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WHAT SERVICE MEMBERS DESERVE, BUT RARELY GET





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What Service Members Deserve, But Rarely Get

I just wrapped up a four-month full-time assignment with the DC National Guard’s Trial Defense Service Office, and I wanted to share a few reflections while the experience is still fresh in my mind. The assignment was made possible due to additional funding tied to the 60th Presidential Inauguration. Trial Defense Service in the Guard typically operates through traditional drill weekends, with much of the client interaction limited to phone intake and remote communication. But during this period, I was physically present at the DC Armory every day — something that allowed me to engage with servicemembers far more directly and proactively than before.

Over the course of that short assignment, our office recorded nearly sixty client contacts — an unusually high number given the relatively small size of the force and the limited awareness that exists about what the Trial Defense Service does. What became clear is that there is a deep, unmet need for accessible legal defense services in the Guard. Most service members don’t know what TDS is, where it’s located, or how it differs from the Office of the Staff Judge Advocate. That lack of visibility means many issues go unaddressed until they become formal actions. But being physically present in the armory gave us the ability to step in early — to meet with clients, answer questions, and resolve matters before they escalated.

This experience reinforced something I’ve come to believe strongly: Legal defense support shouldn’t be a remote or reactive service that’s only available when a problem becomes serious enough.



It should be embedded, visible, and proactive. That requires a serious shift in how we think about staffing and resourcing — not just for TDS, but for the military justice system as a whole.

Unequal Infrastructure, Unequal Access

The contrast in resources between the Office of the Staff Judge Advocate and the Trial Defense Service Office was striking. In the DC Armory, OSJA occupies a large, recently renovated two-level suite complete with its own hearing courtroom. It also maintains additional office space within the Commanding General's suite. That office includes five or six full-time personnel, with a full complement of equipment: laptops, desktops, supplies, and everything needed to carry out its broad legal mission. It's fully integrated into the command structure and has access to resources at every level.

TDS, on the other hand, operates in a single-level space with aging infrastructure. The office had no full-time personnel until I came on temporary orders, and the single shared laptop only arrived when I did. We have to request basic supplies and equipment from other offices just to function. The physical condition of the space spoke volumes — damaged ceiling tiles from a leaking roof, a bathroom with showers and toilets labeled “out of order” for over a year, and no proper maintenance or support. The space wasn't just neglected; it was symbolic of how little investment has gone into ensuring service members have access to a robust and effective defense system.

That disparity isn't limited to the physical layout. OSJA exists at multiple levels (unit, state headquarters, and the National Guard Bureau) covering a broad mission that includes operational law, administrative law, claims, and legal assistance. TDS, while narrower in scope, is no less critical. It serves the entire enlisted and officer corps in defense matters, but it operates with far fewer people, fewer full-time roles, and fewer pathways for consistent support. Commanders have lawyers and paralegals on hand at all times. Most service members have access to a single intake line and they are often screened out before they can fully explain their situation.

What Happens When We Show Up

What we saw during my time on orders was that the moment we had someone physically present in the office every day, servicemembers began to show up. Some had questions about potential issues; others were already facing investigations or adverse



actions. But the real difference came in the cases that never had to become cases at all. When someone could sit down, talk things through, and get advice on the front end, they often walked away with a plan, not a problem.

We were able to intervene early — before actions were finalized or paperwork was submitted. We worked with commanders to clarify facts or provide legal context that helped avoid escalation. We helped clients access other services across the armory, accompanying them in person when necessary. That level of support isn't possible when TDS exists only as a voice on the phone. The human element matters. Face-to-face legal support builds trust. It gives servicemembers a chance to feel heard and to stay engaged with their unit and their career.

Too often, service members leave the Guard not because of one big incident, but because of a slow erosion of trust in their leadership and in the system. In my experience, the Guard loses people when leaders fail to invest in them, when they reach for paperwork instead of mentorship, and when service members feel like no one is in their corner. Trial Defense, when properly resourced, can be that corner. But it can't do its job when it's underfunded, understaffed, and isolated from the rest of the organization.

When the System Protects Itself First

The differences between TDS on Active Duty and in the Guard are real, but they both suffer from the same overarching problem: resourcing decisions that prioritize prosecution over prevention. On Active Duty, much of TDS's bandwidth is consumed by courts-martial — high-stakes cases that draw experienced personnel and long hours. Guard offices, operating primarily under state jurisdiction, handle a larger share of administrative matters. But neither has the infrastructure needed to provide broad, early-access support.

This imbalance has consequences. A directive from the Chief of Army TDS recently declined to assist transgender servicemembers who had questions about new policy changes — citing limited resources and competing priorities. That kind of triage is not unusual. It's a direct result of a system that pours an inordinate amount of effort into maintaining a traditional courts-martial process that, in many cases, could be handled more efficiently and fairly by civilian courts. In trying to preserve that system, we sacrifice the very services that could help prevent misconduct, resolve disputes, and retain good people.



This is something I've written about in my broader work on military justice reform. We need to rethink the assumptions that guide how we allocate legal manpower. Preventive support (early counseling, informal resolution, direct communication) has more value to service members than most of the punitive infrastructure we've inherited. If we want to build a force that is not just disciplined but stable, confident, and supported, we need to fund defense counsel at the same level we fund command advice.

This Isn't a Resource Problem, It's a Choice

What this experience taught me is that the military justice system doesn't just need reform. It needs rebalancing. The Guard, in particular, suffers from the assumption that defense services are something you call once a problem is already serious. But in practice, the earlier we show up, the more likely we are to resolve the issue quickly and fairly. That only happens when we're resourced to be present.

Commanders already have built-in legal support at every level. Servicemembers should have that too. Not a hotline or a drill-weekend desk, but real, human, full-time counsel who can listen, guide, and advocate before things fall apart. If we keep staffing defense as an afterthought, we shouldn't be surprised when people lose faith in the system or quietly walk away from service.

We need to stop pretending that legal defense is something we can afford to treat as part-time. It's not. It's one of the most visible signals we send about how much we value the people who wear the uniform. We don't need a better intake line. We need a better commitment. I've seen the impact that commitment can make, and I hope we build a system that makes it the rule, not the exception.

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