Supplement to Appendix XVI includes recommended language accounting for (1) provision of the Record of Trial and SJAR to crime victims, when appropriate, and (2) consideration of victim input.

The references in Appendix XVI are expected to change when the President issues an executive order implementing many of the recent changes to the UCMJ. Some of those references are no longer valid at least when applied to other than qualifying offenses or action on certain sentences, so when selecting forms, users should be sure to check the new guidance in Appendix XVI and PA 4-15.

### *Post-Trial Forms*

The model SJAR, SJAR Template User Guide and the JAD Supplement to Appendix XVI are located on the JAD forms page under LEGADMINMAN, chapter 1, post-trial review materials, <http://www.hqmc.marines.mil/sja/JADForms.aspx>.

### *Points of Contact*

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